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Texas Register

Volume 10, Number 64, August 27, 1985

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Highlights

The Railroad Commission of Texas adopts emergency amendments to sections concerning certain oil and gas electric logs. Effective date - September 1.....page 3241

The Texas Department of Health adopts

emergency amendments to a chapter concerning food and drug. Effective date - September 1.....page 3243

The Texas Department of Human Resources adopts emergency amendments to a section concerning the AFDC Program. Effective date - September 1.....page 3252

Office of
the Secretary
of State

Texas Register

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- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
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- Open Meetings—notices of open meetings
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- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

TAC stands for the *Texas Administrative Code*;

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Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 30 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 95. Uniform Commercial Code Acceptance

★ 1 TAC §95.35

The Office of the Secretary of State adopts on an emergency basis new §95.35, due to the passage of House Bill 1741, effective September 1, 1985. The new section will allow the secretary of state to maintain documentation, as filed with a county clerk of Texas.

This new section is adopted on an emergency basis under House Bill 1741, 1985, which provides the secretary of state with the authority to accept continuations of security interests perfected by filing with a county clerk prior to September 1, 1985.

§95.35. *Farm-Related Continuation and Financing Statements.*

(a) A continuation statement filed with the Office of the Secretary of State to continue a farm-related financing statement, originally filed with a county clerk of Texas, must be accompanied by a copy of the original financing statement and all subsequent amendments, assignments, releases and continuation statements which indicate the file date and the time subscribed by the filing officer. The filing fee for filing such a continuation statement with attachments shall be the fee charged for filing a standard form continuation statement without attachments.

(b) A continuation statement filed with the Office of the Secretary of State to continue a farm-related financing statement filed with a county clerk of Texas will be accepted by the Office of the Secretary of State during the period beginning September 1, 1985, and ending February 28, 1991. The original financing statement to be continued must have been filed on or before August 31, 1985, with a county clerk of Texas. Where an original farm-related financing statement is filed in an improper place on or after September 1, 1985, the Of-

fice of the Secretary of State will only accept a new original financing statement.

Issued in Austin, Texas, on August 19, 1985.

TRD-857609

Duane Crowley, Jr.
Assistant Secretary of
State
Office of the Secretary
of State

Effective date: August 20, 1985
Expiration date: December 18, 1985
For further information, please call
(512) 475-2015.

★ ★ ★

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 3. Oil and Gas Division Conservation Rules and Regulations

★ 16 TAC §3.1

The Railroad Commission of Texas adopts on an emergency basis an amendment to §3.1, concerning the organization name to be filed and records to be kept. The amendment requires officers, directors, and trustees of a corporation to file driver's license numbers and requires a foreign or nonresident entity under the jurisdiction of the Railroad Commission to file the name and address of its resident agent. Failure by the foreign and nonresident entity to provide the name and address of the resident agent will render the organization report invalid. Further, the amendment renders the organization report invalid if the notice or demand served on the resident agent is not answered.

The Railroad Commission is adopting this amendment on an emergency basis because the legislative amendment to §91.142 that requires the aforementioned section amendment becomes effective August 26, 1985.

The amendment is adopted on an emergency basis under House Bill 1942,

signed by Governor White on June 10, 1985, which provides the Railroad Commission of Texas with the authority to require an organization report to be filed and a resident agent to be maintained if the entity filing the organization report is foreign or nonresident.

§3.1. *Organization Name to be Filed and Records to be Kept. (Rule 1)*

(a) Filing requirements.

(1) Any entity, including any person, firm, partnership, joint stock association, corporation, or other organization, domestic or foreign, operating wholly or partially within this state, acting as principal or agent for another, for but not limited to the purpose of:

(A) drilling, operating, or producing any oil, gas, [or] geothermal resource, injection or salt water disposal well;

(B) [or] transporting, reclaiming, treating, processing, or refining crude oil, gas and products, or geothermal resources and associated minerals;

(C) discharging, storing, handling, transporting, reclaiming, or disposing of oil and gas waste;

(D) operating gasoline plants, natural gas processing plants, pressure maintenance or repressuring plants, or recycling plants;

(E) hauling salt water;

(F) recovering skim oil from a salt water disposal site;

(G) nominating crude oil;

(H) operating a directional survey company;

(I) cleaning a reserve pit;

(J) operating a pipeline;

(K) operating as a cementer approved for plugging wells; or

(L) operating an underground hydrocarbon storage facility; shall file an organization report with the commission prior to performing such operations. The organization report must contain the [reflecting the operator] name and street address of the entity [company or organization, giving the name and street address of the organization], and if applicable, the plan under which it was organized, [and] the names, [and] street addresses, and driver's license numbers of the trustees, [thereof, and the names, and street addresses of the] officers, and directors, of such

entity, and the name and address of the resident agent. Additionally, the performance of such operations is valid only if the organization report is valid. (Reference Order 20-60, 617, effective 1-1-71)

(2) Any foreign or nonresident entity identified in paragraph (1) of this subsection shall maintain or designate a resident agent upon whom may be served any process, notice, or demand required or permitted by law to be served upon such entity by or on behalf of the commission. Failure of such entity to designate and maintain a resident agent shall render the organization report invalid.

(3) Failure by any entity identified in paragraph (1) of this subsection to answer any process, notice, or demand required or permitted by law to be served upon such entity by or on behalf of the commission will render the organization report invalid.

(4)(2) Each entity [operator] who is required to file an organization report is also required to file annually a current organization report according to the schedule assigned by the commission. Prior to the filing date, the commission will mail notification and information to each entity [operator] for update of the organization report file. Further, an organization report must be amended and filed immediately upon any change in any information reported on the organization report during the annual period. [The organization report must be signed by the operator or a duly authorized representative.] (Reference Order 20-60, 617, effective 1-1-71)

(b) Record requirements. All entities who perform operations which are within the jurisdiction of the commission [All operators, producers, refineries, and transporters of crude oil, gas, geothermal resources and products in this state] shall keep books showing accurate records of the drilling, re-drilling, and deepening of wells, [.] the volumes of crude oil on hand at the end of each month, the volumes of oil, gas and geothermal resources produced and disposed of, together with records of such information on leases or property sold or transferred, and other information as required by commission rules and regulations in connection with the performance of such operations [drilling and operations of properties], which books shall be kept open for the inspection of the commission or its representatives, and shall report such information as required by the commission to do so.

(c) Time frame. All such entities [operators, producers, refiners and transporters of crude oil, gas, and geothermal resources and products] shall keep copies of records, forms, and documents which are required to be filed with the commission for a period of two years from the date of filing unless a longer period is required by another commission rule [same], and any such copies [which have been or which may be in the future on file as long as two years]

may be disposed of at the discretion of such entities [producers, refiners, transporters, and geothermal resource operations] after the original records, forms, and documents have been on file with the commission for two years, or longer if required by another commission rule.

issued in Austin, Texas, on August 19, 1985.

TRD-857592

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

Effective date: August 26, 1985
Expiration date: December 24, 1985
For further information, please call
(512) 445-1186.

★ ★ ★

★ 16 TAC §§3.6, 3.16, 3.41'

The Railroad Commission of Texas adopts on an emergency basis amendments to §§3.6, 3.16, and 3.41, concerning the filing with and disclosure by the commission of certain electric logs. The amendments require basic electric logs run after September 1, 1985, to be filed with a completion report for each well or, in the case of a dry hole, a plugging report. The amendments provide for periods of confidentiality upon written request by the owner or operator of the well. Additionally, the amendments clarify that well logs filed with the commission for other purposes, such as to receive a multiple completion or new field designation, will be considered public information.

The Railroad Commission of Texas is adopting these amendments on an emergency basis, because a new statute was enacted as part of the Texas Natural Resources Code, §91.551, that requires the Railroad Commission, beginning September 1, 1985, to define basic electric logs, to require the logs to be filed, and to store and maintain such logs.

The amendments are adopted on an emergency basis under House Bill 2431, effective September 1, 1985, which provides the Railroad Commission with the authority to define basic electric logs, require electric logs to be filed with the commission, and to store and maintain such logs.

§3.6. Application for Multiple Completion. (Rule 6)

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

(d) Multiple completion authority for a well will not be granted unless the following required data have been filed with the engineering department of the commission:

(1) (No change.)

(2) electrical log of the well or a type of electric log showing clearly thereon the subsurface location of the separate re-

servoires claimed. Any electric log filed will be considered public information pursuant to Statewide Rule 16:

(5)-(6) (No change.)

§3.16. Log and Completion or Plugging Report. (Rule 16)

(a) The owner or operator of an oil, gas, or geothermal resource well, within 30 days after the completion of such well or the plugging of such well, if the well is a dry hole, [whether such well is a new well or a well that has been deepened or plugged back to a different producing horizon,] shall file with the commission the appropriate completion or plugging report, and as an attachment to such report, a legible, unaltered final copy of a basic electric log obtained from such well as provided by the person who logged the well [in duplicate in the district office a complete record or log of the well on the appropriate form]. A "basic electric log" means a lithology, porosity, or resistivity log run over the entire wellbore or in the alternative, if no such log is run over the entire wellbore, the log which is the most complete of such logs run. Amended completion reports, and as an attachment to such report, a copy of a basic electric log obtained after September 1, 1985, must be filed for any change in perforations, or openhole or casing records within 30 days after recompleting the well.

(b) Each log filed with the commission shall be considered public information and shall be available to the public during normal business hours. If the owner or operator of such well described in subsection (a) of this section desires log(s) to be confidential, the owner or operator must submit a written request for a delayed filing of the log(s). When filing such a request, the owner or operator must retain the log(s) and may delay filing such log(s) for one year beginning from the date the completion or plugging report is required to be filed with the commission. The owner or operator of such well may request an additional filing delay of two years, provided the written request is filed prior to the expiration date of the initial confidentiality period. If a well is drilled on land submerged in state water, the owner or operator may request an additional filing delay of two years so that a possible total filing delay of five years may be obtained. A request for the additional two year filing delay period must be in writing and be received prior to the expiration of the first two-year filing delay. Logs must be filed with the commission within 30 days after the expiration of the final confidentiality period.

(c) If the logs are not filed in accordance with the provisions of this section, the commission may refuse to assign an allowable to a well or may set the allowable for such well at zero. If the well is a dry hole and the logs are not filed in accordance with the provisions of this section, the commission may initiate penalty action pursuant to the Texas Natural Resources Code, Title 3.

§3.41. Application for New Oil or Gas Field Designation and/or Allowable.

(a) Evidence proving that a well is a discovery must be received in the commission's Austin office prior to the assignment of a new field designation and/or discovery allowable. Evidence other than horizontal distance is required. An application must include the following:

(1) (No change.)

(2) A complete, legible electric log of the well. Any electric log filed will be considered public information pursuant to Statewide Rule 16. The filing of an electric log is not necessary [If an electric log was not run, a similar log such as gamma ray, thermal decay time (TDT), or logging industry equivalent, may be acceptable. A six-month delay may be granted in the required filing of a log for a good cause shown,] provided that all other required data is submitted and satisfactorily proves discovery of a new reservoir.

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

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Expiration date: December 30, 1985
For further information, please call
(512) 445-1186.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 229. Food and Drug Bottled Drinking Water Certificates of Competency

★ 25 TAC §§229.91-229.96

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Health adopts on an emergency basis the repeal of §§229.91-229.96 concerning bottled drinking water certificates of competency. The reason for the emergency repeal is that the sections are being replaced on an emergency basis by new sections in Chapter 337 of this title (relating to Water Hygiene), §§337.111-337.118 (relating to Certification of Bottled Water Plant Operators).

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 4477-1, §11(a), which authorize the Texas Board of Health to issue bottled drinking water certificates of competency; Article 4477-1, §23(b), which authorizes the board to adopt rules concerning certificates of competency; and Article 6252-13a, §5(d), which authorizes the board to adopt emergency rules.

§229.91. Definitions.

§229.92. Types of Certificates.

§229.93. Prerequisites for Certificate of Competency.

§229.94. Written Examination for Certificate.

§229.95. Period of Validity of Certificates.

§229.96. Minimum Grade on Certificate.

Issued in Austin, Texas, on August 19, 1985.

TRD-857561

Robert A. MacLean
Commissioner
Texas Department of
Health

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Expiration date: December 30, 1985
For further information, please call
(512) 458-7536.

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Registration of Manufacturers of Food

★ 25 TAC §229.182

The Texas Department of Health adopts on an emergency basis amendments to §229.182, concerning registration fees and exemptions.

The amendments cover registration fees, exemptions, and registration statement requirements. The basis for the emergency rule is House Bill 1732, 69th Legislature, 1985, which requires the department to adopt rules concerning registration fees and requirements, effective September 1, 1985. Therefore, to implement the statutory mandate, the department is adopting these amendments on an emergency basis. The amendments to the section simultaneously are being proposed for permanent adoption in this same issue of the *Texas Register*.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4476-5, §20 and §23a, and House Bill 1732, §28, 69th Legislature, 1985, which authorize the Texas Board of Health to adopt rules relating to food manufacturers in the area of registration and registration fees; and Texas Civil Statutes, Article 4476-5, §20, and Article 6252-13a, §5(d), which authorize the Texas Board of Health to adopt rules on an emergency basis.

§229.182. Registration Fees and Procedures.

(a) Registration fees [fee] and exemptions.

(1) All manufacturers of food in Texas shall register annually on or before September 1 with the Texas Department of Health and shall pay [a] registration fees as follows: [fee of \$25 for each establishment operated by a manufacturer.]

(A) \$100 per manufacturer having a gross annual volume of \$0-\$199,999.99 for each establishment;

(B) \$200 per manufacturer having a gross annual volume of \$200,000-\$999,999.99 for each establishment;

(C) \$300 per manufacturer having a gross annual volume of \$1 million-\$2,999,999.99 for each establishment;

(D) \$400 per manufacturer having a gross annual volume of \$3 million-\$4,999,999.99 for each establishment;

(E) \$500 per manufacturer having a gross annual volume of \$5 million or more.

(2) A manufacturer of food operating an establishment wherein all manufacturing operations are regulated under statutes administered by the Texas Department of Health other than the Texas Food, Drug, and Cosmetic Act [the jurisdiction of one or more duly authorized programs of the Texas Department of Health] shall be exempt from the payment of the registration fee.

(b) (No change.)

(c) Registration statement. The manufacturers' registration statement shall be signed and verified, shall be made on a registration form furnished by the department, and shall contain the following information:

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

(4) the names of those individuals in an actual administrative capacity which, in the case of a sole proprietorship shall be the managing proprietor; in a partnership, the managing partner; in a corporation, the officers and directors; in any other association, those in a managerial capacity; and

(5) list of categories of gross annual volume which must be marked and adhered to by the registrant in the determination and paying of the fee.

(d)-(g) (No change.)

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Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

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For further information, please call
(512) 458-7248.

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Registration of Wholesale Distributors of Drugs

★ 25 TAC §§229.251-229.254

The Texas Department of Health adopts on an emergency basis new §§229.251-229.254, concerning the registration of wholesale distributors of drugs.

The basis for the emergency rule is House Bill 1732, 69th Legislature, 1985, which requires the department to adopt rules covering wholesale distributors of drugs in the areas of registration and registration fees, effective September 1, 1985. Therefore, in order to implement the statutory mandate, the department is adopting the rules on an emergency basis. The emergency rules establish requirements for all drug wholesalers to register annually with the department, establish minimum standards covering the annual registration, require drug wholesalers to pay a registration fee to cover the cost of registration, inspection and enforcement, and establish procedures for the refusal, revocation, and suspension of a registration. The sections simultaneously are being proposed for permanent adoption in the same issue of the *Texas Register*.

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 4476-5, §20 and §23, and House Bill 1732, §27, 69th Legislature, 1985, which authorize the Texas Board of Health to adopt rules relating to wholesale distributors of drugs in the area of registration and registration fees; and Texas Civil Statutes, Article 4476-5, §20, and Article 6252-13a, §5(d), which authorize the board to adopt the rules on an emergency basis.

§229.251. Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Department—Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Establishments—Each location where drugs are distributed at wholesale as defined in Texas Civil Statutes, Article 4476-5, §27.

§229.252. Registration Fee and Procedures.

(a) **Registration fee.** All wholesale distributors of drugs in Texas shall register annually on or before September 1 with the Texas Department of Health and shall pay a registration fee for each wholesale distribution establishment operated as follows:

(1) \$100 per wholesale distributor having a gross annual volume of \$0-199,999.99;

(2) \$200 per wholesale distributor having a gross annual volume of \$200,000-\$999,999.99;

(3) \$300 per wholesale distributor having a gross annual volume of \$1

million-\$2,999,999.99;

(4) \$400 per wholesale distributor having a gross annual volume of \$3 million-\$4,999,999.99; and

(5) \$500 per wholesale distributor having a gross annual volume of \$5 million or above.

(b) **Registration forms.** Registration forms may be obtained from the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(c) **Registration statement.** The wholesale distributors' registration statement shall be signed and verified, shall be made on the department furnished registration form, and shall contain the following information:

(1) the name under which the business is conducted;

(2) the address of each place of business in this state being registered. A "place of business" means each location where drugs are located for wholesale distribution;

(3) if a proprietorship, the name and resident address of the proprietor; if a partnership, the names and resident addresses of all partners; if a corporation, the date and place of incorporation and name and address of its registered agent in the state; or if any other type of association, then the names of the principals of such association;

(4) the names and resident addresses of those individuals in an actual administrative capacity which, in the case of proprietorship shall be the managing proprietor; partnership, the managing partner; corporation, the officers and directors; or those in a managerial capacity in any other type of association;

(5) for each place of business in the state, the resident addresses of the individuals in charge thereof; and

(6) a list of categories of gross annual volume which must be marked and adhered to in the determination and paying of the fee.

(d) Two or more establishments. If the wholesale distributor operates more than one establishment, the wholesale distributor shall register each establishment separately.

(e) **Preregistration inspection.** The applicant shall cooperate with any preregistration inspection by the department of the wholesale distributor's facilities.

(f) **Issuance of registration.** The department shall register a wholesale distributor of drugs who meets the requirements of this section and §229.253 of this title (relating to Minimum Standards for Registration).

(g) **Renewal of registration.**

(1) Each year, the wholesale distributor of drugs shall renew its registration following the requirements of this section and §229.253 of this title (relating to Minimum Standards for Registration).

(2) The application for renewal and fee for each establishment shall be submitted to the department on or before September 1 in accordance with department procedures in this section.

(3) Failure to submit the renewal prior to September 1 may subject the wholesale distributor of drugs to the offense provisions under Texas Civil Statutes, Article 4476-5, §27, and also to the provision of §229.254 of this title (relating to Refusal, Revocation, or Suspension of Registration).

§229.253. Minimum Standards for Registration.

(a) **Minimum standards.** All wholesale distributors of drugs in Texas shall comply with the minimum standards specified in subsection (b) of this section in addition to the existing statutory standards contained in the Texas Food, Drug and Cosmetic Act, Texas Civil Statutes, Article 4476-5.

(b) **Current good manufacturing practices in manufacturing, processing, packing, or holding of drugs.** The department adopts by reference the "Current Good Manufacturing Practices in Manufacturing, Processing, Packing, or Holding of Drugs," Code of Federal Regulations, Title 21, Part 210, §§210.1-210.3 and Part 211, §§211.1-211.208. Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for inspection during normal working hours.

(c) **Buildings and facilities.** All manufacturing, processing, packing, or holding of drugs shall take place in buildings and facilities described in Subpart C of Part 211 of the Code of Federal Regulations, Title 21. No manufacturing, processing, packing, or holding of drugs shall be conducted in any personal residence.

(d) **Drug labeling.** If a person, firm, or corporation labels an article of drugs, the label shall meet the requirements of the Texas Food, Drug and Cosmetic Act, Texas Civil Statutes, Article 4476-5.

§229.254. Refusal, Revocation, or Suspension of Registration.

(a) **Basis.** The department may, after providing opportunity for hearing, refuse to register a wholesale distributor of drugs, or may revoke or suspend the registration for violations of the requirements in §§229.251-229.253 of this title (relating to Definitions; Registration Fee and Procedures; and Minimum Standards for Registration) or for any of the reasons described in Texas Civil Statutes, Article 4476-5, §27.

(b) **Hearings.** Any hearings for the refusal, revocation or suspension of a registration are governed by §§1.21-1.32 of this title (relating to the Department's Formal Hearing Procedures).

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TRD-857565

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

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For further information, please call
(512) 458-7248.

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Chapter 337. Water Hygiene Certification of Persons to Install, Exchange, Service, or Repair Residential Water Treatment Facilities

The Texas Department of Health adopts on an emergency basis amendments to §§337.32-337.35 and new §337.36 and §337.37, concerning the certification of water treatment operators. The reason for the emergency adoption is that House Bill 1593, §53, 69th Legislature, 1985, requires the department to adopt rules concerning classes of certificates for water

treatment operators, duration of the certificates, and fees for the certificates, effective September 1, 1985. Therefore, in order for the department to comply with the legislative mandate of having rules in effect on September 1, 1985, the department is adopting the rules on an emergency basis.

★ 25 TAC §§337.32-337.35

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 6243-101, §3A, which authorize the Texas Board of Health to certify water treatment operators and to set standards of qualifications for the operators; House Bill 1593, §53, 69th Legislature, 1985, which authorizes the board to adopt rules concerning classes of certificates for water treatment operators, duration of the certificates, and fees for the certificates; and Texas Civil Statutes, Article 6252-13a, §5(d), which authorize the board to adopt rules on an emergency basis.

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

Commissioner [Director] of health [resources]—The commissioner of health, Texas Department of Health, or his duly authorized representative.

Department—The Texas Department of Health [or any employee thereof designated by the commissioner of health to act for the Texas Department of Health].

§337.33. Types of Certificates.

(a) The types of certificates to be issued by the department shall be as follows:

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

[(4) Class 4—residential water treatment facility operator.]

(b) Certificate description.

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

[(4) Class 4. This certificate is valid for seven years and is renewable. Persons issued this certificate have demonstrated advanced knowledge in all phases of water conditioning beyond the minimum standards of qualification as required by these rules and regulations.]

§337.34. Qualification Requirements.

(a) Requirements. [Experience, education, and training requirements are as follows:]

(1) Experience, education and training requirements are as follows:

<u>Certificate</u>	<u>Minimum Working Experience</u>	<u>Education</u>	<u>[Specialized] Approved Training</u>	<u>Validity Period</u>
Class 1	NONE [If 0 yrs. applications must be submitted within 90 days after employment]	less than high school	None	2 yrs.
Class 2	If 3 yrs.	less than high school	Basic course	3 yrs.
	If 2 yrs.	high school or GED	Basic course	3 yrs.
	If 1 yr.	1 yr. college	Basic course	3 yrs.
Class 3	If 3 yrs.	high school or GED	Basic and Intermediate courses [course]	5 yrs.
	If 2 yrs.	2 yrs. college	Basic and Intermediate courses [course]	5 yrs.
	If 1 yr.	college degree	Basic and Intermediate courses [course]	5 yrs.
[Class 4	If 8 yrs.	high school or GED	Intermediate and Advanced course	7 yrs.
	If 6 yrs.	2 yrs. college	Intermediate and Advanced course	7 yrs.
	If 4 yrs.	college degree	Intermediate and Advanced course]	7 yrs.

(2) Substitution of acceptable experience for educational and training requirements will be considered by the department for entry levels of classification. In addition to experience and education, each applicant must pass an examination designed and administered by the department in order to receive a certificate.

(b) Approved training. Credit hours of training toward certification are [is] earned for satisfactory completion of department approved courses. Such courses must be relevant to public health and water hygiene. The number of hours of training necessary to qualify for the various class levels of certification will be determined by the department.

(c) Examinations.

(1) (No change)

(2) An eligible person may apply for examinations in any one of three [four] different levels, ranging from Class 1 through Class 3 [4], with the third [fourth] level being the highest or most advanced. Class 1 has been established as an entry level and is intended to simplify entry of new personnel into the certification program or for those persons needing certificates at the basic level only. Class 2 level has been established to test installers, repairmen and servicemen primarily who do not work on reverse osmosis and deionization equipment without assistance. Class 3 level [and Class 4 level are] usually for persons in responsible charge of operation, supervision, or management.

(3) The Class 3 [4] examinations are of difficult nature, involving design as

well as water chemistry, bacteriology, and physics. The applicant will need to be prepared to perform fairly difficult computations in the science of water control.

§337.35. *Applying for Certificates.*

(a) (No change.)

(b) Renewal of certificates.

(1) Certificates issued by the department may be renewed [upon expiration by retaking and passing the appropriate examination; or] by obtaining the following amounts of approved training credit while the certificate is valid:

Certificate Class	Training Credit
1	One basic course in water conditioning

- 2 One intermediate course in water conditioning
- 3 Two courses in water conditioning
- [4 Two courses in water conditioning]

(2) Courses taken prior to the issuance of a certificate may not be counted toward the renewal of that certificate; however, [the credit hours of] all courses taken [passed] may be used in upgrading certificates.

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Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

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For further information, please call
(512) 458-7536.

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★ 25 TAC §337.36, §337.37

The new sections are adopted on an emergency basis under Texas Civil Statutes, Article 8243-101, §3A, which authorize the Texas Board of Health to certify water treatment operators and to set standards of qualifications for the operators; House Bill 1593, §53, 69th Legislature, 1985, which authorize the board to adopt rules concerning classes of certificates for water treatment operators, duration of the certificates, and fees for the certificates; and Texas Civil Statutes, Article 6252-13a, §5(d), which authorize the board to adopt rules on an emergency basis.

§337.36. *Revocation of Certificates.*

(a) The certificate of an operator shall be revoked if:

- (1) the certificate was issued in error;
- (2) the operator obtained the certificate through fraud, deceit, or through the submission of incorrect data on his or her qualifications; or
- (3) the operator practiced fraud and deceit, or failed to use reasonable care, judgement, or application of his or her knowledge in the performance of his or her duties.

(b) When the department has reason to believe that charges against a certified operator may be valid, the department shall notify the operator by personal service or certified mail at his last known address:

- (1) of the charges made against him or her;
- (2) that it intends to conduct an examination of the charges; and
- (3) that the operator has an opportunity to refute and prove the charges invalid.

(c) After the department's examination of the charges and the operator's rebuttal, if the department still has reason to believe there is cause for revocation, the department shall initiate a formal hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

§337.37. *Fees.* An amendment to the Plumbing License Law, Texas Civil Statutes, Article 6243-101, by the 69th Legislature, May 1985, requires the payment of an annual \$10 fee before a certificate of competency can be issued or renewed. Fees for certification shall be established as follows.

(1) Application fees.

- (A) Class 1 certificate—\$20;
- (B) Class 2 certificate—\$30;
- (C) Class 3 certificate—\$50.

(2) Renewal fees.

- (A) Class 1 certificate—\$20;
- (B) Class 2 certificate—\$30;
- (C) Class 3 certificate—\$50.

(3) Certificates that have not been renewed within 30 days of the expiration date with the appropriate fee will be considered invalid. A new certificate shall be obtained by submitting a new application with the appropriate fee and receiving a passing score on the examination.

(4) Fees shall be paid by personal check, cashier's check, or money order. Cash cannot be accepted for payment of fees.

(5) An applicant or holder of a certificate shall pay all required fees before taking the examination or receiving a certificate of competency.

(6) All fees shall be made payable to TDH-OCF (Texas Department of Health-Operator Certification Program) and are not refundable.

(7) If an applicant does not submit the appropriate payment with the new or renewal application, the certificate shall not be issued.

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Robert A. MacLean
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Texas Department of
Health

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For further information, please call
(512) 458-7536.

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**Certification of Waterworks
[Water Utilities] Personnel**

★ 25 TAC §§337.51-337.59

The Texas Department of Health adopts on an emergency basis amendments to §§337.51-337.59, and new §337.60, concerning the certification of waterworks personnel. The emergency states is necessary because House Bill 1593, §52, 69th

Legislature, 1985, requires the department to adopt rules establishing classes of certificates for waterworks personnel, duration of the certificates, and fees for the certificates, effective September 1, 1985. Therefore, for the department to comply with the legislative mandate of having the sections in effect on September 1, 1985, the department is adopting the amendments and section on an emergency basis.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4477-1, §11(a), which authorize the Texas Board of Health to issue certificates of competency for the certification of waterworks personnel; Article 4477-1, §23(b), which authorizes the board to adopt rules concerning certificates of competency; House Bill 1593, §52, 69th Legislature, 1985, which authorizes the board to adopt rules concerning classes of certificates, duration of certificates, and fees for certificates; and Article 6252-13a, §5(d), which authorizes the board to adopt rules on an emergency basis.

§337.51. *General.*

(a) It is the purpose of these rules and regulations to set forth a uniform procedure for the administrative issuance of certificates of competency to waterworks [water and wastewater] personnel seeking compliance with state statutes regulating their operations.

(b) Certificates of competency are established for persons in direct responsible charge, that is, who have active daily on-site responsibility for a water production system, a water treatment plant, a water distribution system, [a sewage collection system, a sewage treatment plant,] or a major portion of such a system. Certification of supervisors is encouraged, as is that of subordinates, who are directly involved in water supply [or sewerage system] technical operations. In some situations, it may be appropriate for such persons as utility board members, directors of public works, city engineers, or city managers to be certified. Generally, however, certificates will not be issued to such administrative officials nor to support personnel, such as billing clerks, customer service personnel, meter readers, radio dispatchers, or laborers.

(c) Certification is available to operators of all systems which furnish drinking water to the public, whether or not a certified operator for a particular water system is required by law. [Certification is available also to all operators of sewerage systems whether or not a certified operator is required by law.]

(d) The Texas certification program is designed to stimulate training among its thousands of waterworks [water utility] operators who are widely spread throughout the entire state. Such training helps to develop knowledge and technical skills which promotes career growth in the water utility industry and protects the public health by

increasing assurance that safe drinking water is being provided to the consumer. Water [and wastewater] personnel should become certified at the highest commensurate with his or her qualifications.

(e) (No change.)

(f) The statutory authorization for these rules is Texas Civil Statutes, Article 4477-1, § [Sections] 11(a) [and 20(a)].

§337.52. Definitions. The following words and terms, when used in this undesignated head [Certification of Water Utilities Personnel], shall have the following meanings, unless the context clearly indicates otherwise:

Certificate—The certificate of competency issued by the department which states that the operator has qualified for certification at the grade specified. The certificate shall have the original or printed signature of the commissioner and of the associate commissioner for environmental and consumer health protection of the department. The department may issue the following certificates:

(A)-(F) (No change.)

[(G) Grade A sewage;

[(H) Grade B sewage;

[(I) Grade C sewage;

[(J) Grade D sewage.]

Committee—The advisory Certification Committee for Waterworks [Water Utility] Operators.

Designated courses—The 20-hour courses or their equivalent required to obtain a certificate, as specified in these rules and regulations. The designated courses shall include one or more of the following: basic water works operation, advanced water works operation, ground water production, surface water production, water distribution, water laboratory, [basic sewage works operation, sewage treatment, sewage collection, sewage laboratory,] and management. Courses offered by the Texas A&M University Engineering Extension Service or similar courses shall be considered by the department to be designated courses.

Experience—Actual work experience, full- or part-time, in water supply [or sewerage system] operation, maintenance, laboratory analysis or other approved practices considered essential for production of final product from the water supply system [utility].

(A) Experience as foreman or supervisor in most capacities in water [or sewerage] systems shall be considered as acceptable. Experience in a purely clerical capacity such as accounting, bookkeeping, or as laborers or meter readers, or in a regulatory capacity relating to water [and sewerage] systems, shall not be considered acceptable experience.

(B) Work experience presented to meet requirements for a water certificate must be in water supply operations. [Work experience presented to meet requirements

for a sewage certificate must be in sewerage facility operations.]

[Sewage works operator—Any person, trained in the collection, treatment, or disposal of sewage who has a practical working knowledge of the mechanics, maintenance and operating principles of the collection, treatment, and disposal of sewage.

[Sewerage system—The facilities used in the collection, treatment, and disposal of sewage from the point at which the raw sewage leaves the premises to the point at which the treated effluent is discharged.]

§337.53. Administration.

(a) The department shall be responsible for the following:

(1)-(6) (No change.)

(7) maintaining a register of water supply [and sewerage] systems having certified personnel;

(8)-(9) (No change.)

(10) collection of fees.

(b) The committee shall consist of nine members and shall be appointed and organized as follows.

(1) The commissioner shall appoint the following as members giving consideration to geographic distribution:

(A) five persons who are currently employed by waterworks [water utilities] and who hold the highest classification of certificate issued by the department;

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

(D) one person who represents the Texas Water Commission; [Texas Department of Water Resources.]

(E) one person who represents the employers of waterworks [water utility] operators.

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

(c) The committee shall be responsible for the following:

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

(4) promoting and encouraging the certification of waterworks [water utility] personnel;

(5) (No change.)

§337.54. Qualifications.

(a) Certification by examination—all individuals shall meet the following requirements based upon formal education, specialized training courses, actual operating experience, and passing written examinations. All applicants [taking examinations] shall be required to pass the current examinations covering the fields [field] of waterworks [water or sewage works] operation.

(b) (No change.)

[(c) Grade A sewage certificate:

(1) High school graduation, or the equivalent, and eight years of experience, and 160 hours of training credit. (See paragraph (4) of this subsection.)

(2) College degree (bachelor's) with a major in any engineering discipline eligible for registration as a professional engineer, or in chemistry, biology, or bacteriology, and five years of experience, and 160

hours of training credit. (See paragraph (4) of this subsection.)

(3) College degree (master's) with a major in any engineering discipline eligible for registration as a professional engineer, or in chemistry, biology, or bacteriology, and four years of experience, and 160 hours of training credit. (See paragraph (4) of this subsection.)

(4) The 160 hours of training credit indicated in paragraphs (1)-(3) of this subsection shall include each of the following designated courses, or the equivalent:

[(A) sewage treatment,

[(B) sewage collection system,

[(C) sewage laboratory, and

[(D) management.]

(e)[(d)] One year of college (32 semester hours) or an additional 40 hours of approved training credits may be substituted for one year of the experience requirement. In no case shall the actual experience be less than six years for high school graduates, five years for college graduates with bachelor's degrees, or four years for college graduates with master's degrees.

(d)[(e)] Grade B surface water certificate:

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

(e)[(f)] Grade B groundwater certificate:

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

[(g) Grade B sewage certificate:

(1) High school graduation, or the equivalent, and five years of experience, and 100 hours of training credit. (See paragraph (3) of this subsection.)

(2) College degree (bachelor's) with a major in any engineering discipline eligible for registration as a professional engineer, or in chemistry, biology, or bacteriology, and one year of experience, and 100 hours of training credit. (See paragraph (3) of this subsection.)

(3) The 100 hours of training credit indicated in paragraphs (1)-(2) of this subsection shall include each of the following designated courses, or the equivalent:

[(A) sewage treatment,

[(B) sewage collection, and

[(C) sewage laboratory.]

(f)[(h)] One year of college (32 semester hours) or an additional 40 hours of approved training credits may be substituted for one year of the experience requirement. In no case shall the actual experience be less than three years for a high school graduate or one year for a college graduate.

(g)[(i)] Grade C surface water certificate:

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

(h)[(j)] Grade C groundwater certificate:

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

[(k) Grade C sewage certificate:

(1) High school, or the equivalent, and two years of experience, and 60 hours of training credit. (See paragraph (2) of this subsection.)

(2) 40 hours of training credit indicated in paragraph (1) of this subsection shall consist of the following designated courses, or their equivalent.

[(A) basic sewage works operation, and

[(B) either sewage treatment or sewage collection.]

[(l)(1)] One year of college (32 semester hours) or an additional 40 hours of approved training credits may be substituted for one year of the experience requirement. In no case shall the actual experience be less than one year.

[(j)(m)] Grade D water certificate. Not renewable if [unless] the operator is employed at a system of 250 connections or more [less]; surface water systems must have an operator with at least Grade C surface water certification.

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

[(n) Grade D sewage certificate. Not renewable unless the operator is employed at a system of 250 connections or less.

[(1) High school graduation, or the equivalent, and no experience, and 20 hours of training credit. (See paragraph (3) of this subsection.)

[(2) Less than high school, and no experience, and 40 hours of training credit. (See paragraph (3) of this subsection.)

[(3) 20 hours of training credit indicated in paragraphs (1)-(2) of this subsection must be a course in basic sewage works operation, or its equivalent.

[(o) Persons desiring to obtain certificates in both water and wastewater shall earn the required training hours for each separately. Training hours for each shall be in the field applying to the respective certificates.]

§337.55. Applications.

(a) (No change.)

(b) Each application shall be accompanied by the appropriate fee. If application is made for two or more grades the fee shall be for the highest grade indicated on the application.

[(c)(b)] Grade A, B, and C applicants shall list two references, preferably a current and a previous supervisor, whom the department may contact to verify the applicant's work experience.

[(d)(c)] The applicant shall furnish evidence of having the equivalent of high school graduation. Any of the following shall be considered the equivalent of high school graduation:

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

[(e)(d)] The applicant shall furnish evidence of any training credit when requested by the department.

[(f)(e)] Any examination taken by the applicant prior to the department's approving the corresponding application shall be held by the department for a maximum of six months pending approval of the application for one or more grades of certificates. If the application is not approved within

[this] six months [months' period] for one or more grades of certificate, the applicant shall submit a new application with the appropriate fee and retake the examination [repeat the examination process].

[(g)(f)] Any applicant for a Grade A certificate shall meet qualification requirements and submit the appropriate fee before taking the examination.

[(h)(g)] Any person who previously held a Grade A, B, C, or D certificate which expired may reapply and take the examination without demonstrating that the qualification requirements are met, provided that proof of the previously held certificate and appropriate fee are [is] submitted to the department.

§337.56. Examinations.

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

(c) Following the failure of an examination, an applicant's application shall be held by the department for a maximum of nine months pending the applicant's repeating the examination. If the examination is not repeated within [this] nine months, the applicant shall submit another application with the appropriate fee [and obtain its approval]. This shall not apply to Grade A unless deemed otherwise by the department.

(d)-(e) (No change.)

(f) Examinations will not cover the basic differences in duties and responsibilities of the operator but will cover in general the broad field of waterworks operations [operation or sewerage works operation].

(g) (No change.)

§337.57. Certificates.

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

(c) Renewal of certificates.

(1) (No change.)

(2) [One of] The following requirements shall be met for renewal of each certificate:

(A) Payment of the appropriate fee, and [retaking and passing the written examination, in which case renewal shall be effective on the date of examination, or]

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

[(F) Persons holding certificates in both water and wastewater shall earn the required renewal hours for each separately.]

[(F)(G)] When the certificate of an operator expires while he or she is in military service, it may be renewed without examination upon proof of military service and of the previously held certificate.

(3) Certificates of competency issued under past rules and regulations shall be renewed on the basis of the requirements in effect at that time and payment of the appropriate fees. After the initial renewal, however, certificates of competency shall be subject to renewal on the basis of the requirement as stated in these rules and regulations. For example, Grade A certificates issued in perpetuity under past rules will not be subject to any renewal requirements.

Grade A certificates issued after the effective day of these rules shall be renewed in accordance with the stated requirements.

(4) Operators holding a valid Grade B or C surface water certificate and changing employment to a groundwater system will be issued, without examination and with payment of the appropriate fee, the same grade of groundwater certificate provided he or she can demonstrate the required designated courses have been completed.

(5) Operators holding a valid Grade B or C groundwater certificate and changing employment to a surface water system will be issued, without examination and with payment of the appropriate fee, the same grade of surface water certificate provided he or she can demonstrate the required designated courses have been completed.

(6) Upon application and payment of the appropriate fee [request], an operator who maintains a valid certificate for 30 years shall retain his certification in perpetuity.

(d) Application renewal procedure.

(1) Before the expiration date of the certificate, the department shall mail to the certified operator a renewal application showing the expiration date, [and] the requirements for renewal, and the fee to be paid. The department shall mail the renewal application to the operator at the most recent address provided by the operator to the department.

(2) The operator shall return the renewal application with the appropriate fee to the department, and [when renewing by examination or by substitution of hours. The operator] shall submit any required record or evidence of completion of training credit [to the department].

(3) (No change.)

(e) Revocation of certificates.

(1) The certificate of an operator shall be revoked if [it is found]:

(A) [by the commissioner that] the certificate was issued erroneously [or by mistake]; or

(B) [that] the operator obtained the certificate through fraud, deceit, or through the submission of incorrect data on his/her qualifications; or

(C) [that] the operator practiced fraud and deceit, or failed to use reasonable care, judgement, or application of his or her knowledge in the performance of his or her duties.

(2)-(4) (No change.)

§337.58. Training Approval.

(a) (No change.)

[(b) Training used to meet the requirements for obtaining or renewing sewage certificates shall be in sewage related topics, as determined by the department. Sewage-related topics include basic sewage works operation, sewage treatment, sewage collection, sewage laboratory, sewerage util-

ity management, or their equivalency as determined by the department.]

(b)(c) Training credit for attendance at meetings of Texas water utility district associations shall be allowed only when the meeting includes a training session related to waterworks operations [water or sewage utilities]. Training credit shall be allowed in accordance with the [other] following provisions:

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

(4) Persons earning training hours at district association meetings may use these hours toward obtaining or to renew [either] waterworks [water or wastewater] certificates as appropriate.

(c)(d) Training credit for attendance at training sessions of annual or regional water utilities short schools, sponsored by the Texas Water Utilities Association and/or district associations, recognized by the department, shall be allowed in accordance with the following provisions:

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

(d)(e) Training credit for certification will be granted for those courses which have been reviewed and approved by the department prior to the receipt of the training.

(e)(f) Upon application, an individual may be granted four hours of training credit in the appropriate field for presenting one hour of training at regional or annual short schools and 10 hours of training credit in the appropriate field for articles published in journals such as the *American Water Works Association*, [Water Pollution Control Federation,] *Southwest Journal*, and others relating to the water utilities industry.

§337.59. Reciprocity. The department may issue certificates, without examination, to applicants who hold valid certification issued under laws of any other state, territory or possession of the United States of America or any country provided:

(1) the out-of-state requirements are equal to the provisions of the Texas regulations [and provided further that];

(2) the applicant passed a written examination in obtaining the out-of-state certificate;

(3) the corresponding state reciprocates with operators holding Texas certificates;

(4) the applicant lives [live] in this state or is [be] employed in the waterworks [water utility] field in Texas; and

(5) the appropriate fee has been paid.

Issued in Austin, Texas, on August 19, 1985.

TRD-857571 Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Effective date: September 1, 1985
Expiration date: December 30, 1985
For further information, please call
(512) 458-7538.

★ 25 TAC §337.60

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 4477-1, §11(a), which authorize the Texas Board of Health to issue certificates of competency for the certification of waterworks personnel; Article 4477-1, §23(b), which authorizes the board to adopt rules concerning certificates of competency; House Bill 1593, §52, 69th Legislature, 1985, which authorizes the board to adopt rules concerning classes of certificates, duration of certificates, and fees for certificates; and Article 6252-13a, §5(d), which authorizes the board to adopt rules on an emergency basis.

§337.60. Fees.

(a) An amendment to the Texas Sanitation and Health Protection Law, Article 4477-1, by the 69th Legislature, May 1985, requires the payment of a fee of \$10 per year before a certificate of competency can be issued or renewed. Fees for certification shall be established as follows:

(1) Application fees.

(A) Grade D certificate—\$20;

(B) Grade C certificate—\$30;

(C) Grade B certificate—\$50;

(D) Grade A certificate—\$80.

(2) Renewal fees.

(A) Grade D certificate—\$20;

(B) Grade C certificate—\$30;

(C) Grade B certificate—\$50;

(D) Grade A certificate—\$80.

(b) Certificates that have not been renewed within 30 days of the expiration date with the appropriate fee will be considered invalid. A new certificate shall be obtained by submitting a new application with the appropriate fee and receiving a passing score on the examination.

(c) Fees shall be paid by personal check, cashier's check, or money order. Cash cannot be accepted for payment of fees.

(d) An applicant or holder of a certificate shall pay all required fees before taking the examination or receiving a certificate of competency.

(e) All fees shall be made payable to TDH-OCP (Texas Department of Health Operator Certification Program) and are not refundable.

(f) If an applicant does not submit the appropriate payment with the new or renewal application, the certificate shall not be issued.

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Deputy Commissioner
Texas Department of
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For further information, please call
(512) 458-7538.

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Certification of Bottled Water Plant Operators

★ 25 TAC §§337.111-337.118

The Texas Department of Health adopts on an emergency basis new §§337.111-337.118, concerning the certification of bottled water plant operators. The emergency sections replace existing sections which are being repealed on an emergency basis. The existing sections are in Chapter 229 of this title (relating to food and drug), §§229.91-229.96 (concerning bottled drinking water certificates of competency). The emergency status is necessary because House Bill 1593, §52, 69th Legislature, 1985, requires the department to adopt rules establishing classes of certificates for bottled water plant operators, duration of the certificates, and fees for the certificates, effective September 1, 1985. Therefore, for the department to comply with the legislative mandate of having the rules in effect on September 1, 1985, the department is adopting the rules on an emergency basis.

The new sections are adopted on an emergency basis under following Texas Civil Statutes, Article 4477-1, §11(a), which authorize the Texas Board of Health to issue certificates of competency for bottled water plant operators; Article 4477-1, §23(b), which authorizes the board to adopt rules concerning certificates of competency; House Bill 1593, §52, 69th Legislature, 1985, which authorizes the board to adopt rules concerning classes of certificates, duration of certificates, and fees for certificates; and Article 6252-13a, §5(d), which authorizes the board to adopt rules on an emergency basis.

§337.111. Purpose. Texas Civil Statutes, Article 4477-1, §11(a), states that no district, municipality, firm, corporation, or individual shall furnish to the public any drinking water for which any charge is made, unless the production, processing, treatment, and distribution is at all times under the supervision of a competent water works operator holding a valid certificate of competency issued under direction of the Texas Department of Health. These sections establish standards of qualifications to insure the public health and to protect the public from unqualified persons engaging in activities relating to the bottling of drinking water for sale.

§337.112. Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Bottled water supply—A water supply system by means of which water for drinking is placed in portable artificial containers for sale in that form to the general public.

Certificate—A certificate of competency issued by the Texas Department of Health under the authority of Senate Bill 81, enacted by the 49th Legislature.

Commissioner—The commissioner of health, Texas Department of Health, or his or her duly authorized representative.
Department—Texas Department of Health.

Training course—Any training approved by the Texas Department of Health for obtaining or renewing certificates.

§337.113. Types of Certificates. The types of certificates issued shall be divided into four general classifications:

- (1) Temporary certificates;
- (2) Grade C certificates;
- (3) Grade B certificates; and
- (4) Grade A certificates.

§337.114. Applications for a Certificate. The prerequisites which must be met by the applicant before the department may permit the applicant to be examined prior to the issuance of a certificate of competency shall be the following.

(1) **Temporary**—The applicant for a temporary certificate must show by means of submission of an application to the department, that he or she is engaged in the processing, production, or distribution of a bottled water supply.

(2) **Grade C**—An applicant for a Grade C certificate must show by means of submission of an application to the department, that he or she has the following qualifications:

(A) at least one year's experience in the processing, production, or distribution of a bottled water supply; and

(B) a record of attendance of at least one training course.

(3) **Grade B**—An applicant for a Grade B certificate must show by means of submission of an application to the department, that he or she has the following qualifications:

(A) at least three years' experience in the processing, production, or distribution of a bottled water supply; and

(B) a record of attendance of at least two training courses.

(4) **Grade A**—An applicant for a Grade A certificate must show by means of submission of an application to the department, that he or she has the following qualifications:

(A) at least eight years' experience in the processing, production, or distribution of a bottled water supply; and

(B) a record of attendance of at least three training courses.

§337.115. Examination. After presenting qualifications accepted by the department as provided in §337.114 of this title (relating to Applications for a Certificate), an applicant shall have passed a written examination prescribed by the department under the supervision of a person designated by the department. To pass the ex-

amination for a certificate of competency, the applicant must make a score of 70% on the entire examination and in case of failure, the applicant may repeat the examination after a period of six months.

§337.116. Renewals.

(a) **Temporary certificates.** Each temporary certificate shall be valid for one year only immediately following the date of issuance. Then, the certificate holder must make application to the department indicating that he or she has met the requirements necessary for a Grade C certificate in accordance with the provisions of §337.114(2) of this title (relating to Applications for a Certificate). Upon approval of the application, a Grade C certificate can be issued without further examination. In no case may the department issue a temporary certificate subject to renewal.

(b) **Grade C certificates.** Each Grade C certificate shall be valid for three years immediately following the date of issue. The certificate holder may renew this certificate by submitting an application to the department indicating a record of attendance of at least one additional training course since the effective date of the certificate he or she is renewing.

(c) **Grade B certificates.** Each Grade B certificate shall be valid for five years immediately following the date of issue. The certificate holder may renew this certificate by submitting an application to the department indicating a record of attendance of at least two additional training courses since the effective date of the certificate he or she is renewing.

(d) **Grade A certificates.** Each Grade A certificate shall be valid for eight years immediately following the date of issue. The certificate holder may renew the certificate by submitting an application to the department indicating a record of attendance of at least three additional training courses since the effective date of the certificate he/she is renewing.

§337.117. Revocation of Certificates.

(a) **Basis for revocation.** The certificate of an operator shall be revoked if it is found:

(1) by the commissioner that the certificate was issued in error;

(2) that the operator obtain the certificate through fraud, deceit, or through the submission of incorrect data on his or her qualifications; or

(3) that the operator practiced fraud and deceit, or failed to use reasonable care, judgment, or application of his or her knowledge in the performance of his or her duties.

(b) **Examination of charges.** When the department has reason to believe that charges against a certified operator may be valid, the department shall notify the operator by personal service or certified mail at his last known address;

(1) of the charges made against him or her;

(2) that it intends to conduct an examination of the charges; and

(3) that the operator has an opportunity to refute and prove the charges invalid.

(c) **Formal hearings.** After the department's examination of the charges, and the operator's rebuttal, if the department still has reason to believe there is cause for revocation, the department shall initiate a formal hearing in accordance with the department's formal hearing procedures, §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

§337.118. Fees. Fees for certification shall be established as follows.

(1) **Application fees:**

(A) temporary certificate—\$10;

(B) Grade C certificate—\$30;

(C) Grade B certificate—\$50;

and

(D) Grade A certificate—\$80.

(2) **Renewal fees:**

(A) temporary certificate cannot be renewed;

(B) Grade C certificate—\$30;

(C) Grade B certificate—\$50;

and

(D) Grade A certificate—\$80.

(3) Certificates that have not been renewed within 30 days of the expiration date with the appropriate fee will be considered invalid. A new certificate can be obtained by submitting a new application with the appropriate fee and receiving a passing score on the examination.

(4) Fees shall be paid by personal check, cashier's check, or money order. Cash cannot be accepted for payment of fees.

(5) An applicant or holder of a certificate shall pay all required fees before taking the examination or receiving a certificate of competency.

(6) All fees shall be made payable to the Texas Department of Health and are not refundable.

Issued in Austin, Texas, on August 19, 1985.

TRD-857577

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

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For further information, please call
(512) 458-7536.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Resources
Chapter 3. Income Assistance Services
Subchapter KK. Support Documents

★40 TAC §3.3701

The Texas Department of Human Resources adopts on an emergency basis the repeal of existing §3.3701, and new §3.3701, concerning the standard budgetary allowances in the Aid to Families with Dependent Children (AFDC) Program. The department is simultaneously proposing the repeal of existing §3.3701 and new §3.3701 in this issue of the *Register*.

Effective September 1, 1985, the department is increasing the average monthly AFDC recipient grant from \$53 to \$57. The department is also establishing the AFDC payment standard at 32% of the AFDC budgetary needs standard, based on 1985 prices. Failure to implement these revised standards would result in

imminent danger to the health, safety, and welfare of AFDC clients.

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

The repeal is adopted on an emergency basis under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§3.3701. Aid to Families with Dependent Children Standard Budgetary Allowances.

Issued in Austin, Texas, on August 21, 1985.

TRD-857639

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: September 1, 1985
Expiration date: December 30, 1985
For further information, please call
(512) 450-3766.

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The new section is adopted on an emergency basis under the Human Resources Code, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs.

§3.3701. Aid to Families with Dependent Children Standard Budgetary Allowances. For September 1985 and future months, the needs allowances for each size family group for aid to families with dependent children (AFDC) is as follows:

(Editor's note: The chart which appears in this section is published on the following page.)

Issued in Austin, Texas, on August 21, 1985.

TRD-857640

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

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

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AFDC BUDGETARY ALLOWANCES (September 1, 1985)

Family Size	Non-caretaker Cases			Caretaker Cases Without Second Parent			Caretaker Cases With Second Parent		
	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (32%)	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (32%)	Maximum Income (185%)	Budgetary Needs (100%)	Recognizable Needs (32%)
1	\$ 364.00	\$ 137.00	\$ 63.00	\$ 435.00*	\$ 235.00*	\$ 75.00*	-	-	-
2	520.00	281.00	90.00	912.00	493.00	158.00	696.00**	376.00**	120.00**
3	729.00	394.00	126.00	1062.00	574.00	184.00	1158.00	626.00	200.00
4	871.00	471.00	151.00	1278.00	691.00	221.00	1306.00	706.00	226.60
5	1121.00	606.00	194.00	1425.00	770.00	246.00	1517.00	820.00	262.00
6	1212.00	655.00	210.00	1639.00	886.00	284.00	1669.00	902.00	289.00
7	1511.00	817.00	261.00	1783.00	964.00	306.00	1870.00	1011.00	324.00
8	1661.00	898.00	287.00	2028.00	1096.00	361.00	2022.00	1093.00	350.00
9	1907.00	1031.00	330.00	2179.00	1178.00	377.00	2266.00	1226.00	392.00
10	2059.00	1113.00	356.00	2425.00	1311.00	420.00	2418.00	1307.00	419.00
11	2305.00	1246.00	399.00	2577.00	1393.00	446.00	2664.00	1440.00	461.00
12	2455.00	1327.00	425.00	2821.00	1525.00	488.00	2816.00	1522.00	487.00
13	2701.00	1460.00	467.00	2973.00	1607.00	514.00	3062.00	1655.00	530.00
14	2851.00	1541.00	493.00	3219.00	1740.00	557.00	3312.00	1736.00	556.00
15	3043.00	1645.00	526.00	3369.00	1821.00	583.00	3458.00	1869.00	596.00
Per each additional member	246.00	133.00	43.00	246.00	133.00	43.00	246.00	133.00	43.00

* Caretaker of SSI Child

** Caretaker and Second Parent of SSI Child

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 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 95. Uniform Commercial Code

Acceptance

★ 1 TAC §95.35

(Editor's note: The Office of the Secretary of State proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)

The Office of the Secretary of State proposes new §95.35, concerning farm-related continuation and financing statements. The new section will allow the secretary of state to maintain documentation, as filed with a county clerk of Texas.

Wally Boggus, Uniform Commercial Code director, has determined that for the first five-year period the section 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 section.

Mr. Boggus also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is that lenders will benefit from access to complete documentation and from a reduction in research time.

There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Hyatte Simmons, P.O. Box 12887, Austin, Texas 78711

The new section is proposed under House Bill 1741, 1985, which provides the secretary of state with the authority to accept continuations of security interests perfected by filing with a county clerk prior to September 1, 1985

This agency hereby certifies that the proposal has been reviewed by legal counsel

and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on August 19, 1985.

TRD-857810 Duane Crowley, Jr.
Assistant Secretary of
State
Office of the Secretary
of State

Earliest possible date of adoption:
September 27, 1985
For further information, please call
(512) 475-2015.

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TITLE 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 229. Food and Drug Bottled Drinking Water Certificates of Competency

★ 25 TAC §§229.91-229.96

(Editor's note: The Texas Department of Health proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the repeal is published in the Emergency Rules section of this issue. The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Health proposes the repeal of §§229.91-229.96, concerning bottled drinking water certificates of competency. These rules are being replaced by new §§337.111-337.118. The repeal is proposed to update the sections. This repeal is also being adopted on an emergency basis in this issue of the *Texas Register*.

Stephen Seale, chief accountant III, has determined that there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Seale 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 replacement of the existing set of rules with a new and updated version. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Charles E. McEntire, R.S., Chief, Certification and Registration Branch, Division of Water Hygiene, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be received for 30 days after publication in the *Texas Register*.

The repeal is proposed under Texas Civil Statutes, Article 4477-1, §11(a), which provide the Texas Department of Health with the authority to issue bottled drinking water certificates of competency; and Article 4477-1, §23(b), which provide the Texas Board of Health with authority to adopt rules covering the certificates.

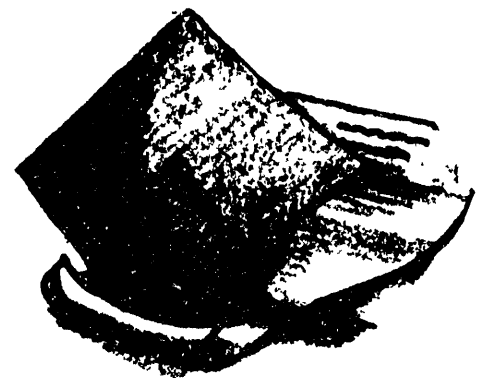
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on August 19, 1985.

TRD-857582 Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:
October 19, 1985
For further information, please call
(512) 458-7536.

★ ★ ★



Registration of Manufacturers of Food

★ 25 TAC §229.182

(Editor's note: The Texas Department of Health proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)

The Texas Department of Health proposes an amendment to §229.182, concerning registration fees and procedures. The amendment covers registration fees, exemptions, and registration statement requirements for all manufacturers of foods in Texas.

Stephen Seale, chief accountant III, has determined that for the first five-year period the amendment will be in effect there will be fiscal implications as a result of enforcing or administering the amendment. The anticipated effect on state government is an estimated increase in revenue of \$400,000 each year 1985-1989. There will be no effect on local government. The cost of compliance with the rule for small businesses will be as set forth in the schedule of fees. The cost of compliance for small businesses compared with the cost of compliance for the largest businesses affected by the rule, will be as follows. The cost of compliance for a small business having \$200,000 in gross annual volume would be \$.05 for every \$100 in sales. The cost of compliance for a large business having \$5 million in gross annual volume would be \$.01 for every \$100 in sales.

Mr. Seale also has determined that for each year of the first five years the rules as proposed are in effect the public benefits anticipated as a result of enforcing the rule is to have all manufacturers of foods in Texas register annually with the department and to require the manufacturers to pay a registration fee to cover the cost of the registration, inspection, and enforcement. The anticipated economic cost per annum to individuals who are required to comply with the rules as proposed is \$100 per manufacturer having a gross annual volume of \$0-199,999.99; \$200 per manufacturer having a gross annual volume of \$200,000-\$999,999.99; \$300 per manufacturer having a gross annual volume of \$1 million-\$2,999,999.99; \$400 per manufacturer having a gross annual volume of \$3 million-\$4,999,999.99; \$500 per manufacturer having a gross annual volume of \$5 million or more.

Comments on the proposal may be submitted to Robert L. Henna, R.Ph., Director, Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7248. Comments will be accepted for a period of 30 days following publication in the *Texas Register*. In addition, a public hearing on the proposed rules will be held in the auditorium, Texas Department of

Health, 1100 West 49th Street, Austin, at 9 a.m. on Thursday, September 26, 1985.

The amendment is proposed under Texas Civil Statutes, Article 4476-5, §20 and §23a, and House Bill 1732, §28, 69th Legislature, 1985, which provide the Texas Board of Health with the authority to adopt rules relating to food manufacturers in the area of registration and registration fees.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857584

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:

October 19, 1985
For further information, please call
(512) 458-7248.

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Registration of Wholesale Distributors of Drugs

★ 25 TAC §§229.251-229.254

(Editor's note: The Texas Department of Health proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is published in the Emergency Rules section of this issue.)

The Texas Department of Health proposes new §§229.251-229.254, concerning registration for wholesale distributors of drugs in Texas. These new sections cover definitions, a registration fee, minimum standards for registration, and procedures for refusal, suspension and revocation of a registration.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The anticipated effect on state government is an estimated increase in revenue of \$80,000 each year in 1985-1989. There is no anticipated effect on local government. The cost of compliance with the rules for small businesses will be as set forth in the schedule of fees. The cost of compliance for small businesses compared with the cost of compliance for the largest businesses affected by the rules is as follows. A small business having \$200,000 in gross annual volume would be \$.05 per \$100 in sales. A large business having \$5 million in gross annual volume would be \$.01 for every \$100 in sales.

Mr. Seale also has determined that for each year of the first five years the rules as proposed are in effect the public benefits anticipated as a result of enforcing

the rules as proposed is to have all wholesale distributors of drugs in Texas register annually with the department, to have minimum standards established covering the annual registration, to require the wholesale distributors of drugs to pay a registration fee to cover the cost of registration, inspection and enforcement, and to have procedures for the refusal, revocation, and suspension of a registration. The anticipated economic cost per annum to individuals who are required to comply with the rules as proposed will be as follows for the first five years: \$100 per wholesale distributor having a gross annual volume of \$0-\$199,999.99, \$200 per wholesale distributor having a gross annual volume of \$200,000-\$999,999.99, \$300 per wholesale distributor having a gross annual volume of \$1 million-\$2,999,999.99, \$400 per wholesale distributor having a gross annual volume of \$3 million-\$4,999,999, and \$500 per wholesale distributor having a gross annual volume of \$5 million or above.

Comments on the proposal may be submitted to Robert L. Henna, R.Ph., Director, Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7248. Comments will be accepted for a period of 30 days following publication in the *Texas Register*. In addition, a public hearing on the proposed rules will be held in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin, on Thursday, September 26, 1985, at 9 a.m.

The new sections are proposed under Texas Civil Statutes, Article 4476-5, §20 and §23, and House Bill 1732, §27, 69th Legislature, 1985, which provide the Texas Board of Health with the authority to adopt rules concerning wholesale distributors of drugs in the area of registration and registration fees.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857586

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:

October 19, 1985
For further information, please call
(512) 458-7248.

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Chapter 337. Water Hygiene Certification of Persons to Install, Exchange, Service, and Repair Residential Water Treatment Facilities

The Texas Department of Health proposes amendments to §§337.32-337.35 and new §337.36 and §337.37, concerning the certification of residential water treatment operators. The proposed rules will update the existing rules and will cover definitions, types and duration of certificates, qualification requirements, applications, revocations, and fees

Stephen Seale, chief accountant III, has determined that there will be fiscal implications as a result of enforcing or administering the rules. The anticipated effect on state government is an estimated increase in revenue of \$7,200 each year in 1986-1990. There will be no effect on local government or small businesses.

Mr. Seale also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be to offset the cost of the certification program to the taxpayers of Texas. The anticipated economic cost to individuals who are required to comply with the rules as proposed will be the fees as set out in §337.37

Comments on the proposal may be submitted to Charles E. McEntire, R.S., Chief, Certification and Registration Branch, Division of Water Hygiene, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

★ 25 TAC §§337.32-337.35

(Editor's note: The Texas Department of Health proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The amendments are proposed under Texas Civil Statutes, Article 6243-101, §3A, which provide the Texas Board of Health with the authority to certify water treatment operators and to set standards of qualifications for the operators, and House Bill 1593, §53, 69th Legislature, 1985, which provide the board with the authority to adopt rules concerning classes of certificates for water treatment operators, duration of the certificate, and fees for the certificates.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857569

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:

October 19, 1985

For further information, please call
(512) 458-7536.

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★ 25 TAC §337.36, §337.37

(Editor's note: The Texas Department of Health proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is published in the Emergency Rules section of this issue.)

The new sections are proposed under Texas Civil Statutes, Article 6243-101, §3A, which provide the Texas Board of Health with the authority to certify water treatment operators and to set standards of qualifications for the operators, and House Bill 1593, §53, 69th Legislature, 1985, which provides the board with the authority to adopt rules concerning classes of certificates for water treatment operators, duration of the certificate, and fees for the certificates.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857570

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:

October 19, 1985

For further information, please call
(512) 458-7536

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Certification of Waterworks [Water Utilities] Personnel

The Texas Department of Health proposes amendments to §§337.51-337.59 and new §337.60, concerning the certification of water works personnel. These proposed amendments update and clarify the existing rules, reflect the transfer of the certification of wastewater operators to another state agency, and a new section is established on the payment of fees for certification of waterworks operators. The amendments and new section are also being adopted on an emergency basis in this issue of the *Texas Register*.

Stephen Seale, chief accountant III, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. The anticipated effect on state government is an estimated increase in revenue of \$100,000 each year in 1986-1990. There will be no effect on local government or small businesses.

Mr. Seale also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the sections is to offset the cost to the taxpayers of Texas for certification of waterworks operators. The anticipated economic cost to individuals who are required to comply with the rules as proposed will be the fees as set out in §337.60.

Comments on the proposal may be submitted to Charles E. McEntire, R.S., Chief, Certification and Registration Branch, Division of Water Hygiene, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

25 TAC §§337.51-337.59

(Editor's note: The Texas Department of Health proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The amendments are proposed under Texas Civil Statutes, Article 4477-1, §11(a), which authorize the Texas Department of Health to issue certificates of competency for waterworks personnel; Article 4477-1, §23(b), which provides the Texas Board of Health with the authority to adopt rules concerning certificates of competency; and House Bill 1593, §52, 69th Legislature, 1985, which provides the board with the authority to adopt rules concerning classes of certificates, duration of certificates, and fees for certificates.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857574

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:

October 19, 1985

For further information, please call
(512) 458-7536.

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★ 25 TAC §337.60

(Editor's note: The Texas Department of Health proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)

The new section is proposed under Texas Civil Statutes, Article 4477-1, §11(a), which authorize the Texas Department of Health to issue certificates of competency for waterworks personnel; Article 4477-1, §23(b), which provides the Texas Board of Health with the authority to adopt rules concerning certificates of competency; and House Bill 1953, §52, 69th Legislature, 1985, which provides the board with the authority to adopt rules concerning classes of certificates, duration of certificates, and fees for certificates.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857575

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:

October 19, 1985

For further information, please call
(512) 458-7536.

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Certification of Bottled Water Plant Operators

★ 25 TAC §§337.111-337.118

(Editor's note: The Texas Department of Health proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new sections is published in the Emergency Rules section of this issue.)

The Texas Department of Health proposes new §§337.111-337.118, concerning the certification of bottled water plant operators. The proposed new sections will replace and update the existing rules which are being proposed for repeal. The existing rules are in Chapter 229 of this title (relating to food and drug), §§229.91-229.96 (concerning bottled drinking water certificates of competency). The new sections will cover purpose, definitions, types of certificates, applications for certificates, examinations, renewals, revocations, and fees.

Stephen Seale, chief accountant III, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the rules. The anticipated effect on state government

is an estimated increase in revenue of \$1,000 for each year in 1986-1990. There will be no effect on local government or small businesses.

Mr. Seale also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is to require the applicants for and holders of the certificates of competency, rather than the state taxpayers, to pay for the department's cost of administering the program. The anticipated economic cost to individuals who are required to comply with the rules as proposed will be the fees as set out in §337.118.

Comments on the proposal may be submitted to Charles E. McEntire, R.S., Chief, Certification and Registration Branch, Division of Water Hygiene, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be received for 30 days after publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Article 4477-1, §11(a), which provide the Texas Department of Health with the authority to issue certificates of competency to bottled water plant operators; Article 4477-1, §23(b), which provides the Texas Board of Health with authority to adopt rules concerning certificates of competency; and House Bill 1593, §52, 69th Legislature, 1985, which provides the board with the authority to adopt rules concerning classes of certificates, duration of certificates, and fees for certificates.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857576

Robert A. MacLean
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption:

October 19, 1985

For further information, please call
(512) 458-7536

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

**Chapter 3. Tax Administration
Subchapter V. Bingo Regulation
and Tax**

★ 34 TAC §3.549

The Comptroller of Public Accounts proposes an amendment to §3.549, concern-

ing allowable expenditures of receipts from bingo. This amendment eliminates language relating to the distribution of net proceeds so that this section will coincide with a change being proposed in §3.556, concerning minimum charitable distributions. That change provides specific guidelines and requirements for charitable distributions.

The amendment is proposed as an exercise of the comptroller's broad authority to regulate bingo through the exercise of close supervision as authorized by the legislature and are intended to provide clear direction to affected licensees and to ensure proper compliance with reporting requirements.

Billy Hamilton, director of revenue estimating for the comptroller, has determined that for the first five-year period the section 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 section.

Mr. Hamilton also has determined that for each year of the first five years the section is in effect there is no anticipated public benefit. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ches Stubblefield, Manager, Miscellaneous Services, P.O. Box 13528, Austin, Texas 78711.

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

§3.549. Allowable Expenditures of Receipts from Bingo.

(a) All gross receipts from the conduct of bingo must be used for one or more of the following purposes:

(1) the payment of necessary and reasonable expenses actually incurred and paid in connection with the conduct of bingo, limited to the following:

(A)-(F) (No change.)

(G) the portion of lease payments not treated as a qualifying distribution under §3.555 of this title (relating to certain charitable distributions);

(H)[(G)] minor repairs to premises where bingo is conducted and repairs to bingo equipment;

[(H)] rental, if the premises are rented;

[(I)] mortgage payment and insurance for the premises;]

(I)[(J)] janitorial and custodial supplies;

(J)[(K)] bank charges, as shown in clauses (i) and (ii) of this subparagraph:

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

(K)(L) fees regularly charged by the state or a political subdivision for use of a public premise; and

(L)(M) printing of bingo forms and house rules.

(2)-(3) (No change.)

(b)-(d) (No change.)

(e) The net proceeds derived from bingo games must be devoted, within one year, to charitable purposes unless written permission is obtained from the comptroller to retain the proceeds. If a licensed organization has ceased to conduct bingo for any reason and has expended bingo funds, it must notify the comptroller in writing and disburse the funds for a charitable purpose within one month after the conduct of bingo stopped.)

(e)(f) No part of the net proceeds may be used, directly or indirectly, to support or oppose a particular candidate or a slate of candidates for public office, to support or oppose any measure submitted to a vote of the people, or to influence or attempt to influence legislation.

(f)(g) The license of any authorized organization which does not distribute the required amount of [Any licensee which does not report net] proceeds for charitable purposes during any quarter [six-month period or whose net proceeds are, in the opinion of the comptroller, unreasonably low in relation to the amount of proceeds available after prizes have been paid but before expenses,] may be suspended or [required to show cause why its license to conduct bingo should not be] revoked.

(g)(h) No expenses may be paid out of the petty cash fund, except for emergency expenses validated by proper receipts.

(h)(i) The only expenses that may be paid from the petty cash fund are expenses necessary to continue or complete the operation of a bingo occasion.

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

Issued in Austin, Texas, on August 21, 1985.

TRD-857643 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
September 27, 1985
For further information, please call
(512) 463-4606.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 1. General Information Special Projects

★ 40 TAC §1.1

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

The Texas Department of Human Resources proposes the repeal of §1.1, concerning special projects. This section is repealed because it is obsolete. Special projects that involve significant departures from the department's normal practices are covered in other department rules.

Clifton Martin, associate commissioner for programs, 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. Martin also has determined that for each year of the first five years the proposed repeal is in effect the anticipated public benefit is the public's understanding of the department's programs by ensuring that the rules are current. There is no economic cost to individuals as a result of the repeal.

Comments on the proposal may be sent to Cathy Rossberg, Administrator, Policy Development Support Division-499, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, mail code 153-E, within 30 days of publication in this Register.

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

§1.1. Existence of Special Projects.

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

Issued in Austin, Texas, on August 21, 1985.

TRD-857636 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:
September 27, 1985
For further information, please call
(512) 460-3766.

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Chapter 3. Income Assistance Services

Subchapter KK. Support Documents

★ 40 TAC §3.3701

The Texas Department of Human Resources proposes the repeal of existing §3.3701 and new §3.3701, concerning the standard budgetary allowances in the Aid to Families with Dependent Children (AFDC) Program. The department is simultaneously adopting on an emergency basis the repeal of existing §3.3701 and new §3.3701 in this issue of the Register.

In new §3.3701, the department is proposing an increase from \$53 to \$57 in the average monthly AFDC recipient grant for September 1985 and future months. The department also proposes to establish the AFDC payment standard at 32% of the AFDC budgetary needs standard, based on 1985 prices.

Clifton Martin, associate commissioner for programs, has determined that for the first five-year period the repeal and new section will be in effect there will be fiscal implications as a result of enforcing or administering the new section. The estimated cost to state government is \$9,593,274 in fiscal year 1986; \$8,942,250 in fiscal year 1987; \$10,706,261 in fiscal year 1988; \$10,706,261 in fiscal year 1989; and \$10,706,261 in fiscal year 1990. There are no fiscal implications for units of local government, and there is no anticipated effect on small businesses.

Mr. Martin has also determined that for each year of the first five years the repeal and new section are in effect the public benefit anticipated as a result of enforcing the rule as proposed is increased benefits for AFDC recipients. There is no anticipated economic cost to individuals who are required to comply with the new section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—373, Texas Department of Human Resources, 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

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

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the depart-

ment to administer public assistance programs.

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

Issued in Austin, Texas, on August 21, 1985.

TRD-857637

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:

September 27, 1985

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

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(Editor's note: The Texas Department of Human Resources proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)

This new section is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on August 21, 1985.

TRD-857638

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:

September 27, 1985

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

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Chapter 49. Child Protective Services

Subchapter C. Eligibility for Child Protective Services

★40 TAC §49.318

The Texas Department of Human Resources (DHR) proposes an amendment to §49.318, concerning state-paid foster care for children.

The amendment adds policy about establishing the source of funding for medical assistance for children receiving state-paid foster care. The Health Care Financing Administration determined that these children are not eligible for regular Medicaid coverage through Title XIX funds if their income is above the recognized needs standard for aid to families with dependent children (AFDC). Medical assistance for these children will be provided through the Medically Needy Program or total state funds.

Clifton Martin, associate commissioner for programs, has determined that for the first five-year period the section will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on state government is an estimated loss in revenue to the state of \$44,058 in fiscal year 1985, \$303,264 in fiscal year 1986, and \$406,014 each year in fiscal years 1987, 1988, and 1989. There is no anticipated effect on local government or on small businesses.

Mr. Martin 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 ability to maintain medical assistance funding for children in foster care. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be sent to Cathy Rossberg, Administrator, Policy Development Support Division-415, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs and Chapter 41, which authorizes the department to enforce laws for the protection of children.

§49.318. Additional Eligibility Requirements for State-Paid Foster Care Assistance.

(a) Besides the general requirements for foster care eligibility, a child must meet the following criteria to be eligible for state-paid foster care:

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

(b) After establishing a child's eligibility for state-paid foster care, DHR must determine the source of funding for the child's medical assistance payments. Medical assistance may be provided through one of the following based on the income available to the child:

(1) regular Medicaid coverage. The child's income is the same or below the AFDC recognized needs standard;

(2) medically needy Medicaid coverage. The child's income is between the AFDC recognized needs standard and the needs standard in the Medically needy program;

(3) state-paid Medicaid coverage. The child's income is above both the AFDC recognized needs standard and the needs standard in the Medically Needy Program.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857584

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:

September 27, 1985

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

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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 25. HEALTH SERVICES

Part I. Texas Department of Health Chapter 37. Maternal and Child Health Services Lay Midwives

★ 25 TAC §37.176

The Texas Department of Health adopts new §37.176, without changes to the proposed text published in the February 22, 1985, issue of the *Texas Register* (10 Tex-Reg 649). However, changes have been made to the manual which is adopted by reference in this section. The changes are stated in this preamble.

The new section forms a common body of knowledge and updates the skills and practices of lay midwives in the State of Texas.

The manual covers the areas of the Lay Midwifery Law and other legal responsibilities; anatomy and physiology of pregnancy, contraception and the newborn; prenatal care including changes and complications; intrapartum care and complications; postpartum and care of the newborn; family planning; discussion of birth sights, sterility and cleanliness; community resources and parenting education.

A commenter recommended more extensive information on Texas laws which have some bearing on the practice of lay midwifery. The agency agrees and has addressed sections of these laws (Section 3.6.1-3.6.5.).

A commenter recommended that the words "should" or "must" be deleted unless there was a legal reason for their use, or the reason was explained. The agency has changed this wording except in areas where there is legal justification or medical or safety justification for the terms.

A commenter stated that the manual was only geared toward midwives in the Rio

Grande Valley. The agency disagrees because there is a great deal of information which many lay midwives throughout the state may not be aware of.

A commenter recommended that more folk and cultural practices be included in the manual. The agency agrees and has included these practices in various sections including Appendix B-10 on cultural practices.

A commenter objected to the numbering systems of the chapters. The agency disagrees, because the use of such a numbering system has been found to be a quick and simple method for referencing a part of the manual.

A commenter recommended that the labor and delivery section should be more streamlined. The agency disagrees, because the format of these chapters has been developed for use along with a course.

Several commenters took issue with requirement that a lay midwife attend a certain number of deliveries before taking a lay midwifery course. The agency agrees and has dropped this requirement (§2.1.1.).

A commenter recommended that the names of midwife supply and equipment houses be included. The agency agrees and has placed this in Appendix B-9.

A commenter recommended striking the restriction on doing vaginal exams if the sac is broken. The agency agrees in part, and has clarified this subject in §11.3.2. (4).

A commenter recommended that, even though mothers should be referred if the baby is breech, nevertheless, there should be some discussion for an emergency. The agency agrees, and breech delivery is discussed in brief in the emergency section (§12.4.7.) as well as undiagnosed twins, and shoulder dystocia.

A commenter recommended that there be further discussion on importance of all vital signs. The agency agrees and has developed the discussion more extensively in §9.1.2.2.

A commenter took exception to the normal fetal heart rate as being 120 to 160, suggesting the heartbeat may go down

further, temporarily during the second stage. The agency opposes this change, because this chapter addresses prenatal care (§9.1.2.3.(6)), and any severe drop in fetal heart rate during prenatal care would be a source of concern.

A commenter recommended that the lay midwife should be made aware that glycosuria and proteinuria may be influenced by recent meals and a poor specimen. The agency agrees and has made changes in §9.2.2.

Several commenters took exception to the risk assessment criteria in §9.4. The agency agrees, and this section has been rewritten to include consultation and referral.

A commenter took exception to the reference to regular pattern of contractions. The agency agrees and has changed this to a progressive pattern of contractions (§11).

A commenter recommended deleting the mechanics of the first stage (§11.1.1. a, b, and c) and the discussion on the spines of the pelvis (§11.1.3.). The agency agrees with deleting the first section but not the discussion on the spines, because it gives clues as to the progress of labor.

A commenter recommended deleting §§11.5.1.-11.5.12. and replacing them with a more concise representation of complications. The agency agreed with this suggestion, and the change was made, with the exception of restoring §11.5.7., 11.5.8., and 11.5.9, which are not discussed elsewhere.

A commenter recommended mentioning the use of oxygen when there are drops in the baby's heart rate. The agency disagrees, because oxygen is a prescription item and could be used unsafely (§11.5.3. and §11.5.4.).

A commenter recommended that a time factor not be attached to the phases of labor. The agency agrees to delete these time factors, but a discussion of prolonged labor is in §11.5.2.

A commenter recommended that the baby not be placed on the abdomen, because it is above the placenta and may fall. The agency disagrees, because it feels that the baby can be put on the abdomen as the cord is still pulsating for

a short while and falling should not be a problem (§12.3.).

A commenter recommended deleting §§13.3.1-13.3.3. and replacing them with a new section, because the information could be combined in a different fashion. The agency agrees and has made these acceptable changes, because they essentially discuss the same information.

A commenter has recommended the prohibitions on suturing in the manual (§13.4.) be struck as they will cause problems for the mother later. The agency disagrees, because these comments on suturing come directly from the Lay Midwifery Act which prohibits the use of forceps or other surgical instruments for any procedure other than cutting the cord.

A commenter recommended deleting the remarks about not giving a baby a bath until the cord comes off. The agency disagrees because of the danger from infection if some parents don't keep the area dry (§15.3.1.2.).

A commenter recommended references to the danger from the cultural use of lead-based remedies called azercen or greta. The agency agrees and has mentioned these dangers in §15.4.5.

A number of other comments were made regarding clarification of various words and phrases in the manual. The agency has responded by making changes when appropriate throughout the manual.

The Association of Texas Midwives, Maternity Center Association—El Paso, local health departments, Cameron County Health Department, Marshall-Harrison County Health District, and Tyler-Smith County Health Department commented on the proposal. None of the commenters opposed the adoption of the manual; however, there were a number of questions, concerns, and recommendations regarding individual sections in the manual.

The new section is adopted under Texas Civil Statutes, Article 4512i, §8 and §9, which authorize the Texas Lay Midwifery Board, subject to the approval of the Texas Board of Health, to adopt a manual for lay midwives.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857550 Robert A. MacLean
Commissioner
Texas Department of
Health

Effective date: September 9, 1985
Proposal publication date: February 22, 1985
For further information, please call
(512) 468-7700.

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Chapter 157. Emergency Medical Care Emergency Medical Services ★ 25 TAC §157.63, §157.64

The Texas Department of Health adopts amendments to §157.63 and §157.64, without changes to the proposed text published in the February 19, 1985, issue of the *Texas Register* (10 TexReg 626).

The sections now have requirements concerning critical component grading of the department's written examinations for certification and recertification of EMS personnel.

The amendments require candidates for certification and applicants for recertification to 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.

Several commenters said that the critical component grading should not be instituted until a sufficient number of validated, relevant questions have been developed in each subscale. The department disagrees with the comment because there are a sufficient number of questions per subscale, and the medical accuracy will be assured through ongoing review of the test item base by a committee formed by the Texas Association of Emergency Medical Services Medical Directors.

The Duncanville Fire Department and the University of Texas Health Science Center at Dallas commented against the proposal. No other comments were received.

The amendments are adopted under Texas Civil Statutes, Article 4447o, §3.02, which provide the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services (EMS) Act.

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

Issued in Austin, Texas, on August 19, 1985.

TRD-857560 Robert A. MacLean
Commissioner
Texas Department of
Health

Effective date: February 1, 1986
Proposal publication date: February 19, 1985
For further information, please call
(512) 468-2601.

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TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter E. Miscellaneous Taxes Based on Gross Receipts

★ 34 TAC §3.51

The Comptroller of Public Accounts adopts the repeal of §3.51, without changes to the proposal published in the July 12, 1985, issue of the *Texas Register* (10 TexReg 2219). The telephone gross receipts tax will no longer apply to receipts and services discussed in this section, effective October 1, 1985, as a result of House Bill 1949, 69th Legislature, 1985. This section is therefore unnecessary.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the miscellaneous taxes based on gross receipts.

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

Issued in Austin, Texas, on August 21, 1985.

TRD-857644 Bob Bullock
Comptroller of Public
Accounts

Effective date: October 1, 1985
Proposal publication date: July 12, 1985
For further information, please call
(512) 463-4806.

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★ 34 TAC §3.53

The Comptroller of Public Accounts adopts the repeal of §3.53, without changes to the proposal published in the July 12, 1985, issue of the *Texas Register* (10 TexReg 2220). The telephone gross receipts tax will no longer apply to receipts and services discussed in this section, effective October 1, 1985, as a result of House Bill 1949, 69th Legislature, 1985. This section is therefore unnecessary.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the miscellaneous taxes based on gross receipts.

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

Issued in Austin, Texas, on August 21, 1985.

TRD-857646

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 1, 1985
Proposal publication date: July 12, 1985
For further information, please call
(512) 463-4806.

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★34 TAC §3.56

The Comptroller of Public Accounts adopts the repeal of §3.56, without changes to the proposal published in the July 12, 1985, issue of the *Texas Register* (10 TexReg 2220). The telephone gross receipts tax will no longer apply to receipts and services discussed in this section, effective October 1, 1985, as a result of House Bill 1949, 69th Legislature, 1985. This section is therefore unnecessary.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Tax Code, §111.002, which provides that the

comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the miscellaneous taxes based on gross receipts.

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

Issued in Austin, Texas, on August 21, 1985.

TRD-857646

Bob Bullock
Comptroller of Public
Accounts

Effective date: October 1, 1985
Proposal publication date: July 12, 1985
For further information, please call
(512) 463-4806.

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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 Animal Health Commission

Friday, September 6, 1985, 9 a.m. The Texas Animal Health Commission will meet in the conference room, 210 Barton Springs Road, Austin. According to the agenda summary, the commission will approve the previous meeting minutes and approve actions of the executive director; approve and withdraw commission employees to sign commission vouchers for expenditure of state funds; post a hearing review and final decision of the commission on the Bannworths, Inc., administrative hearing; consider for adoption proposed 4 TAC Chapter 49, Chapter 51, and §35.6; consider amendments to Chapter 35; consider a request by petition of Frio County ranchers to transfer Frio County from the Texas bovine brucellosis Class C area to the Class B area; and the impact of brucellosis regulation in marketing cattle.

Contact: Jo Anne Conner, 1015 Sam Houston Building, Austin, Texas 78701, (512) 475-4111.

Filed: August 20, 1985, 10:28 a.m.
TRD-857608

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Texas Department of Community Affairs

Friday, September 13, 1985, 1 p.m. The Advisory Council of the Texas Department of Community Affairs will meet at 8317 Cross Park Drive, Austin. Items on the agenda summary include adoption of minutes; a report on funding activities; the transfer of the Drug Abuse Prevention Division; and the implementation of improved management systems.

Contact: Michael Allen, P.O. Box 13166, Austin, Texas 78711, (512) 475-6903.

Filed: August 20, 1985, 4:22 p.m.
TRD-857630

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Texas Economic Development Commission

Thursday, August 22, 1985, 4 p.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission submitted an emergency revised agenda for a meeting held in Ballroom B, Hilton Inn, 2355 IH South, Beaumont. Items on the revised agenda included approval of minutes; consideration and action on projects requesting inducement resolutions for Abbot Services Limited, 1515 North Loop West, Houston, \$580,000 in bond proceeds for construction of a funeral home; James Morris Project, 11751 Skeneway, Houston, \$750,000 in bond proceeds for acquisition and renovation of an existing warehouse building; Beko & Gray Project, 4560 West 34th Street, Suite E, Houston, \$330,000 in bond proceeds for acquisition and renovation of an existing warehouse building; S & R Joint Venture Project, 3419 East Commerce, San Antonio, \$750,000 bond proceeds for construction of a new building and rehabilitation of an existing building; consideration and action on projects requesting bond resolutions for: Michael J. Kenny Project, 603 to 629 Teago, Houston, \$580,000 in bond proceeds for expansion of an existing warehouse building; Scott Environmental Technology, Incorporated, 3714 Lapas Street, Houston, \$400,000 in bond proceeds for acquisition of land and acquisition/rehabilitation of building thereon; FNB Properties Project, 027 South Clay Street, Ennis, \$750,000 in bond proceeds for construction of concrete building; G.C.G.C. Joint Venture, 601 North Oregon, \$600,000 in bond proceeds for construction of a new building; consideration and action on selection of a trustee, paying 1 tender agent for TSBIDC/Capital Program; consideration and action on revision of program guidelines for the Private Placement Program, including a proposed fee schedule; update on the TSBIDC/Capital Program; and discussion of the next meeting date and site. The emergency status was necessary because public notice of a requested increase of the Abbott Services

bond inducement from \$520,000 to \$580,000 had to be given.

Contact: John H. Kirkley, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: August 22, 1985, 9:47 a.m.
TRD-857665

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Texas Employment Commission

Thursday, August 22, 1985, 9 a.m. The Texas Employment Commission (TEC) met in emergency session via conference call originating in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission considered the relocation of the San Angelo regional office to Midland. The emergency status was necessary to overcome space needs and give effect to existing lease options.

Contact: C. Ed Davis, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 463-2291.

Filed: August 20, 1985, 3:45 p.m.
TRD-857626

Thursday, August 29, 1985, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda include prior meeting notes, internal procedures of commission appeals, consideration and action on liability cases and higher level appeals in unemployment compensation cases on commission Docket 35, and setting the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas. (512) 463-2226.

Filed: August 20, 1985, 3:46 p.m.
TRD-857627

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Office of the Governor

Tuesday, September 10, 1985, 3 p.m. The Texas Commission on Child Support of the Office of the Governor will meet on the third floor, 210 Barton Springs Road, Austin. Items on the agenda include the commission's response to public hearings and the design and development of the commission's report to the governor.

Contact: Michael Kent, P.O. Box 12548, Austin, Texas 78711, (512) 475-5051.

Filed: August 21, 1985, 3:16 p.m. TRD-857660

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State Department of Highways and Public Transportation

Thursday and Friday, August 29 and 30, 1985, 9 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in Room 101-A, first floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. Items on the agenda summary include contract awards and routine minute orders, presentations from previous public hearing dockets as necessary, and staff reports relative to planning and construction programs and projects. The agenda is available in the second floor office of the minute clerk in the Dewitt C. Greer Building.

Contact: Lois Jean Turner, Room 203, 11th and Brazos Streets, Austin, Texas 78701, (512) 475-3525.

Filed: August 21, 1985, 1:26 p.m. TRD-857659

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Texas Housing Agency

Wednesday, August 28, 1985, 10 a.m. The Board of Directors of the Texas Housing Agency will meet in the conference room, Suite 700, 411 West 13th Street, Austin. Items on the agenda summary include the election of a vice-chairman of the board; the quarterly financial report; consideration and possible action on the Finance and Audit Committee's recommendations with regard to the fiscal year 1986 operating budget and with regard to the computer conversion and related services; and consideration and possible action on recommendations with regard to the status review of financial advisor, auditor, and trustee.

Contact: Earline Jewett, P.O. Box 13941, Austin, Texas 78711.

Filed: August 20, 1985, 4:17 p.m. TRD-857629

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State Board of Insurance

Wednesday, August 28, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a proposed amendment to Rules 059.03.48.001 and .002; board orders on several different matters as itemized on the complete agenda; the fire marshal's report concerning personnel matters; the commissioner's report concerning personnel matters; pending litigation; and proposed rules on relocating books and records out of state.

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

Filed: August 20, 1985, 3:48 p.m. TRD-857628

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Texas Advisory Commission on Intergovernmental Relations

Wednesday, September 4, 1985, 3:30 p.m. The Texas Advisory Commission on Intergovernmental Relations will meet in the briefing room, Chamber of Commerce Building, Alamo and East Commerce Streets, San Antonio. According to the agenda, the commission will discuss a proposed Texas ACIR study that will examine the governance responses to implementation of the Educational Reform Act of 1984 (House Bill 72), including rationale for the study, objectives and benefits, and possible funding sources.

Contact: Jorge Anchondo, Sam Houston Building, Room 407, Austin, Texas 78701, (512) 475-3728.

Filed: August 20, 1985, 2:58 p.m. TRD-857616

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Board of Pardons and Paroles

Wednesday, August 28, 1985, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider and act on the July 9 and July 15, 1985, minutes; the executive director's report; review of early release to mandatory supervision policy; notification of victim proposal, Senate Bill 235; summons hearing, House Bill 1307; automatic revocation

without hearing, Senate Bill 842; attorney general letter regarding restitution; a proposed letter to the Criminal Justice Policy Council; delegation of authority to a regional supervisor regarding supervision fee and restitution; a notice to a trial official; and board policy for set-off.

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

Filed: August 20, 1985, 10:09 a.m. TRD-857605

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Texas Parks and Wildlife Department

Thursday, August 29, 1985, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at 208 Barton Springs Road, Austin. According to the agenda summary, the commission will have dinner, which is primarily a social event where no formal action is planned; however, the commission may discuss items on the public hearing agenda scheduled for 9 a.m. on August 30.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: August 21, 1985, 2:32 p.m. TRD-857654

Friday, August 30, 1985, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, 4200 Smith School Road, Austin. Items on the agenda include approval of the July 31, 1985, public hearing court reporter minutes; presentation of retirement certificates and service plaques; migratory game bird regulations for 1985-1986; quail bag limits; proposed amendments to wildlife management areas hunting, fishing, and trapping proclamation for 1985-1986; a concession contract for Lake Mineral Wells State Park in Parker County; new facilities development funding for Lakeview State Park in Dallas County; park fees; fiscal year 1986 operational plan and operating budget; land acquisition in Leon County; and land acquisition for the San Jacinto Battleground in Harris County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: August 21, 1985, 2:32 p.m. TRD-857655

Friday, August 30, 1985, noon. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, 4200 Smith School Road, Austin. According to the agenda, the commission will meet in executive session to discuss potential acquisitions, settlement

of pending litigation matters, and personnel matters.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: August 21, 1985, 2:31 p.m.
TRD-857656

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Polygraph Examiners Board

Thursday and Friday, September 5 and 6, 1985, 9 a.m. daily. The Polygraph Examiners Board will meet at the Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin. Items on the agenda summary include administration of the licensing examination on both days; approval of meeting minutes; consideration of the auditor's report; an answer to the Sunset Commission; a physical size-up sent to Mike Smiland; a letter from the Women's Center to Chairman Hood; review of internship applications; discussion of the intern coordinator's authority; discussion of how the six-12-month internship relate to the examination; discussion of registration of an intern license as per §21; financial reports; an appearance by Donnie Patton; setting the 1986 renewal fees; a definition of "on-site inspection"; discussion of complaint files; and discussion of any other polygraph-related business which may come before the board.

Contact: Dawn M. Heikkila, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: August 21, 1985, 3:47 p.m.
TRD-857663

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Texas State Board of Public Accountancy

Committees of the Texas State Board of Public Accountancy will meet in Room 340, 1033 La Posada, Austin. Days, times, and agendas follow.

Thursday, August 29, 1985, 9 a.m. The Enforcement Committee will consider a review of the workload status report for June, July, and August; recommendations regarding specific complaints of licensees; recommendations regarding specific complaints of nonlicensees; and discussion of other complaints brought before the committee.

Friday, August 30, 1985, 9 a.m. The Committee on Technical Standards Review will consider recommendations regarding specific complaints of licensees; discussion of 22 TAC §501.32 of the rules of professional conduct; and review of other complaints.

Wednesday, September 11, 1985, 10 a.m. The Examination Committee will review information relating to the November 1985 uniform CPA examination and future meeting sites; review other pertinent information including discussion of proposed 22 TAC §511.89, concerning examination sites, the ethics examination, and a proposed change to §511.21, concerning application, relating to the moral character of applicants.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: August 20, 1985, 3:08 p.m.
TRD-857617-857619

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Texas Public Building Authority

Wednesday and Thursday, September 4 and 5, 1985, 3 p.m. daily. The Texas Public Building Authority (TPBA) revised the agenda for a meeting to be held at Reynolds, Allen & Cook, Inc., 3300 Allied Bank Plaza, Houston. Items on the agenda include approval of minutes from June 12, 1985; adoption of a new agency seal; consideration and approval of a resolution authorizing TPBA revenue bonds, Series 1985A; an amended and restated memorandum of understanding with the State Purchasing and General Services Commission (SPGSC); a lease agreement with the SPGSC; a funds management agreement with the state treasurer; a trust indenture with Allied Bank of Texas; a bond purchase agreement with certain underwriters; an official statement; other matters in connection therewith; and setting the time and place for the next meeting.

Contact: Gayle Colby, Room 907, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-0290.

Filed: August 21, 1985, 1:58 p.m.
TRD-857652, 857653

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Public Utility Commission of Texas

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

Thursday, August 29, 1985, 9 a.m. A public hearing in Docket 6376—inquiry concerning the amount of fuel overrecovery and fixed fuel factor of Gulf States Utility Company.

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

Filed: August 20, 1985, 2:41 p.m.
TRD-857620

Friday, August 30, 1985, 1:30 p.m. A prehearing conference in Docket 6440—application of Sam Rayburn G&T, Inc., for authority to change rates.

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

Filed: August 20, 1985, 2:40 p.m.
TRD-857621

Thursday, September 5, 1985, 1:30 p.m. An informal meeting in Docket 6443—application of Cassie-Willows Water System for a PURA, §43(h), rate increase.

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

Filed: August 20, 1985, 2:41 p.m.
TRD-857622

Tuesday, September 24, 1985, 1:30 p.m. A prehearing conference in Docket 6436—application of Snowden Water System to transfer certificate of convenience and necessity from Berry Water Company.

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

Filed: August 20, 1985, 2:40 p.m.
TRD-857623

Thursday, September 26, 1985, 11 a.m. An informal meeting in Docket 6414—customer protests in the matter of a PURA, §43(h), rate increase of Wexford Park Sewerage Department.

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

Filed: August 20, 1985, 2:41 p.m.
TRD-857624

Friday, September 27, 1985, 10 a.m. A hearing in Docket 2247—appeal by Pedernales Electric Cooperative, Inc., from rates set by the City of Marble Falls.

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

Filed: August 20, 1985, 2:41 p.m.
TRD-857625

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Texas Savings and Loan Department

Tuesday, August 27, 1985, 10 a.m. The Savings and Loan Section of the Texas Savings and Loan Department met in emergency

session at 2601 North Lamar Boulevard, Austin. Items on the agenda summary included final adoption of new 7 TAC §51.1, concerning requirements for capital stock and paid-in surplus or for savings liability and expense fund; payment before opening for business; §51.2, concerning application for charter; 61.5, concerning confidentiality of financial information; 64.7, concerning net worth requirements; consideration and discussion of comments and further amendments to the proposed repeal of Chapter 65 and proposed new §65.1, concerning types of loans, letters of credit, and investments authorized; §65.2, concerning definitions; §65.3, concerning limitation on loans to one borrower; §65.4, concerning residential real estate loans; §65.5, concerning commercial real estate loans; §65.6, concerning unimproved real estate loans; §65.7, concerning personal property loans; §65.8, concerning oil and gas loans; §65.9, concerning wrap-around real estate loans; §65.10, concerning loans to officers, directors, and employees; §65.11, concerning unsecured loans; §65.12, concerning loan documentation; §65.13, concerning manufactured home loans; §65.14, concerning home improvement loans; §65.15, concerning acquisition, development, and construction loans; §65.16, concerning interim construction loans; §65.17, concerning letters of credit; §65.18, concerning investments in real property; §65.19, concerning investments in deferred payment obligation; and §65.20, concerning investments in securities. The section also met in executive session to consider personnel and supervisory matters. The emergency status was necessary to adopt regulations to implement Senate Bill 1123, which became effective August 26, 1985.

Contact: L. L. Bowman III, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: August 20, 1985, 10:21 a.m.
TRD-857606

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Boards for Lease of State-Owned Lands

Wednesday, August 28, 1985, 3 p.m. The Board for Lease of State Highways and Public Transportation of the Boards for Lease of State-Owned Lands will meet in Room 833, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previous meeting minutes and consider applications for leasing highway lands for oil and gas.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 837, Austin, Texas 78701, (512) 475-0219.

Filed: August 20, 1985, 4:35 p.m.
TRD-857633

Thursday, August 29, 1985, 4:30 p.m. The Board for Lease of the Texas Parks and Wildlife Department of the Boards for Lease of State-Owned Lands will meet in Room 833, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous meeting minutes; approval of the June 13, 1985, minutes; easement application; discussion of a nomination fee for the oil, gas, and minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 837, Austin, Texas 78701, (512) 475-0219.

Filed: August 20, 1985, 4:35 p.m.
TRD-857634

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Sunset Advisory Commission

Thursday, August 29, 1985, 10 a.m. The Sunset Advisory Commission will meet in Room 106, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the commission will conduct an organizational meeting.

Contact: Cindy Unsell, P.O. Box 13066, Austin, Texas 78711, (512) 475-1718.

Filed: August 20, 1985, 2:50 p.m.
TRD-857614

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Teacher Retirement System of Texas

Friday, September 6, 1985, 9 a.m. The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at the Will & Park Inn, Snyder. Items on the agenda include approval of minutes, update of investments for the preceding quarter and a report on forward commitments, consideration of changes to approved common stock list, a report from Bond Review Subcommittee, a report from Real Estate Committee, discussion and recommendation of appointments to the committee, discussion of the economic outlook and market conditions, and allocation of cash flow for the current quarter.

Contact: Clark Manning, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

Filed: August 22, 1985, 9:45 a.m.
TRD-857666

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Board of Vocational Nurse Examiners

Monday-Wednesday, September 16-18, 1985, 8 a.m. daily. The Board of Vocational Nurse Examiners will meet in the Mesquite Room, 925 East Anderson Lane, Austin. Items on the agenda summary include approval of minutes; report of the executive director; report of the director of education, concerning program matters, rules and regulations changes regarding 22 TAC §§233.52, 233.53, 233.65, 233.68, 233.74, 233.84, and 236.17; unfinished business; new business, including a request for rule changes regarding 22 TAC §235.45 and §235.46; approval of out-of-state travel; election of officers; and administrative hearings.

Contact: Joyce A. Hammer, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

Filed: August 21, 1985, 3:48 p.m.
TRD-857662

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Texas Water Commission

Tuesday, September 24, 1985, 2 p.m. The Texas Water Commission (TWC) will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application of the Trinity River Authority of Texas, P.O. Box 240, Arlington, Texas 76010, to the Texas Department of Water Resources for an order to authorize the use of wastewater retention facilities located in a maintenance area owned by the City of Cedar Hill during periods of high flow to prevent overloads of the wastewater treatment facility regulated under TWC Permit 10984-001. The wastewater retention facilities are located in a maintenance area owned by the City of Cedar Hill approximately 7/8 mile south of Little Creek Road and 1/4 mile west of Joe Wilson Road in Dallas County.

Contact: Paula Hilsenbeck, P.O. Box 13067, Austin, Texas 78711, (512) 463-8087.

Filed: August 20, 1985, 1:40 p.m.
TRD-857612

Wednesday, September 25, 1985, 9 a.m. The Texas Water Commission (TWC) will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application of John T. Jones, Jr., Robert L. Leffingwell, Carol Klingemann, and Dorothy V. Hudgens, doing business as Oak Bluff Joint Venture, 500 West 16th Street, Austin, Texas 78701, to the Texas Department of Water Resources for proposed Permit 13167-01 to authorize the discharge of treated domestic wastewater effluent at a volume not

to exceed an average flow of 30,000 gallons per day from the proposed Oak Bluff Wastewater Treatment Plant which is to serve a proposed development of single-family housing.

Contact: Christine McKeeman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 20, 1985, 1:40 p.m.
TRD-857613

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Texas Department of Water Resources

Wednesday, August 21, 1985, 10 a.m. The Texas Water Development Board of the Texas Department of Water Resources submitted an emergency revised agenda for a meeting held in the ballroom assembly room, Hilton Hotel, 1914 Commerce Street, Dallas. According to the agenda summary, the board will select bond counsel to represent the board in the sale on August 21, 1985, of \$30 million Texas water development bonds, series 1985-A, and 50 million Texas water development bonds, series 1985-B. The emergency status was necessary to select bond counsel so that appropriate documentation can be prepared for the delivery of bonds in September 1985.

Contact: Charles E. Nemit, P.O. Box 13087, Austin, Texas 78711, (512) 463-7847.

Filed: August 20, 1985, 10:22 a.m.
TRD-857607

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Regional Agencies Meetings Filed August 20

The Bastrop County Appraisal District, Board of Directors, met in emergency session at 1200 Cedar Street, Bastrop, on Au-

gust 21, 1985, at 1:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Dallas Area Rapid Transit, Service Plan/Work Program Committee met in emergency session at 601 Pacific Avenue, Dallas, on August 21, 1985, at 11 a.m. The Board met in emergency session at the same location on the same day at noon. The Special Needs Committee met in emergency session at the same location on August 22, 1985, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75205, (214) 658-3278.

The Lampasas County Appraisal District met in emergency session at 403 East Second, Lampasas, on August 22, 1985, at 9 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

TRD-857615

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Meetings Filed August 21

The Capital Area Rural Transportation System, Board of Directors, will meet in the conference room, Suite 100, 2520 IH 35 South, Austin, on August 29, 1985, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2201 Post Road, #103, Austin, Texas 78702, (512) 478-RIDE.

The Dallas Area Rapid Transit Authority, Board, submitted an emergency revised agenda for a meeting held at 601 Pacific Avenue, Dallas, on August 21, 1985, at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Heart of Texas Region Mental Health and Mental Retardation, Board of Trustees, will meet at 110 South 12th Street, Waco, on August 28, 1985, at 11:30 a.m. Information may be obtained from Jan Baty, P.O. Box 890, Waco, Texas 76703, (817) 752-3451.

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 3800 Avenue H, Lubbock, on August 26, 1985, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Middle Rio Grande Development Council, Regional Alcoholism Advisory Committee, will meet in the commissioners courtroom, Zavala County courthouse, Crystal City, on August 27, 1985, at 10 a.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

TRD-857641

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Meeting Filed August 22

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on August 28, 1985, at 9 a.m. Information may be obtained from James L. Dunham, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

TRD-857664

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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 Department of Community Affairs Comments Related to Public Hearings

The Texas Department of Community Affairs (TDCA) recently participated in four public hearings regarding the intended use of federal fiscal year 1986 block grant funds. Participation by the Texas Department of Community Affairs in such hearings included a review of the community services block grant (CSBG) and its intended use report. Notice of these public hearings was published in the June 28, 1985, issue of the *Texas Register*. In accordance with the Texas Civil Statutes, Article 6252-13e, the comments that TDCA received and the department's justification for its final decisions on the comments are summarized as follows.

A comment was made complimenting the department for including in the intended use report for CSBG procedures to be followed in the event a change in a service area is desired. Information was also detailed in the state plan itself.

A suggestion was made that a state linkage should be developed as programs are planned and implemented. The TDCA does try to achieve such linkage through joint planning efforts, and coordination during the implementation and operation of a program.

A request was made that TDCA review the term of office of a board member's term, and not limit to the 10 years presently allowed. The term of the board members is not addressed in the state plan itself, but in a program pointer, which in effect becomes part of the contract. Consideration will be given to this matter. The department realizes that rural community action agencies, especially, may have difficulty in obtaining volunteers to serve as board members.

A request was made that TDCA standardize client information forms in order that all agencies would have the proper information for monthly and quarterly reports. Again, this matter is not addressed in the plan itself, but in forms and material TDCA requests as part of the implementation of the program. Although a standard format is desired by some contractors, others want to be free to develop their own. The department will continue to study both sides of this matter and will try to act in the best interest of the majority.

The Southwest Association of Farmworker Organizations requested that TDCA consider granting grandfather status to the farmworker contractors and immigrant conduit subcontractors, or if grandfathering is not granted that farmworker services be continued through the discretionary funding. The TDCA does fund the eligible entities with the 90% funding as required by the Community Services Block Grant Act, as amended. The department will continue to fund organizations serving special popula-

tions, of which migrants is one, out of its discretionary money.

David Ojeda, Jr., executive director of CSA of Dimmit, LaSalle, and Maverick Counties, testified that the CSBG is very important to rural low-income communities, "CSBG serves as a catalyst by providing administrative support to community action agencies and farmworker organizations to allow these agencies the flexibility to mobilize additional resources." He also recognized the effort that TDCA/Economic Opportunity Division has made to allow the needed flexibility at the local level, and hopes such flexibility will continue. He made another suggestion that funding come down to the agency as an agency grant rather than as a grant allocated per county. The flexibility will continue. The funding does go down as an agency grant, and will continue to do so. However, in the past, some county officials have asked for information by county, and received an estimate by the county level. In the future, information will only be available on an agency-wide basis.

Johnny Raymond, representing Texas Panhandle Community Action Corporation, said that his agency would like to see a rural allocation formula for CSBG that would allow for additional funding for rural Community Action Program agencies covering extreme distances. The formula now being used does have a population density factor that does give added weight for this very purpose. Distance and transportation costs are a continuing problem even in the large metro areas. However, after due consideration at this time, the department will address it through the density factor.

A. R. Kampschafer, executive director of County Area United Service Enterprise, Inc. (CAUSE), commended TDCA for including detail procedures for changing contractors, designations or service areas, and for the department's recognition of the possible negative effects of such changes on not only the CSBG activities, but also other programs or projects and agencies providing services in the affected areas. He requested that TDCA consider the specific inclusion of youth recreation in the list of eligible activities, if it is not expressly disallowed by federal law or regulations. He continued by saying that recreation is almost as important to the development of bodies and minds of youths as emergency food and energy assistance are to the elderly, and providing recreation is no less appropriate as an activity having an impact on the causes of poverty than is providing food and utilities. Certainly, lack of recreation is a problem of poverty, in that lack of money makes the normal recreational outlets unavailable to low-income youths, and lack of recreation and desire for money to obtain recreation are motivations for low-income youth delinquency.

Under allowed activities (f) to remove obstacles and solve problems which block the achievement of self-sufficiency, staff for recreation activities would be an allowable cost.

The Texas Community Action Agencies that have operated such activities have managed to get the needed equipment donated and used funds for staff and needed administration costs, and the department will continue that practice.

Twelve letters came in requesting that TDCA continue to allocate funds fairly throughout the state, and continue the five-year plan. These 12 correspondents were all from Hill Country Community Action Association, Inc.

Prior to making a decision on the allocation method for federal fiscal year 1986 after having many oral comments on the subject, the TDCA staff met with the Texas Association of Community Action Agencies' executive committee and discussed the expressed needs. This decision on the formula was approved by the TACAA CSBG Funding Formula Study Committee and then approved by the TACAA Board of Directors June 12, 1985. Therefore, after hearing all sides of the question and considering the present economic hardships in the state, the department decided, as stated in the state plan, to leave the formula for at least one year at last year's formula level based on federal fiscal year 1984 figures and federal fiscal year 1985 factor weights.

Issued in Austin, Texas, on August 20, 1985.

TRD-857831 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: August 20, 1985
For further information, please call (512) 443-4100, ext. 210.

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Texas Economic Development Commission Private Activity Bond Allocation Report

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

House Bill 690 states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of August 12-16, 1985.

Total unallocated principal amount of private activity bonds

authorized to be allocated as per the Federal Deficit Reduction Act of 1984 through August 16, 1985:

\$1,974,064,332.12

Comprehensive listing of bond issues which have received a reservation date as per House Bill 690 during the week of August 12-16, 1985:

Issuer	User	Amount
Walker County Industrial Development Corporation	Star South Development	\$6 million
Tomball Industrial Development Corporation	S.O.G., Inc.	\$1.4 million
Brazos Higher Education Authority, Inc.	Brazos Higher Education Authority, Inc.	\$100 million
City of San Antonio Industrial Development Authority	608 East Travis, Ltd.	\$1.2 million

Total principal amount of private activity bonds issued through August 16, 1985:

\$309,860,310.63

Comprehensive listing of bonds issued as per House Bill 690 during the week of August 12-16, 1985:

Issuer	User	Amount
City of El Paso Industrial Development Authority, Inc.	Lyall Electric, Inc.	\$3 million
Bexar County Industrial Development Corporation	Robert C Hummel	\$700,000

Issued in Austin, Texas, on August 21, 1985.

TRD-857811 Rebecca J. Hefflin
Acting Executive Director
Texas Economic Development
Commission

Filed: August 20, 1985
For further information, please call (512) 472-5058.

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Texas Department of Health Proposed Uranium Byproduct Material License Issuance

The Texas Department of Health proposes to issue Radioactive Material License 8-3653 to Uranium Resources, Inc., for its Kingsville Dome Project (mailing address: Uranium Resources, Inc., Promenade Bank Tower, Suite 735, 1600 Promenade Center, Richardson, Texas 75080).

The Texas Department of Health, Bureau of Radiation Control, has determined that the proposed issuance has no significant impact on the human environment; the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment; the applicant's equipment, facilities, and procedures are adequate to minimize danger to public health and safety, and the environment; the issuance of the license will not be inimical to public health and safety, or have a detrimental impact on the environment; and the applicant satisfies any applicable special requirements in the *Texas Regulations for the Control of Radiation* (TRCR), Parts 41 and 43.

The basis for these conclusions is set out in a document titled *Environmental Assessment, Safety Evaluation Report, and Proposed Licensed Conditions Related to the Uranium Resources Inc. Kingsville Dome Project, Kleberg County, Texas*. Copies of this document are available upon written request from the Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11A, and as set out in TRCR Part 13.4(a). A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the license will be issued 14 days following the end of the 30-day period of notice.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the issuance of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on August 20, 1985.

TRD-857636 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: August 21, 1985
For further information, please call (512) 450-7236.

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State Department of Highways and Public Transportation Consultant Contract Amendment

The State Department of Highways and Public Transportation intends to amend its consultant contract with Barry M. Goodman Associates, Inc., in connection with the department's study of land use and innovative funding impacts in a permanent busway/park-and-ride transit system. The total contract dollar amount will be increased from \$55,300 to \$73,300 and the termination date extended from August 31, 1985, to August 31, 1986.

The consultant proposal request appeared in the September 18, 1984, issue of the *Texas Register* (9 Tex-

Reg 4936), and the award notice appeared in the January 10, 1985, issue of the *Texas Register* (10 TexReg 153).

Issued in Austin, Texas, on August 16, 1985.

TRD-857578 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: August 19, 1985
For further information, please call (512) 475-2141.

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State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for incorporation of Advance Life and Health Insurance Company, to be a domestic life insurance company. The home office is to be in Dallas.

(2) Application for incorporation of Promote Life and Health Insurance Company, to be a domestic life insurance company. The home office is in Dallas.

(3) Application for incorporation of New Southern Title Guaranty Company, Inc., to be a domestic title insurance company. The home office is in Dallas.

(4) Application for admission to do business in Texas of Continental Heritage Insurance Company, a foreign casualty insurance company. The home office is in Salt Lake City, Utah.

(5) Application for incorporation of Partners Life Insurance Company of America, to be a domestic life insurance company. The home office is to be in Austin.

(6) Application for incorporation of Texas Reinsurance Company, to be a domestic fire and casualty insurance company. The home office is to be in San Antonio.

(7) Application for incorporation of CSI/TexDent Dental Plans of Texas, Inc., to be a domestic health maintenance organization. The home office is to be in Irving.

(8) Application for a name change by New Security Casualty Company, a domestic fire and casualty insurance company. The home office is in Yoakum. The proposed new name is Hocheim Prairie Insurance Company.

(9) Application for incorporation of Safeguard Health Plans, Inc., to be a domestic health maintenance organization. The home office is to be in Dallas.

(10) Application for incorporation of Greater Amarillo Health Plan, to be a domestic health maintenance organization. The home office is to be in Amarillo.

(11) Application for admission to do business in Texas of Golden Security Life Insurance Company, a foreign life insurance company. The home office is in Memphis, Tennessee.

(12) Application for admission to do business in Texas of American Business and Mercantile Insurance Mutual, Inc., a foreign fire and casualty insurance company. The home office is in Dover, Delaware.

(13) Application for admission to do business in Texas of Fremont Life Insurance Company, a foreign life insurance company. The home office is in Phoenix, Arizona.

(14) Application for incorporation of VHA Enterprises Insurance Company, to be a domestic life insurance company. The home office is in Irving.

(15) Application for admission to do business in Texas of The Orion Insurance Company, a foreign casualty insurance company. The home office is in Miami, Florida.

(16) Application for a name change by CML Pension and Life Insurance Company, a foreign life insurance company. The home office is in Hartford, Connecticut. The proposed new name is GroupAmerica Insurance Company.

(17) Application for admission to do business in Texas of Presidential Fire and Casualty Company, a foreign fire and casualty insurance company. The home office is in New Orleans, Louisiana.

(18) Application for a name change by U-LIFE Title Insurance Company of Dallas, a domestic title insurance company. The home office is in Houston. The proposed new name is Title USA Insurance Corporation.

(19) Application for a name change by Brazos Life Insurance Company, a domestic life insurance company. The home office is in Houston. The proposed new name is The National Life and Accident Insurance Company.

Issued in Austin, Texas, on August 19, 1985.

TRD-857599

James W. Norman
Chief Clerk
State Board of Insurance

Filed: August 20, 1985

For further information, please call (512) 463-6338.

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Texas State Board of Pharmacy Election of Officers

The Texas State Board of Pharmacy announces the election of officers for fiscal year 1986 as follows: Judy Taylor, Yorktown, president; Virginia Bauman, South Padre Island, vice-president; Renee Solis, R.Ph., El Paso, treasurer.

Issued in Austin, Texas, on August 19, 1985.

TRD-857585

Fred S. Brinkley, Jr.
Executive Director/Secretary
Texas State Board of Pharmacy

Filed: August 19, 1985

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

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Railroad Commission of Texas Request for Proposals

The Railroad Commission of Texas, Surface Mining and Reclamation Division (SMRD), invites offers for consulting services in planning and engineering design of mined land reclamation services. This request is exempted from the advertising and reporting requirements of Texas Civil Statutes, Article 6252-11c, which does not apply to the employment of registered professional engineers.

The commission is the designated state agency for implementation and enforcement of the Surface Mining Control and Reclamation Act of 1977 (30 United States Code

§1201 *et seq.*), and as such it is the recipient of abandoned mine land reclamation funds to be applied toward the reclaiming of abandoned mine areas within the State of Texas. The commission presently is engaged in a project to reclaim approximately 1,320 acres of abandoned surface-mined lands in Milam County. The project requires a prereclamation environmental inventory, a reclamation plan and engineering design, construction contract preparation, and construction administration.

Services Required. The consultant firm will be required to render the following professional services.

Task (1). Prereclamation environmental inventory. An extensive environmental data base relevant to the ALCOA abandoned mine land (AML) project site is already available in the form of permit applications for adjacent and nearby mines and from published sources. This information must, however, be supplemented with site-specific data to evaluate the feasibility of the various possible reclamation strategies and practices. The product of this work unit will be a technical report containing all necessary geotechnical, hydrologic, and environmental data to complete the planning and engineering design phase of this AML project.

Task (2). Reclamation plan and engineering design. The goal of the ALCOA AML project is to reclaim 1,320 acres of abandoned stripmined land to alleviate the existing safety, health, and environmental problems. The post reclamation land use mix should be approximately 60% improved pasture, 30% upland wildlife habitat, and 10% aquatic habitat. Special attention must be paid to solving soil acidification and soil moisture problems. Planned reclamation activities must comply with all applicable federal, state, and local laws and follow suitable recommendations from relevant government agencies. The consultant will submit with his initial proposal a management plan for coordinating and monitoring the various interrelated planning and engineering design activities. This plan should be suitable for use by the key professional personnel in the detailed scheduling and integration of the individual work components and by the project supervisor and the commission in controlling the timely progress of the overall project.

Task (3). Construction contract preparation. The purpose of this task is to develop earthwork and revegetation bid specification documents for the first of the annual construction contracts. The consultant will work closely with the commission's technical and legal personnel on this phase of the project. The construction contract documents will include, but not be limited to, the following elements: earthwork construction contracts, construction management plan, bid specifications package, and work specifications.

Task (4). Construction administration. The consultant shall develop a detailed plan to permit representatives of the consultant and the commission to monitor the progress of earthwork and revegetation construction. The consultant shall observe the progress and quality of the work to assure compliance with the contract documents and shall endeavor to guard the commission against deficiencies in the work.

Response to the Request. Instructions to offerers are provided in the request for proposals. In responding to this request, please submit four copies of the technical and cost proposal in separate envelopes as follows.

(1) Technical qualification criteria. The proposal will demonstrate the offeror's expertise in mined land recla-

mation, hydrology, wildlife and aquatic biology, agronomy and forestry, soil conservation, civil and mining engineering, agricultural engineering, digital topographic mapping, cost-benefit analyses, and organization management. The offeror must also demonstrate capabilities to perform over half of the specified work in-house.

(2) Cost analysis. The offeror will submit an estimated cost analysis for each task. This should include, at a minimum, the following applicable elements: labor, materials, special testing, special equipment, travel, other direct costs, percent and total profit, general and administrative overhead, and total price for each task.

Starting Date. The contract for these services will begin upon approval by the commission and the signing of the contract by all parties.

Deadline for Proposals. This proposal request will close at 5 p.m. on October 18, 1985. A preproposal conference will be held at the Alcoa mine site (approximately four miles north of Rockdale), beginning at 9 a.m. on Wednesday, September 18, 1985. Persons interested in obtaining further information should plan to attend. Proposals should be sent to the Railroad Commission of Texas, Surface Mining and Reclamation Division, Abandoned Mine Lands Sections, P.O. Drawer 12967, Austin, Texas 78711, attention: Special Projects Coordinator.

General Information. The commission reserves the right to accept or reject any or all proposals submitted. In the event the commission selects a contractor to provide the delivery of services described herein, its choice will be based on demonstrated competency, qualifications, and the reasonableness of the fee for services. No proposals may be withdrawn until expiration of 60 days from the date proposals are opened.

Issued in Austin, Texas, on August 20, 1985.

TRD-857842 Walter Earl Lille
Special Counsel
Railroad Commission of Texas

Filed: August 21, 1985
For further information, please call (512) 463-7149.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of August 12-16, 1985.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be

submitted to the commission for final decision on the application.

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

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

Period of August 12-16, 1985

Jackson County Water Control and Improvement District 2, Vanderbilt; wastewater treatment plant; approximately 1,500 feet east of FM Road 234 and approximately 1,600 feet north of FM Road 616 in Vanderbilt, Jackson County; 10196-01; renewal

City of Quanah; wastewater treatment facility; immediately west of FM Road 2568, approximately 0.5 mile north of State Highway Loop 133 in Hardeman County; 10600-01; renewal

City of Palmer; wastewater treatment plant; approximately 0.4 mile south and 0.1 mile west of the intersection of FM Road 813 and IH 45 in Ellis County; 10594-01; amendment

City of Eagle Lake; wastewater treatment facility; approximately 400 feet south of the intersection of U.S. Highway 90-A Bypass and McCarty Avenue in Eagle Lake in Colorado County; 10505-01; renewal

City of Bloomburg; wastewater treatment facility; approximately 200 feet south of the intersection of Anthony and Louisiana Streets within Bloomburg, Cass County; 11146-01; renewal

Harris County Water Control and Improvement District (WCID)—Fondren Road, Houston; wastewater treatment facility; in the northeast section of Missouri City, approximately ¼ mile west of the intersection of U.S. Highway 90A and Fondren Road in Harris County; 10570-01; renewal

City of Houston; wastewater treatment plant; approximately 3,500 feet north of Bissonnet Road and 4,500 feet west of Roark Road in Houston in Harris County; 10495-104; renewal

Intercontinental Energy Corporation, Three Rivers; situ uranium mine; approximately 2.4 miles east northeast of the community of Pawnee in Bee County; 02788; new permit

Phone-Poulence, Inc., plant manufacturing fine organic and inorganic chemicals; on the north side of the DOW Chemical, Inc., plant "A" effluent canal approximately 1 ¾ miles upstream from the plant "A" effluent canal outfall in Brazoria County; 01822; renewal

Koch Carbon, Inc., Corpus Christi; coke crushing, screening, and storing facility; at 210 Materials Dock Road, near the navigation Boulevard draw-bridge on the north side the Tule Lake in Corpus Christi, Nueces County; 02774; new permit

Austin Partners, Inc., San Marcos; wastewater treatment plant; approximately 2.5 miles south of San Marcos at the intersection of Cottonwood Creek and U.S. IH 35; 02800; new permit

PPG Industries, Inc., La Porte; chemical plant; at the intersection of Avenue H and 16th Street in La Porte, Harris County; 01220; renewal

City of Canton; wastewater treatment plant; approximately 4,000 feet northeast of the intersection of IH 20 and State Highway 19 and approximately 5,000 feet northwest of the intersection of IH 20 and FM Road 17 in Van Zandt County; 10399-02; new permit

Gatx Terminals Corporation, Houston; wastewater treatment plant; on the northeast corner of the terminal property which is situated at the north terminus of Witter Street on the northern edge of Pasadena, Harris County; 01308; renewal

City of Tomball; wastewater treatment plant; at 615 East Hufsmith Road, which is approximately 1,400 feet due north of the intersection of Neal Street and East Hufsmith Road in Tomball, Harris County; 10616-01; amendment

First Center Capital, Inc., Tyler; wastewater treatment plant; on the west side of U.S. Highway 69, approximately 1½ miles south of the intersection of U.S. Highway 69 and FM Road 346 in Smith County; 13176-01; new permit

J. M. Huber Corporation, Borger; carbon black plant; south of IH 10, bounded by Cedar Bayou on the east and the Southern Pacific Railroad tracks on the west in Baytown, Harris County; 00373; renewal

Joe Stanley Stephen, David R. Bolton, and Philip J. Tremont doing business as Highway 71 Joint Venture, Austin; residential development; approximately 2¼ miles south of the intersection of State Highway 71 and FM Road 2244 and 2,000 feet west of State Highway 71 in Travis County; 13178-01; new permit

Maxim Production Company, Inc., Boling; confined poultry feeding operation; on the north side of FM Road 442, approximately three miles west of Boling in Wharton County; 02781; new permit

Issued in Austin, Texas, on August 16, 1985.

TRD-857579

Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: August 19, 1985

For further information, please call (512) 463-7800.

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**Office of the Secretary of State
Texas Register Schedule Variation**

Due to the Labor Day holiday, the publication deadline for rules to be published in the September 6, 1985, issue of the *Texas Register* has been changed. Rules for the September 6 issue must be filed by 10 a.m. on Friday, August 30. The deadline for Open Meetings remains the same; Open Meetings still must be filed by 10 a.m. on Tuesday, September 3. This variation will not affect the mailing date of the issue.

Texas Register Publication Schedule

Following are the deadline dates of the September, October, and November 1985 issues of the *Texas Register*. Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, September 3 ★ Friday, September 6 Tuesday, September 10 Friday, September 13 Tuesday, September 17 Friday, September 20 Tuesday, September 24 Friday, September 27	Wednesday, August 28 Friday, August 30 Wednesday, September 4 Monday, September 9 Wednesday, September 11 Monday, September 16 Wednesday, September 18 Monday, September 23	Thursday, August 29 Tuesday, September 3 Thursday, September 5 Tuesday, September 10 Thursday, September 12 Tuesday, September 17 Thursday, September 19 Tuesday, September 24
Tuesday, October 1 Friday, October 4 Tuesday, October 8 Friday, October 11 Tuesday, October 15 ★ Friday, October 18 Tuesday, October 22 Friday, October 25 Tuesday, October 29	Wednesday, September 25 Monday, September 30 Wednesday, October 2 Monday, October 7 Wednesday, October 9 Friday, October 11 Wednesday, October 16 Monday, October 21 Wednesday, October 23	Thursday, September 26 Tuesday, October 1 Thursday, October 3 Tuesday, October 8 Thursday, October 10 Tuesday, October 15 Thursday, October 17 Tuesday, October 22 Thursday, October 24
Friday, November 1 Tuesday, November 5 ★ Friday, November 8 Tuesday, November 12 ★ Friday, November 15 Tuesday, November 19 Friday, November 22 Tuesday, November 26 Friday, November 29	Wednesday, October 30 Friday, November 1 Wednesday, November 6 Friday, November 8 Wednesday, November 13 Monday, November 18 Wednesday, November 20 Monday, November 25	3RD QUARTERLY INDEX Thursday, October 31 Monday, November 4 Thursday, November 7 Tuesday, November 12 Thursday, November 14 Tuesday, November 19 Thursday, November 21 Tuesday, November 26