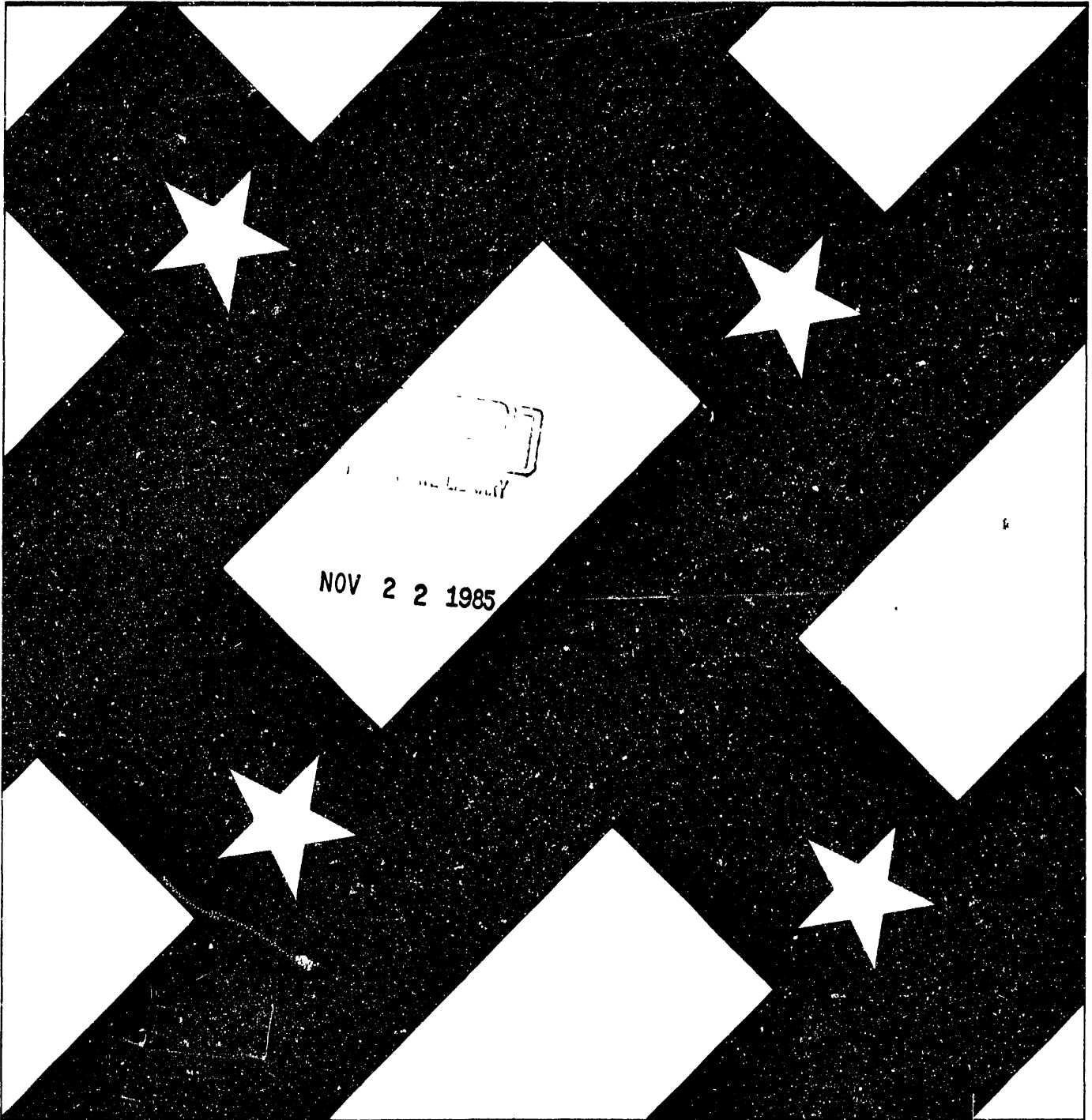


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Texas Register

Volume 10, Number 86, November 19, 1985

Pages 4449 - 4492



Highlights

The **Texas Parks and Wildlife Department** adopts emergency sections concerning resource protection. Effective date - November 8 **page 4456**

The **Office of the Secretary of State** pro-

poses an amendment concerning elections. Earliest possible date of adoption - December 20 **page 4463**

The **Texas Department of Community Affairs** proposes amendments concerning the allocation of program funds. Earliest possible date of adoption - December 8. **page 4465**

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State.

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Information Available: The 11 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "10 TexReg 2 Issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "Issue date 10 TexReg 3."

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

Texas Administrative Code

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

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

- 1 indicates the title under which the agency appears in the *Texas Administrative Code*;
- TAC stands for the *Texas Administrative Code*;
- 27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



Texas Register Publications

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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made November 6

Texas Board on Aging

For terms to expire August 30, 1991:

Mary Hazlewood
2601 Henning
Amarillo, Texas 79106

Ms. Hazlewood is replacing Tony G. Wakin, Jr. of Houston, whose term expired.

Evelyn Porter
716 Monticello
San Antonio, Texas 78223

Ms. Porter is being reappointed.

Texas Commission on the Arts

For terms to expire August 31, 1991:

Margaret S. Mills
4821 Ridgeview
Waco, Texas 76710

Ms. Mills is replacing Mary Moody Northern of Galveston, whose term expired.

Jeffrey Weiss
3510 Turtle Creek Boulevard, Apartment
88
Dallas, Texas 75219

Mr. Weiss is replacing Edith O'Donnell of Dallas, whose term expired.

State Board of Barber Examiners

For terms to expire January 31, 1991:

Joe Wiley Turner
110 Club Drive
Midland, Texas 78701

Mr. Turner is replacing Bill G. Glasson of Corpus Christi, whose term expired.

Thelma R. Walker
3608 Vancouver
Fort Worth, Texas 76119

Ms. Walker is replacing Doris Frazier of Dallas, whose term expired.

Texas Board of Irrigators

For a term to expire January 31, 1991:

William C. Lucas
325 Biscay
Garland, Texas 75043

Mr. Lucas is replacing Weldon Pool of Tyler, whose term expired

State Historical Records Coordinator

For a term to expire January 23, 1988:

David B. Gracy II, Ph.D.
2313 Tower Drive
Austin, Texas 78703

Dr. Gracy is being reappointed.

Commission on Law Enforcement Officer Standards and Education

For a term to expire August 30, 1991:

J. R. "Sonny" Sessions, Jr.
P.O. Drawer 47
Fairfield, Texas 75840

Mr. Sessions is replacing Louise M. Wing of Houston, whose term expired.

State Property Tax Board

For a term to expire March 1, 1991:

William Benjamin Munson IV
911 South Fairbanks
Denison, Texas 75020

Mr. Munson is being reappointed.

Issued in Austin, Texas, on November 6, 1985

TRD-8510507 Mark White
Governor of Texas

★ ★ ★

Appointments Made November 7

Texas Economic Development Commission

For a term to expire February 15, 1989:

Charles Martin Wender
5418 Lancashire Drive
San Antonio, Texas 78230

Mr. Wender is replacing Henry Cisneros of San Antonio, who resigned.

For a term to expire February 15, 1991:

Al Cisneros
#54 McFadden
Brownsville, Texas 78520

Mr. Cisneros is replacing James H. Simms of Amarillo, whose term expired

Commission on Fire Protection Personnel Standards and Education

For a term to expire June 11, 1987.

Helen L. Campbell
2562 Stoutwood Circle
Austin, Texas 78745

Ms. Campbell is replacing Dodd Miller of Dallas, who resigned

For a term to expire June 11, 1991:

Lester W. Tyra, Jr.
326 Evanston
Houston, Texas 77015

Mr. Tyra is replacing Eugene E. Spillman of Irving, whose term expired.

Health and Human Services Coordinating Council

For a term to expire September 1, 1987:

Arnold N. Sweet
10810 Branch Oaks Circle
Dallas, Texas 75230

Mr. Sweet is replacing Sid Stahl of Dallas, who resigned.

Texas Board of Licensure for Nursing Home Administrators

For terms to expire January 31, 1991:

Ray Pearl Bloebaum
7510 Hemingway Drive
Austin, Texas 78752

Ms. Bloebaum is replacing Reverend E. Stanley Branch of Houston, whose term expired.

Reuben R. McDaniel, Jr.
3910 Knollwood Drive
Austin, Texas 78731

Mr. McDaniel is replacing Guy Eugene Shuttlesworth of Smithville, whose term expired.

State Board of Morticians

For a term to expire January 31, 1991:

Ray Burchette
5814 Westmont Drive
Austin, Texas 78731

Dr. Burchette is replacing T. Grady Baskin, Jr. of Tyler, whose term expired.

Texas Structural Pest Control Board

For a term to expire August 30, 1986:

Tommy Lester Brown
6409 Riviera
Fort Worth, Texas 76118

Mr. Brown is being reappointed.

For terms to expire August 30, 1987

James P. Burns
3703 Finchley Drive
Houston, Texas 77082

Mr. Burns is being reappointed.

Roger P. Maddox
230 Roma
Duncanville, Texas 75116

Mr. Maddox is being reappointed.

State Property Tax Board

For a term to expire March 1, 1991:

Chapple C. Dowell
506 Main
Longview, Texas 75604

Mr. Dowell is replacing Stephen T. Jordan of Farmers Branch, whose term expired.

Red River Authority

To the Board of Directors for terms to expire August 11, 1991

Paul Lyle
P.O. Box 328
Plainview, Texas 79072

Mr. Lyle is replacing Robert L. Bliss of Friona, whose term expired

Rex H. McAnelly
101 West 19th Street
Pampa, Texas 79065

Mr. McAnelly is replacing J. W. Campbell of Pampa, whose term expired

Albert B. Wharton III
Zacawesta Ranch
Vernon, Texas 76384

Mr. Wharton is being reappointed.

Texas Tourist Development Board

For a term to expire August 23, 1989:

Joe R. Fulton
11 Hewitt Drive
Corpus Christi, Texas 78404

Mr. Fulton is replacing Paul E. Pendergast of Irving, who resigned

Issued in Austin, Texas, on November 7, 1985

TRD-8510595

Mark White
Governor of Texas

★ ★ ★

Appointments Made November 8

Autism Task Force

For terms to continue at the pleasure of this governor:

Mary F. Brock
6740 Harvest Glen
Dallas, Texas 75248

Patrick L. Cox
Executive Director
Avondale House
3611 Cummins Lane
Houston, Texas 77027

Roger Cox
Psychologist/Associate Professor
Family Practice Center
UT Health Science Center
6011 Harry Hines Boulevard
Dallas, Texas 75235

Bonnie Farrall
6531 Boeing
El Paso, Texas 79998

Paige Fuller
Unit Manager
Community Living Autism Support Program
Austin-Travis County MHMR
3401 Rogge Lane
Austin, Texas 78723

Anna Penn Hundley
Executive Director
Autistic Treatment Center
P.O. Box 529
Richardson, Texas 75080

Susan Lorene McMillan, Ph.D.
108 Franklin Square Building
3724 Jefferson Street
Austin, Texas 78731

Ben Moore, Jr.
Medical Director
Emergency Services
Santa Rosa Medical Center
4814 West Avenue
San Antonio, Texas 78213

C. Hill Rylander
Executive Director
Texas Society for Autistic Citizens
1007 West 31st Street
Austin, Texas 78705

To represent the Texas Department of Human Services

Anita Anderson
Program Specialist
Texas Department of Human Services
P.O. Box 2960
Austin, Texas 78769

To represent mental health and mental retardation:

Michael K. Carter
Coordinator for Autism Services
TDMHMR
P.O. Box 12668
Austin, Texas 78711

To represent the Texas Rehabilitation Commission

J. A. Duarte
Program Specialist
Texas Rehabilitation Commission
118 East Riverside
Austin, Texas 78704

To represent the governor's office:

Rush Russell
Budget Analyst
Governor's Office
P.O. Box 13561
Austin, Texas 78711

To represent the Texas Education Agency:

Joan Shirley
Texas Education Agency
1701 North Congress
Austin, Texas 78701

To represent the Texas Department of Health.

Loretta Smith
Program Administrator
Mental Retardation Services
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

To represent developmental disabilities:

Roger Webb
Executive Director
Texas Planning Council for
Developmental Disabilities
118 East Riverside Drive
Austin, Texas 78704

These appointments are being made pursuant to House Concurrent Resolution 125, 69th Legislature, 1985

Texas Industrialized Building Code Council

For terms to expire February 1, 1986:

Bill Bradley
11019 Southwold
Houston, Texas 77096

Bob Fowler
Route 1, Box 153
Merkel, Texas 79536

Stanley Kidd
5240 Parkview
Beaumont, Texas 77705

Charles D. Kieffer
3308 Oak Grove
Dallas, Texas 75204

Jeffry B. Lewis
4543 Post Oak Place
Suite 200
Houston, Texas 77027

James S. Walker II
3807 Julius Lane
Houston, Texas 77021

These appointments are being appointed pursuant to House Bill 1218, 69th Legislature, 1985.

For terms to expire February 1, 1987:

Charles W. Alexander
100 Middlefork Drive
Irving, Texas 75063

Patrick G. (Greg) Butler
30110 Agusta Drive
Georgetown, Texas 78628

Charles L. Clawson
6219 Lake Ridge Road
Arlington, Texas 76016

Glenn L. Drennon
3414 Timber Mill
Waco, Texas 76710

Kurt A. J. Monier
202 Clearview
San Antonio, Texas 78228

Ben Woody
2111 Miramar
Wichita Falls, Texas 76308

These appointments are being made pursuant to House Bill 1281, 69th Legislature, 1985.

Issued in Austin, Texas, on November 8, 1985.

TRD-8510595

Mark White
Governor of Texas

★ ★ ★

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 20 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 31. NATURAL RESOURCES AND CONSERVATION
Part II. Texas Parks and Wildlife Department
Chapter 69. Resource Protection
Fish and Wildlife Values
★ 31 TAC §§69.20-69.28

The Texas Parks and Wildlife Commission adopts on an emergency basis new §§69.20-69.28, relating to the value of fish and wildlife unlawfully killed, caught, taken, possessed, or injured in violation of the Texas Parks and Wildlife Code or in violation of any proclamation or regulation adopted by the commission, and to any violation of the Texas Water Code where a violation is determined to be a proximate cause of injury to aquatic life or wildlife normally taken for commercial or sports purposes or to species on which this aquatic life or wildlife is directly dependent for food

The commission finds that fish and wildlife resources are in need of immediate protection by the adoption of these sections on an emergency basis because most fall hunting and trapping seasons open in November and December 1985, and additional protection is therefore required to fully compensate the state for damages which may occur to fish and wildlife resources unlawfully taken during these seasons.

These new sections are adopted on an emergency basis under the Texas Parks and Wildlife Code, §§12.301-12.307, and the Texas Water Code, §26.124(b), which provide the Texas Parks and Wildlife Commission with authority to establish values for fish and wildlife resources

§69.20. Application.

(a) These sections adopted pursuant to the authority contained in the Texas Parks and Wildlife Code, §§12.301-12.307, and the Texas Water Code, §26.124(b)

(b) These sections shall apply to the recovery of damages for the value of each fish, shellfish, reptile, amphibian, bird, or animal unlawfully killed, caught, taken, possessed, or injured in violation of the Texas Parks and Wildlife Code or in violation of any proclamation or regulation adopted by authority of the Texas Parks and Wildlife Code

(c) These sections also apply to the recovery of damages for any violation of the Texas Water Code where a violation is determined to be a proximate cause of injury to aquatic life or wildlife normally taken for commercial or sports purposes or to species on which this aquatic life or wildlife is directly dependent for food.

(d) For aquatic life or wildlife species listed in Tables 1-4, the value assigned in those tables (including any premium added for endangered or threatened species) and values of other species not listed and as derived by application of these guidelines are *prima facie* evidence

§69.21. Definitions. The following words or terms, when used in this chapter,

shall have the following meanings, unless the context clearly indicates otherwise:

(1) Commercial species—Those species of fish and shellfish normally taken for sale rather than for recreational purposes

(2) Department—The Texas Parks and Wildlife Department.

(3) Endangered species—Includes all species listed in §§57.131-57.136 of this title (relating to Endangered Species).

(4) Forage species—Those species upon which aquatic life or wildlife directly depend for food.

(5) Sport species—Those species of fish typically susceptible to capture by hook and line.

(6) Threatened species—Includes all species listed in §§65.171-65.178 of this title (relating to Regulations for Taking, Possessing, and Transporting, Protected Nongame Species)

(7) Replacement cost—The estimated cost to produce a like-size individual to one that has been lost.

§69.22. Wildlife and Endangered or Threatened Aquatic Life—Recovery Values

(a) Each species of bird, mammal, reptile, amphibian, threatened or endangered aquatic life is assigned a score of 0-3 for each of eight criteria. Scores are then summed multiplied by a weighting factor and compared to a monetary scale to obtain a monetary value. A partial list of wildlife values obtained by applying these guidelines is included in Table 1.

TABLE 1. PARTIAL LIST WILDLIFE VALUES

SPECIES	CATEGORY	REC	AES	EDU	SCA	ENV	ECO	RET	ECOL	SUM	MUL	SCORE	VALUE RANGE
Whooping Crane	ENDANGERED	2	3	3	3	3	1	3	2	20	1.5	30	\$4,201 - \$10,000**
Bighorn-M	ENDANGERED	0	3	3	3	3	0	3	1	16	1.5	24	\$4,201 - \$10,000**
Bald Eagle	ENDANGERED	1	3	3	2	3	0	3	2	17	1.3	22	\$1,501 - \$4,200**
Bighorn-F	ENDANGERED	0	2	2	3	3	0	3	1	14	1.5	21	\$1,501 - \$4,200**
Atlantic Ridley Turtle	ENDANGERED	0	1	1	3	3	1	3	1	13	1.5	20	\$801 - \$1,500**
Peregrine Falcon	ENDANGERED	1	2	2	2	3	0	3	2	15	1.3	20	\$801 - \$1,500**
Ocelot	ENDANGERED	0	3	0	3	3	0	2	2	13	1.5	20	\$801 - \$1,500**
Mule deer-M	GAME MAMMAL	1	2	2	1	2	1	2	1	12	1.5	18	\$251 - \$800

Brown Pelican	ENDANGERED	0	2	2	3	3	0	3	1	14	1.3	18	\$251 - \$800**
Red-Cockaded Woodpecker	ENDANGERED	1	1	2	3	3	0	2	2	14	1.3	18	\$251 - \$800**
Eastern Turkey	GAME BIRD	1	3	1	3	2	1	1	2	14	1.3	18	\$251 - \$800
Golden-cheeked Warbler	THREATENED	1	1	1	3	3	1	2	2	14	1.3	18	\$251 - \$800*
Attwater's P. Chick	ENDANGERED	1	1	1	3	3	0	1	2	12	1.5	18	\$251 - \$800**
Black Footed Ferret	ENDANGERED	0	1	1	3	3	0	3	1	12	1.5	18	\$251 - \$800**
Elk-M	GAME MAMMAL	0	3	1	3	2	0	2	1	12	1.5	18	\$251 - \$800
Whitetail-M	GAME MAMMAL	3	3	3	0	1	3	2	1	16	1.1	18	\$251 - \$800
Black Bear	GAME MAMMAL	0	2	1	3	2	0	2	2	12	1.5	18	\$251 - \$800

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<u>SPECIES</u>	<u>CATEGORY</u>	<u>REC</u>	<u>AES</u>	<u>EDU</u>	<u>SCA</u>	<u>ENV</u>	<u>ECO</u>	<u>RET</u>	<u>ECOL</u>	<u>SUM</u>	<u>MUL</u>	<u>SCORE</u>	<u>VALUE</u>	<u>RANGE</u>
Alligator	STATUTORY	1	2	2	1	2	1	1	3	13	1.3	17	\$251 - \$800	
Pronghorn-M	GAME MAMMAL	1	3	1	2	2	1	2	1	13	1.3	17	\$251 - \$800	
Elk-F	GAME MAMMAL	0	3	1	3	2	0	2	1	12	1.3	16	\$76 - \$250	
Mule deer-F	GAME MAMMAL	1	3	2	1	1	1	2	1	12	1.3	16	\$76 - \$250	
Pronghorn-F	GAME MAMMAL	1	3	1	2	2	1	2	1	12	1.3	16	\$76 - \$250	
Aoudad	GAME MAMMAL	1	2	0	3	2	1	2	1	12	1.3	16	\$76 - \$250	
Red Fox	FURBEARER	1	2	2	2	1	1	2	3	14	1.1	15	\$76 - \$250	
Whitetail-F	GAME MAMMAL	3	3	3	0	1	2	2	1	15	1.0	15	\$76 - \$250	
River Otter	FURBEARER	0	3	2	2	2	0	2	2	13	1.1	14	\$51 - \$75	
Band-tailed Pigeon	GAME BIRD	0	1	0	3	3	0	1	1	9	1.5	14	\$51 - \$75	
Red-billed Pigeon	GAME BIRD	0	1	0	3	3	0	1	1	9	1.5	14	\$51 - \$75	
Rio Grande Turkey	GAME BIRD	2	3	2	1	1	2	1	2	14	1.0	14	\$51 - \$75	
Mallard	GAME BIRD	2	1	2	2	1	2	2	1	13	1.1	14	\$51 - \$75	
Bottlenose Dolphin	NONGAME	1	3	2	1	2	0	3	2	14	1.0	14	\$51 - \$75	
Trans Pecos Copperhead	THREATENED	0	1	1	2	3	1	0	3	11	1.3	14	\$51 - \$75*	
Bobcat	NONGAME	2	3	2	1	0	1	2	3	14	1.0	14	\$51 - \$75	
Black Hawk	THREATENED	0	1	0	3	3	0	3	3	13	1.0	13	\$51 - \$75*	
Mearns's Quail	GAME BIRD	0	2	0	3	3	0	0	2	10	1.3	13	\$51 - \$75	
Mottled Duck	GAME BIRD	1	1	0	2	2	1	2	1	10	1.3	13	\$51 - \$75	
Sandhill Crane	GAME BIRD	1	3	1	2	1	1	3	1	13	1.0	13	\$51 - \$75	
Pintail	GAME BIRD	2	1	1	2	1	2	2	1	12	1.1	13	\$51 - \$75	
Mink	FURBEARER	0	2	1	2	2	1	2	2	12	1.1	13	\$51 - \$75	
Golden Eagle	NONGAME	1	2	2	1	2	0	2	3	13	1.0	13	\$51 - \$75	
White-winged Dove	GAME BIRD	1	3	0	1	1	1	1	2	10	1.3	13	\$51 - \$75	

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<u>SPECIES</u>	<u>CATEGORY</u>	<u>REC</u>	<u>AES</u>	<u>EDU</u>	<u>SCA</u>	<u>ENV</u>	<u>ECO</u>	<u>RET</u>	<u>ECOL</u>	<u>SUM</u>	<u>MUL</u>	<u>SCORE</u>	<u>VALUE</u>	<u>RANGE</u>
Swallow-tailed Kite	THREATENED	0	2	1	3	2	0	2	2	12	1.0	12	\$21 - \$50*	
Gray Wolf	ENDANGERED	0	1	0	3	3	0	2	3	12	1.0	12	\$21 - \$50**	
Gray Hawk	THREATENED	0	1	0	3	2	0	3	3	12	1.0	12	\$21 - \$50*	
Gambel's Quail	GAME BIRD	1	1	0	2	2	0	1	2	9	1.3	12	\$21 - \$50	
Raccoon	FURBEARER	2	2	2	0	0	2	1	3	12	1.0	12	\$21 - \$50	
Ringtail	FURBEARER	1	2	1	1	1	1	2	3	12	1.0	12	\$21 - \$50	
Gray Fox	FURBEARER	1	2	1	1	1	1	2	3	12	1.0	12	\$21 - \$50	
Texas Blind Salamander	ENDANGERED	0	1	1	2	3	0	3	1	11	1.0	11	\$21 - \$50**	
Houston Toad	ENDANGERED	0	1	1	3	3	0	1	2	11	1.0	11	\$21 - \$50**	
Kit Fox	FURBEARER	0	2	0	2	2	0	2	3	11	1.0	11	\$21 - \$50†	
Canada Goose	GAME BIRD	2	2	2	1	1	1	1	1	11	1.0	11	\$21 - \$50	
Javelina	GAME MAMMAL	1	2	0	2	2	1	2	1	11	1.0	11	\$21 - \$50	
White Fronted Goose	GAME BIRD	2	2	1	2	1	1	1	1	11	1.0	11	\$21 - \$50	
Great Blue Heron	NONGAME	1	2	2	1	1	0	2	2	11	1.0	11	\$21 - \$50	
Red-tailed Hawk	NONGAME	1	2	2	1	0	0	2	3	11	1.0	11	\$21 - \$50	
Speckled Racer	ENDANGERED	0	0	0	3	3	0	2	2	10	1.0	10	\$11 - \$20**	
Alligator Snapper	NONGAME	1	1	1	3	2	1	0	1	10	1.0	10	\$11 - \$20	
Texas Kangaroo Rat	THREATENED	0	2	0	2	2	0	1	3	10	1.0	10	\$11 - \$20*	
Ref. Big-eared Bat	THREATENED	0	1	1	2	2	0	2	2	10	1.0	10	\$11 - \$20*	
Spotted Bat	THREATENED	0	1	1	2	2	0	2	2	10	1.0	10	\$11 - \$20*	
Lesser P. Chicken	GAME BIRD	1	1	0	2	3	0	1	1	9	1.1	10	\$11 - \$20	
Pheasant	GAME BIRD	1	2	2	1	0	1	1	1	9	1.1	10	\$11 - \$20	
White-tipped Dove	GAME BIRD	1	1	0	3	2	0	1	2	10	1.0	10	\$11 - \$20	
Gray Squirrel	GAME MAMMAL	1	1	1	2	1	1	0	2	9	1.1	10	\$11 - \$20	

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<u>SPECIES</u>	<u>CATEGORY</u>	<u>REC</u>	<u>AES</u>	<u>EDU</u>	<u>SCA</u>	<u>ENV</u>	<u>ECO</u>	<u>RET</u>	<u>ECOL</u>	<u>SUM</u>	<u>MUL</u>	<u>SCORE</u>	<u>VALUE</u>	<u>RANGE</u>
Redhead	GAME BIRD	1	1	0	1	2	1	2	1	9	1.1	10	\$11 - \$20	
Mourning Dove	GAME BIRD	3	1	1	0	0	2	1	2	10	1.0	10	\$11 - \$20	
Teal (all)	GAME BIRD	2	2	1	0	1	1	1	2	10	1.0	10	\$11 - \$20	
Blue Jay	NONGAME	1	2	2	1	1	0	1	2	10	1.0	10	\$11 - \$20	
Cardinal	NONGAME	1	3	2	0	1	0	1	2	10	1.0	10	\$11 - \$20	
Robin	NONGAME	1	3	3	0	0	0	1	2	10	1.0	10	\$11 - \$20	
San Marcos Gambusia	ENDANGERED	0	0	0	3	3	0	2	1	9	1.0	9	\$11 - \$20**	
Palo Duro Mouse	THREATENED	0	1	0	2	2	0	1	3	9	1.0	9	\$11 - \$20*	
White-faced Ibis	THREATENED	0	1	0	2	2	0	2	2	9	1.0	9	\$11 - \$20*	
Blue Sucker	THREATENED	0	0	1	2	2	1	1	2	9	1.0	9	\$11 - \$20*	
Reddish Egret	THREATENED	0	1	0	2	2	0	2	2	9	1.0	9	\$11 - \$20*	

Snipe	GAME BIRD	1	1	0	2	2	0	1	2	9	1,0	9	\$11 - \$20
Woodcock	GAME BIRD	1	1	0	2	2	0	1	2	9	1,0	9	\$11 - \$20
Snow Goose	GAME BIRD	2	1	1	0	1	2	1	1	9	1,0	9	\$11 - \$20
Bobwhite	GAME BIRD	3	1	1	0	0	2	0	2	9	1,0	9	\$11 - \$20
Fox Squirrel	GAME MAMMAL	2	2	2	0	0	1	0	2	9	1,0	9	\$11 - \$20
Muskrat	FURBEARER	1	0	0	1	2	1	1	3	9	1,0	9	\$11 - \$20
Chachalaca	GAME BIRD	1	2	0	1	2	0	1	2	0	1,0	9	\$11 - \$20
Lesser Scaup	GAME BIRD	1	1	0	1	1	1	2	2	9	1,0	9	\$11 - \$20
Mockingbird	NONGAME	1	2	3	0	0	0	1	2	9	1,0	9	\$11 - \$20
Badger	FURBEARER	1	2	1	1	1	0	1	2	9	1,0	9	\$11 - \$20
Striped Skunk	FURBEARER	1	1	2	0	0	1	1	3	9	1,0	9	\$11 - \$20
Screech Owl	NONGAME	0	2	1	1	1	0	1	3	9	1,0	9	\$11 - \$20
Alligator Lizard	NONGAME	0	1	0	1	3	0	1	2	8	1,0	8	\$6 - \$10

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<u>SPECIES</u>	<u>CATEGORY</u>	<u>REC</u>	<u>AES</u>	<u>EDU</u>	<u>SCA</u>	<u>ENV</u>	<u>ECO</u>	<u>RET</u>	<u>ECOL</u>	<u>SUM</u>	<u>MUL</u>	<u>SCORE</u>	<u>VALUE</u>	<u>RANGE</u>
Collared Lizard	NONGAME	1	2	0	1	1	0	1	2	8	1,0	8	\$6 - \$10	
Tiger Salamander	NONGAME	0	1	1	1	2	1	0	2	8	1,0	8	\$6 - \$10	
Big Bend Mud Turtle	ENDANGERED	0	0	0	3	3	0	0	2	8	1,0	8	\$6 - \$10**	
Beaver	FURBEARER	0	2	1	1	2	0	1	1	8	1,0	8	\$6 - \$10	
Purple Gallinule	GAME BIRD	1	1	0	2	2	0	1	1	8	1,0	8	\$6 - \$10	
Clapper Rail	GAME BIRD	1	1	0	2	2	0	1	1	8	1,0	8	\$6 - \$10	
Cottontail Rabbit	NONGAME	3	1	1	0	0	0	0	3	8	1,0	8	\$6 - \$10	
Bull Frog	NONGAME	1	1	2	0	1	1	0	2	8	1,0	8	\$6 - \$10	
Coyote	NONGAME	1	1	1	0	0	1	1	3	8	1,0	8	\$6 - \$10	
Hooded Skunk	FURBEARER	0	1	0	2	1	0	1	3	8	1,0	8	\$6 - \$10	
Spotted Skunk	FURBEARER	0	1	0	2	1	0	1	3	8	1,0	8	\$6 - \$10	
Scaled Quail	GAME BIRD	2	1	1	0	0	1	0	2	7	1,0	7	\$6 - \$10	
Comanche Springs Pupfish	ENDANGERED	0	1	1	2	2	0	0	1	7	1,0	7	\$6 - \$10**	
Armadillo	NONGAME	1	2	2	0	0	1	0	1	7	1,0	7	\$6 - \$10	
Diamondbacked Rattlesnake	NONGAME	1	1	2	0	0	1	0	2	7	1,0	7	\$6 - \$10	
Shoveler	GAME BIRD	1	1	0	1	1	0	1	2	7	1,0	7	\$6 - \$10	
Opossum	FURBEARER	1	1	1	0	0	1	1	2	7	1,0	7	\$6 - \$10	
Harter's Water Snake	ENDANGERED	0	0	0	2	2	0	0	2	6	1,0	6	\$6 - \$10**	
Turkey Vulture	NONGAME	0	1	1	1	0	0	2	1	6	1,0	6	\$6 - \$10	
Concho Pupfish	THREATENED	0	0	0	2	2	0	0	1	5	1,0	5	\$1 - \$5*	
Devil's River Minnow	THREATENED	0	0	0	2	2	0	0	1	5	1,0	5	\$1 - \$5*	
Nutria	FURBEARER	1	0	0	0	1	1	1	1	5	1,0	5	\$1 - \$5	
Six-lined Recreerunner	NONGAME	1	1	1	0	0	0	0	2	5	1,0	5	\$1 - \$5	

Texas Rat Snake	NONGAME	0	1	1	0	0	0	0	3	5	1.0	5	\$1 - \$5
Great-tailed Grackle	NONGAME	0	1	1	0	0	0	0	2	4	1.0	4	\$1 - \$5

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SPECIES	CATEGORY	REC	AES	EDU	SCA	ENV	ECO	RET	ECOL	SUM	MUL	SCORE	VALUE RANGE
Gulf Coast Toad	NONGAME	0	0	1	0	0	0	0	3	4	1.0	4	\$1 - \$5
Cotton Rat	NONGAME	0	0	0	0	0	0	0	3	3	1.0	3	\$1 - \$5
White-footed Mouse	NONGAME	0	0	0	0	0	0	0	3	3	1.0	3	\$1 - \$5
Ground Snake	NONGAME	0	0	0	0	0	0	0	2	2	1.0	2	\$1 - \$5

LEGEND:

REC - Recreation	SCA - Scarcity	RET - Recruitment	F - Female
AES - Aesthetic	ENV - Environmental Tolerance	ECOL - Ecological Value	* - Threatened (add \$500)
EDU - Educational	ECO - Economic	M - Male	** - Endangered (add \$1,000)

(b) The scoring criteria are as follows.

(1) Recreation—This criterion takes account of the extent to which a species is traditionally sought after by sportsmen, photographers, bird watchers, nature enthusiasts, park visitors, and others with wildlife interests. Scoring considers both harvest and nonharvest use of a species and represents the degree to which a species is actively sought for recreation. Thus, a species that is not sought after at all would be scored as 0, a highly sought-after species would be scored as 3.

(2) Aesthetic—This criterion takes account of high (score:3) to low (score:0) intangible social values of animals that arise from their beauty or interesting qualities (due to behavior, coloration, movement, or other attributes), and that exist merely because of their known presence, whether or not a given person ever would encounter one in the wild.

(3) Educational—This criterion takes account of high (score:3) to low (score:0) perceived educational value of a species arising from, for example, published materials about the species, displays in zoos, and other audio-visual media.

(4) Scarcity—This criterion takes account of relative population of a species within the range of its habitat, from very abundant (score:0) to scarce (score:3).

(5) Environmental tolerance—This criterion takes account of whether a species is tolerant of a wide range of environmental conditions and the normally considered limiting factors (score:0) or is sensitive to climate, topography, water regimes, or other ecological factors (score:3) and is thus limited in range and population.

(6) Economics—This criterion takes account of high (score:3) to low (score:0) direct or indirect cash flow the species causes as a result of leased recrea-

tion (such as hunting leases), sightseeing tours, park visits, pelt value, or other similar legal financial transactions.

(7) Recruitment—This criterion takes account of high (score:0) to low (score:3) reproductive potential of a species as it relates to the capability for replacement of its population following decrease of loss.

(8) Ecological value—This criterion focuses on the relationship between predators (including carrion-feeders) and the animals upon which they prey—the balance of nature. Widely consumed forage species score high (score:3), as do important predators (score:3) which keep prey species populations under control. Forage species that are not widely consumed score low (score:0), as do rare predators (score:0) which contribute little to regulation of prey populations.

(c) Weighting factors are applied to the basic score achieved by applying the eight criteria listed above to account for the variance in public demand and/or perception of value which exists for the species. These weighting factors further relate to demand for that wildlife resource (species) relative to existing supply and future opportunity as management programs evolve. The total criteria score is multiplied by the relevant weighting factor in this subsection to arrive at the adjusted criteria score. These multipliers are assigned as follows:

(1) 1.0—Assigned when there is no additional public demand or perception of value beyond that reflected by the eight criteria listed in subsection (b) of this section.

(2) 1.1—Assigned when there is minor disparity between resource availability and public interest and where the public demand fluctuates periodically around an equilibrium point.

(3) 1.3—Assigned when there is substantial disparity between available

supply and identified public interest in the wildlife resource (species) that are subject to ongoing management programs.

(4) 1.5—Assigned when the wildlife resource (species) supply is never expected to meet identified demands or needs and includes limited species for which management programs are not fully developed with respect to planned recreational opportunity and economic contribution.

(d) Once a species has been scored using the guidelines established in subsections (a) and (b) of this section, the following table is used to determine the monetary value for each species.

Adjusted Criteria

Score Range	Monetary Range
1-5	\$1.00 - \$5.00
6-8	\$6.00 - \$10
9-10	\$11 - \$20
11-12	\$21 - \$50
13-14	\$51 - \$75
15-16	\$76 - \$250
17-18	\$251 - \$800
19-20	\$801 - \$1,500
21-23	\$1,501 - \$4,200
24-36	\$4,201 - \$10,000

(e) For each individual member of a species that falls under the category of endangered or threatened, a premium is added to the monetary value derived as in subsection (d) of this section. The premium is \$1,000 for each individual member of an endangered species and \$500 for each individual member of a threatened species.

§69.23. Aquatic Life—Sport, Commercial, or Forage. For the purpose of determining the monetary value of aquatic life, all fish and shellfish (excluding threatened and endangered fish species) are designated as either sport, commercial, or forage species depending on the category under which they are normally taken.

§69.24. Sports Species—Recovery Value.

(a) Recovery value for freshwater sport species is based on the replacement cost as listed in the American Fisheries Society publication *Monetary Value of Freshwater Fish and Fish-Kill Counting Guidelines* (modified for inflation) which may be obtained from American Fisheries

Society, 5410 Grosvenor Lane, Bethesda, Maryland 20814. Recovery value for salt-water fish is the average annual exvessel price for fish landed in the Gulf of Mexico as obtained from the National Marine Fisheries Service for the most recent calendar year. The exvessel or dockside price of salt-water fish is multiplied by three to derive

the recovery value of a species. The economic multiplier used is based on data from the latest revision of *Structure of the Texas Economy*, developed by H. W. Grubb. A partial list of sport fish values obtained by applying these guidelines is included in Table II.

TABLE II. Partial List of Sport Fish Values*

Species	Length (in.)						\$/lb.
	2	4	6	8	10	12	
Black Bass	.64	.95	\$1.43	\$2.28	\$3.38	\$4.40	\$4.40
Catfish	.08	.21	.31	.45	.72	.84	\$1.36
Crappie	.47	.64	\$1.10	\$1.57	\$2.20	\$2.20	\$2.20
Striped Bass	.23	.44	.73	\$1.02	\$1.75	\$2.63	\$3.22
White Bass	.23	.44	.73	\$1.02	\$1.75	\$2.63	\$3.22
Black Drum	.03	.06	.19	.39	.99	\$1.71	\$1.95
Flounder	.03	.06	.24	.57	\$1.14	\$1.98	\$2.82
Red Drum	.06	.12	.48	\$1.20	\$2.40	\$4.20	\$6.00
Spotted Seatrout	.06	.12	.42	\$1.20	\$1.80	\$3.60	\$6.00

* as adjusted by the Consumer Price Index, through August 31, 1985.

0-140E-10/25/85

(b) Recovery value for those species not listed in the American Fisheries Society publication and for which there is no exvessel price available is based on the most closely related species in the American Fisheries Society publication.

(c) Introduced or hybrid species are not valued higher than their most closely related native species.

§69.25. Forage Species—Recovery Value.

(a) The value of each forage species is based on the most current edition of the American Fisheries Society publication *Monetary Values of Freshwater Fish and Fish-Kill Counting Guidelines* or, in the case of shellfish, the commercial value designated in §69.26 of this title (relating to Commercial Species-Recovery Value).

(b) For species of finfish not found in the American Fisheries Society publication, the replacement cost of the most closely related species included is used to determine its value. A partial list of forage fish values obtained by applying these guidelines is included in Table III.

TABLE III. Partial List of Forage Fish Values*

Species	Length (in.)										\$/lb.
	1	2	3	4	5	6	7	8	9	10	
Bullhead, all sp.	.04	.12	.14	.18	.22	.26	.39	.39	.39	.43	\$0.43
Hardhead Catfish	.04	.12	.14	.18	.22	.26	.39	.39	.39	.43	\$0.43
Mullet	--	--	--	--	--	--	--	--	--	--	\$0.48
Shad, Gizzard	.07	.07	.07	.15	.15	.15	.21	.21	.26	.26	\$0.26
Shiner, Golden	(\$0.07 each - all lengths)										
Silversides	(\$0.07 each - all lengths)										

* As adjusted by the Consumer Price Index, through August 31, 1985.

§69.26 *Commercial Species Recovery Value.*

(a) Recovery of value for commercial species is based on exvessel or dockside price (by weight or individual as normally determined) as modified by an economic multiplier to obtain a recovery value.

(b) Exvessel or dockside price is determined by the most recent department management data series publication on

commercial harvest data. For species not included in these publications, the average annual exvessel price for fish landed in the Gulf of Mexico as obtained from the National Marine Fisheries Service for the most recent calendar year is used.

(c) Exvessel or dockside price of a commercial species is multiplied by three to derive the recovery value of a species. The economic multiplier used is based on data

from the latest revision of *Structure of the Texas Economy*, developed by H. W. Grubb.

(d) Where a species is normally taken for both commercial and recreational purposes, the higher of the two values is used for purposes of establishing a final value for the species. A partial list of commercial fish values obtained by applying these guidelines is included in Table IV.

Table IV. Partial List of Commercial Shellfish Values

<u>Species</u>	<u>Exvessel Price (\$/lb.)*</u>	<u>X</u>	<u>Eco. Mult.</u>	<u>=</u>	<u>Recovery Value</u>
Brown shrimp	\$2.59	X	3	=	\$7.77
Pink shrimp	\$2.59	X	3	=	\$7.27
White shrimp	\$2.35	X	3	=	\$7.05
Oyster	\$1.50	X	3	=	\$4.50
Blue crab	\$0.39	X	3	=	\$1.17

* As adjusted by the Consumer Price Index, through August 31, 1985.

§69.27 *Updating Existing Recovery Values.*

All recovery values obtained by the application of these guidelines shall be updated by the department on August 31 of each year to reflect any increase (percent of change) in the consumer price index of retail sales as prepared by the Bureau of Labor Statistics, United States Department of Labor (using the National Consumer Price Index, all urban consumers, 1967=100) to reflect current estimated values as

adjusted for inflationary factors. All data regarding fisheries statistics shall also be updated to the current calendar year and as available to the department.

§69.28 *Information—Recovery Values.*

The department shall provide current recovery values for those species of wildlife or aquatic life not referenced in the tables (following these sections) when it appears that such data are required to implement these sections.

Issued in Austin, Texas on November 8, 1985.

TRD 8510540

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: November 8, 1985
Expiration date: March 8, 1986
For further information, please call
(512) 479-4864

★ ★ ★

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 81. Elections Miscellaneous

★ 1 TAC §81.16

The Office of the Secretary of State proposes an amendment to §81.16, concerning approval of voting booths by the secretary of state. The Texas Election Code, §51.032, requires that voting booths be used at all elections and that such booths either meet the specifications stated in that section or be approved by the secretary of state

William Walker, assistant general counsel, has determined that for the first five-year period the proposed 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 Walker 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 enhancing privacy of the voter while voting. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to John Steiner, Director, Legal Section, Elections Division, Office of the Secretary of State, PO. Box 12887, Austin, Texas 78711-2887

The amendment is proposed under the Texas Election Code, §51.032, which provides the Office of the Secretary of State with the authority to approve for use in elections voting booths which do not comply with the specifications stated in the Code, §51.032

§81.16. *Approval of Voting Booths by Secretary of State.*

(a) For approval by the secretary of state, pursuant to the Texas Election Code, §51.031, a voting booth designed to be placed on a table top must meet the following requirements.

(1) A booth must be constructed of opaque material and have three sides.

(2) The top of the booth must reach at least 54 inches from the floor or 24 inches from the table top, whichever is higher.

(3) The booth must be at least 22 inches wide and 19 inches deep at the writing surface.

(4) At the highest point, the booth may be no more than two inches shallower than the depth of the booth at the writing surface

(5) The booth must be so constructed as to be reasonably sturdy and to withstand expected use.

(b) Variances from statutory standards for voting booths designed to be used by a standing voter will be considered on a case-by-case basis

(c) Vendors wishing to sell voting booths, which do not comply with the Texas Election Code, §51.031, to political subdivisions for use in elections must obtain approval in writing for such booths pursuant to the Texas Election Code, §51.031, before offering the booths for sale

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 November 12, 1985

TRD 8510584 Myra A. McDaniel
Secretary of State

Earliest possible date of adoption
December 20, 1985

For further information, please call
(512) 475 2015



Chapter 97. Business Opportunity Fees and General Information

★ 1 TAC §97.21

The Office of the Secretary of State proposes an amendment to §97.21, concerning filing fees and general information

The amendment sets out the filing fees for an exemption and voluntary termination, the fees for copying business opportunity filings, and issuing certificates. In addition, the amendment deletes the requirement that the fees be submitted in the form of a cashier's check or money order

Colleen Lloyd, administrative technician II, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section. The anticipated effect on state government is an estimated increase in revenue of \$30,000 in 1985, \$27,600 in 1986, \$25,392 in 1987, \$23,361 in 1988, and \$21,492 in 1989

Ms Lloyd 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 bringing the fees into compliance with prior administrative rules and with the amendments by the 69th Legislature, 1985, to the Business Opportunity Act, Texas Civil Statutes, Article 5069, §16.01 *et seq.* The anticipated economic cost to individuals who are required to comply with the rule as proposed will range from \$.55 for copying one page of a business opportunity filing to \$25 to file an exemption of voluntary termination, or \$50 if both filings are required

Comments on the proposal may be submitted to Linda Stout, Director, Statutory Documents Section, PO Box 12887, Austin, Texas 78711 2887. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*

The amendments are proposed under Texas Civil Statutes, Article 5069, §16.17, which provide the secretary of state with the authority to promulgate rules necessary to enforce and administer the Act

§97.21. *Fees and General Information*

(a) The filing fee for an initial original file is \$195 and is nonrefundable [and must be submitted in the form of a money order or cashier's check]

(b) The fee for supplemental or amendment filing is \$25 and is nonrefundable [and must be submitted in the form of a money order or cashier's check]

(c) File material may be obtained in either a total or partial file format upon advance payment of the fees set out as follows.

(1) Total file of a business opportunity registrant is \$.55 for the first page and \$.15 thereafter [\$10].

(2) Partial file-\$.55 for the first page and \$.15 thereafter [\$.50 per page].

(3) (No change.)

(4) Certificate of record or no record-\$5.00 [\$2.00].

(d) The exemption filing under the Act, §16.06(1)(F), is \$25 and is nonrefundable.

(e) The voluntary termination filing under the Act, §16.16, is \$25 and is nonrefundable.

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 November 8, 1985

TRD-8510493 Myra McDaniel
Secretary of State

Earliest possible date of adoption
December 20, 1985

For further information, please call
(512) 475-2015

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★ 1 TAC §97.22, §97.23

The Office of the Secretary of State proposes new §97.22 and §97.23, concerning the form and procedure for filing an exemption to the Business Opportunity Act, §16.06(1)(F), and a voluntary termination under the Business Opportunity Act, §16.16.

Colleen Lloyd, administrative technician has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for local government or small businesses as a result of enforcing or administering the sections. The anticipated effect on state government is an estimated additional cost of \$9,200 in 1985, \$10,120 in 1986, \$11,132 in 1987, \$12,245 in 1988, and \$13,470 in 1989.

Ms Lloyd also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is the development of procedure and form to follow to claim an exemption in accordance with the Business Opportunity Act, §16.06(1)(F), and to voluntarily terminate a registration in accordance with the Act, §16.16. Section 97.21 contains a discussion of the anticipated economic cost to individuals required to comply with the rule as proposed.

Comments on the proposal may be submitted to Linda Stout, Director, Statutory Documents Section, P.O. Box 12887,

Austin, Texas 78711-2887. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Article 5069, §16.06-1(F), and Article 5069, §16.17, which provide the secretary of state with the authority to prescribe the form of the notice and to promulgate rules necessary to administer and enforce the Act

§97.22. Exemption Statement Form.

(a) The Office of the Secretary of State hereby adopts by reference the form, exemption statement form. All persons required to register shall use this form or a document which shall contain all the following information: a statement that the product/package franchisor claims an exemption under Texas Civil Statutes, Article 5069, §16.06(1)(F), the name of the franchisor, the name under which the franchisor intends to do business, the franchisor's principal address, the date the document is signed, and the signature and title of the signer. Copies of the form may be obtained by contacting the Office of the Secretary of State, Business Opportunities Section, P.O. Box 13563, Austin, Texas 78711-3563

(b) The exemption statement will be effective as of the date of receipt in the secretary of state's office and the receipt of proper filing fee.

(c) Refer to §97.21 of this title (relating to fees and General Information) for the filing fee.

§97.23 Voluntary Termination.

(a) The Office of the Secretary of State hereby adopts by reference the form, voluntary termination statement form. All persons voluntarily terminating their registration shall use this form. Copies may be obtained by contacting the Office of the Secretary of State, Business Opportunities Section, P.O. Box 13563, Austin, Texas 78711-3563.

(b) The voluntary termination statement will be in effect as of the date of receipt in the secretary of state's office and the receipt of the proper filing fee

(c) Refer to §97.21 of this title (relating to Fees and General Information) for the filing fee

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

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TRD-8510494 Myra A McDaniel
Secretary of State

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December 20, 1985

For further information, please call
(512) 475-2015

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TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs Chapter 9. Texas Community Development Program Subchapter A. Allocation of Program Funds

★ 10 TAC §9.1, §9.4

The Texas Department of Community Affairs proposes amendments to §9.1 and §9.4, concerning the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP). For planning/capacity building applications only, the amendment to §9.1(e) deletes the requirement that an applicant must hold at least one of its public hearings in the proposed project area. A new subsection (m) is added to §9.1 that governs the distribution of unobligated and recaptured funds. The amendment to §9.4 disqualifies a planning/capacity building application if such an application is related to the applicant's current statewide area revitalization fund application or contract.

Douglas C Brown, general counsel, has determined that for the first five-year period the proposed sections 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 sections

Mr Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is a greater opportunity for eligible units of general local government to compete for funding under the Texas Community Development Program. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to Douglas C Brown, General Counsel, PO Box 13166, Austin, Texas 78711

The amendments are proposed under Texas Civil Statutes, Article 4413(201), §4A, which provide the Texas Department of Community Affairs with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the TDCA

§9.1. General Provisions

(a)-(d) (No change.)

(e) Citizen participation. Prior to submitting an application, an applicant for Texas Community Development Program funding must:

(1) hold at least one public hearing prior to preparing its application and at

least one additional public hearing prior to submitting its completed application to the TDCA. Except for applications submitted under the planning/capacity building fund, at least one of the public hearings must be held in the proposed project area. The first public hearing must be held at least seven days prior to the second public hearing. The first public hearing must include a presentation describing the funding available, the types of eligible activities under the Texas Community Development Program, and the use of past Texas Community Development Program funds, if applicable. If an applicant changes the scope of its proposed project (e.g., the site, the amount of funds requested, or the number of beneficiaries) the applicant must hold an additional public hearing on the revised project prior to submitting its completed application to the TDCA; and

(2) (No change)

(f)-(l) (No change)

(m) **Unobligated and recaptured funds.** Any additional funds resulting from the recapture of dollars from a prior year's allocation or unobligated funds from a program area specified in subsection (b) of this section may be redistributed to eligible communities at the discretion of the executive director of the TDCA within such program areas.

§9.4 Planning/Capacity Building Fund

(a) **General provisions.** This fund is intended to provide an opportunity for units of general local government to prepare comprehensive community development plans, develop strategies, assess needs, and build or improve local capacity to undertake future community development projects or to prepare other needed planning elements. Eligible units of general local government are to be the direct recipients of planning contracts. Units of general local government may submit one application for planning funds semiannually. A community which is currently receiving or applying funding under either the community development project fund or the statewide area revitalization fund or for which the local government is applying for funding under the community development project fund or the statewide area revitalization fund.

(b)-(d) (No change)

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

Issued in Austin, Texas, on November 8, 1985

TRD 8510505 Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption
December 20, 1985

For further information, please call
(512) 834 6060

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TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 70. Industrialized Housing and Buildings

Subchapter A. Legislative Intent, Purpose, Scope, and Definitions

★ 16 TAC §§70.1-70.4

The Texas Department of Labor and Standards proposes new §§70.1-70.4, concerning legislative intent, purpose, scope, and definitions. The new sections are promulgated as a result of House Bill 1218, which was enacted by the 69th Legislature, 1985. Section 70.1 and §70.2 detail the legislative intent and purpose of Chapter 70, concerning industrialized housing and buildings. Section 70.3 gives the scope of rules and §70.4 gives the definitions to be used in the industrialized housing rules. As a result of House Bill 1218, modular housing will no longer be regulated under Texas Civil Statutes, Article 5221f, in Texas. House Bill 1218 provides for a 12-member council, the Texas Industrialized Building Code Council, which is appointed by the governor and which was created to assure that the designs, plans, and specifications of industrialized housing and buildings meet the mandatory state code. Local municipalities will have primary on-site construction inspection responsibility. The department will inspect the construction of industrialized housing or buildings at the manufacturing plant or facility. The Act also provides for third-party inspectors which shall be approved by the council upon recommendation of the department.

John Steele, Manufactured Housing Division director, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Steele also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is better constructed, better inspected, and safe manufactured housing in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to John P. Steele, Director, Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711, or PO Box 12157, Austin, Texas 78711. A public hearing to receive comments will be held at 10:30 a.m. on November 26, 1985, at the John H. Reagan Building, 100 West 15th Street, Austin.

The new sections are proposed under Texas Civil Statutes, Article 5221f-1, which provide the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

§70.1 Legislative Intent. The 69th Legislature has found and determined that there is great need to provide safe, durable code-constructed housing and buildings and to encourage the economics realized through mass production and assembly line building techniques in order to produce and provide more affordable dwellings and buildings. The 69th Legislature, 1985, has also found and determined that existing statutes and regulations prior to September 1, 1985, are not adequate to coordinate properly the interests of both the state and local political subdivisions including home rule cities. In recognition of its findings, and in order to promote the public health, safety, and welfare, the 69th Legislature, 1985, enacted House Bill 1218 mandating the regulation of industrialized housing and buildings and provided that such Act shall be liberally construed and applied to encourage innovative building and construction techniques. (Chapter 84, 69th Legislature, 1985, Vernon's Texas Session Law Service, 1985, page 332)

§70.2 Purpose of Rules. The rules in this chapter are adopted in order to implement the provisions of Texas Civil Statutes, Article 5221f-1, relating to industrialized housing and buildings (Act) and to conform to the legislative mandate in the Act, §6, to assure compliance and to provide for uniform enforcement. In addition, it is the intent of these sections to recognize the vital role of municipalities in this state in the regulation of on-site construction and erection of industrialized housing and buildings within their jurisdictions and in coordinating properly the public interests of both the local political subdivisions and the state.

§70.3 Scope of Rules. The scope of the sections in this chapter is limited by the Act; accordingly they do not apply to

(1) mobile homes or HUD-code manufactured homes as defined in Texas Civil Statutes, Article 5221f;

(2) housing constructed of sectional or panelized systems not utilizing modular components;

(3) ready-built homes which are constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location; provided that modular components are not utilized nor used in the construction of the ready-built home;

(4) any residential or commercial structure which is in excess of three stories or 49 feet in height as measured from the

finished grade elevation at the entrance of the structure to the peak of the roof; or

(5) temporary structures which are not designed for, and are not installed on, permanent foundations. Any structure placed on a permanent foundation system is not a temporary structure

§70.4. Definitions

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

(1) Act—Texas Civil Statutes, Article 5221f-1, as passed in House Bill 1218, Acts of the 69th Legislature, 1985.

(2) Approved—Approved by the council or the department

(3) Builder—A person who is engaged in the assembly, connection and on-site construction and erection of modules or modular components at the building site or who is engaged in the purchase of industrialized housing or buildings or of modules or modular components from a manufacturer for sale to the public; a subcontractor of a builder is not a builder for purposes of these sections

(4) Building site—See site, paragraph (36) of this subsection

(5) Building system—The design and/or method of assembly of modular components represented in the plans, specifications, and other documentation which may include structural, electrical, mechanical, plumbing, fire protection, and other systems affecting health and safety

(6) CABO—Council of American Building Officials composed of ICBO, SBCCI, and Building Officials and Code Administrators International, Inc (BOCA)

(7) Commercial structure—An industrialized building classified by the applicable model code for occupancy and use groups other than residential for one or more families

(8) Commissioner—Commissioner of the Texas Department of Labor and Standards

(9) Compliance Assurance Program—The system, documentation, and methods of assuring that industrialized housing, buildings, and modular components, including their manufacture, storage, transportation, assembly, handling and on-site construction, conform with the Act and these rules and regulations

(10) Component—A sub-assembly, sub-system, or combination of elements for use as a part of a building system or part of a modular component that is not structurally independent, but may be part of structural, plumbing, mechanical, electrical, fire protection, or other systems affecting life safety

(11) Closed construction—That condition when any industrialized housing or building, modular component, or portion thereof is manufactured in such a manner that all portions cannot be readily in-

spected at the site without disassembly or destruction thereof.

(12) Council—The Texas Industrialized Building Code Council.

(13) Decal—The approved form of certification issued by the department to the manufacturer to be permanently affixed to the module indicating that it has been constructed to meet or exceed the code requirements and in compliance with these sections.

(14) Design package—The aggregate of all plans, designs, specifications, and documentation required by these rules to be submitted to the design review agency, or required by the design review agency for compliance review, including the compliance assurance manual and the on-site construction documentation. Unique or site specific foundation drawings and special on-site construction details prepared for specific projects are not a part of the design package except as expressly set forth in §70.103 of this title (relating to Alterations or Deviations).

(15) Design review agency—An approved organization, private or public, determined by the council to be qualified by reason of facilities, personnel, experience and demonstrated reliability to review designs, plans, specifications and building systems documentation, and to certify compliance to these rules evidenced by affixing the council's stamp

(16) Department—Texas Department of Labor and Standards

(17) ICBO—International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601

(18) Insignia—The approved form of certification issued by the department to the manufacturer to be permanently affixed to the modular component indicating that it has been constructed to meet or exceed the code requirements and in compliance with these sections

(19) Industrialized building—A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected on or affixed to a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems

(20) Industrialized housing—A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the perma-

nent residential site and are erected on or affixed to a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems.

(21) Installation—On-site construction (paragraph 29 of this subsection).

(22) Local building official—The agency or department of a municipality with authority to make inspections and to enforce the laws, ordinances, and regulations applicable to the construction, alteration, or repair of residential and commercial structures.

(23) Manufacturer—A person who constructs or assembles modules or modular components at a manufacturing facility which are offered for sale or lease, sold or leased, or otherwise used.

(24) Manufacturing facility—The place other than the building site, at which machinery, equipment, and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming, or assembling industrialized housing, buildings, modules, or modular components

(25) Model—A specific design of an industrialized housing, buildings, or modular components, which is based on size, room arrangement, method of construction, location, arrangement, or size of plumbing, mechanical or electrical equipment and systems therein in accordance with an approved design package

(26) Modular component—A structural portion of any dwelling or building that is constructed at a location other than the site in such a manner that its construction cannot be adequately inspected for code compliance at the site without damage or without removal of a part thereof and reconstruction

(27) Module—An industrialized house or building, or portion thereof, designed and approved to be transported as a single section and as a structurally independent unit to a site for on-site construction with or without other modules or modular components

(28) NFPA—National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269

(29) On-site construction—Preparation of the site, foundation construction, assembly and connection of the modules, modular components or components, affixing the structure to the permanent foundation, connecting the structures together, completing all site-related construction in accordance with designs, plans, and specifications

(30) Open construction—That condition when any industrialized housing, building, or portion thereof is constructed in such a manner that all parts or processes of manufacture can be readily inspected at the building site without disassembly, damage to, or destruction thereof.

(31) Permanent foundation system—A system by which industrialized

housing or buildings are permanently affixed to the building site and which is designed to meet the applicable building code as set forth in Subchapter C of this chapter (relating to Standards and Codes)

(32) Person—An individual, partnership, company, corporation, association, or other group, however organized.

(33) Registrant—A person who, or which, is registered with the department pursuant to the rules of this chapter as a manufacturer, builder, design review agency, or third-party inspector

(34) Residential structure—Industrialized housing designed for occupancy and use as a residence by one or more families

(35) SBCCI—Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

(36) Site or building site—A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are permanently attached to foundations.

(37) Structure—An industrialized house or building which results from the complete assemblage of the modules, modular components, or components designed to be used together to form a completed unit

(38) Third-party inspector—An approved person or agency, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability and independence of judgment to inspect industrialized housing, buildings, and portions thereof for compliance with the approved plans, documentation, compliance assurance program, and applicable codes

(b) Other definitions may be set forth in the text of the sections in this chapter. For purposes of these sections, the singular means the plural, and the plural means the singular

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 November 12, 1985

TRD-8510586 Allen Parker Sr
Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption
December 20, 1985
For further information, please call
(512) 475-0155



Subchapter B. Responsibility and Authority of Local Building Officials, Council, and Department

★ 16 TAC §§70.10-70.13

The Texas Department of Labor and Standards proposes new §§70.10-70.13, concerning the division of responsibility and authority between and among the local building official, the council, and the department, with regard to industrialized housing and buildings. The Act delineates different roles for local building officials, the council, and the department which §§70.10-70.13 seek to define.

John P. Steele, director of the Manufactured Housing Division, has determined that for the first five-year period the proposed sections 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 sections

Mr. Steele also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is better constructed, inspected, and safe manufactured housing in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to John P. Steele, Director of Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711, or PO Box 12157, Austin, Texas 78711. A public hearing to receive comments will be held at 10:30 a.m. on November 26, 1985, at the John H. Reagan Building, 100 West 15th Street, Austin.

The new sections are proposed under Texas Civil Statutes, Article 5221f-1, which provide the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement

§70.10. Intent. This subchapter implements the intent of the Act in the public interest for the division of responsibility and authority between and among the local building official, the council, and the department

§70.11. Local Building Official. The local building official shall have the authority:

(1) to require and review, for compliance with the mandatory state codes, a set of design plans and specifications bearing the stamp of the council for the placement of industrialized housing or buildings within its jurisdiction;

(2) to require that all applicable local permits and licenses be obtained before any construction begins on a building

site or before the placement of any module or modular component;

(3) to enforce the requirements of all local ordinances relating to land use and zoning, building setback, side and rear yard offsets, site planning, development, subdivision control, and landscape architectural requirements;

(4) to require that all modules or modular components have affixed the decal or insignia issued by the department;

(5) to witness in-plant inspections to make recommendations for inspection procedures to the council;

(6) to inspect all construction done at the site including the construction of the foundation system and the erection, assembly, and connection of the modules or modular components to the permanent foundation to assure compliance with the approved design package for industrialized housing or buildings to be sited within its jurisdiction;

(7) to perform an overall visual inspection for obvious nonconformity to the applicable code, to require final inspections along with any tests which are approved by the council, and to require the correction of deficiencies identified by the tests or discovered in final inspections;

(8) to notify the commissioner of any damage to a module or modular component resulting from transportation to, or handling at, the building site which is not corrected by the builder; to notify the commissioner of any noncompliance to, or deviation from, the approved building system or applicable code; and to report to the commissioner any violation of these rules and regulations; these notices and reports shall be submitted by certified mail; and

(9) to petition the council to amend the mandatory state codes if the amendment is essential for the health and safety of the public on a statewide basis

§70.12. Council. The council shall have authority to

(1) establish the criteria for the qualification of third-party inspectors and design review agencies;

(2) approve or disapprove all applications to be an approved third-party inspector or design review agency;

(3) adopt and approve a stamp to be used by a design review agency or the department to certify that the design package meets or exceeds the requirements of the mandatory state codes;

(4) determine if amendments or revisions to the model codes as finally approved, respectively, by ICBO, SBCCI, or NFPA are in the public interest and consistent with the purposes of the Act; if so determined, to require that the mandatory state codes be amended accordingly;

(5) determine and resolve all questions relating to the design package concerning code equivalency or the use of alternate materials or methods of construction, from an engineering performance standpoint, to

the standards and requirements of the mandatory state codes, as may be submitted in writing by a local building official, the department, or a manufacturer;

(6) review a petition for amendment to the mandatory state codes submitted by a local building official and determine if the petition alleges sufficient facts or reasons as to why the amendment is essential in the public interest on a statewide basis; if not, reject the petition, or if so, request the commissioner to call a hearing to receive evidence for and against the proposed amendment; make a determination as to whether the amendment is essential for the health and safety of the public on a statewide basis; if not, reject the proposed amendment, or if so, adopt the amendment to become effective on a date certain;

(7) interpret these rules; and issue instructions for the inspection of both the in-plant and on-site construction of industrialized housing and buildings; and

(8) submit to the department for adoption and issuance any rules necessary to implement the decisions, actions, and interpretations of the council

§70.13 Department. The department shall have authority to:

(1) adopt rules and regulations and administrative orders as necessary to assure compliance with the Act and the actions and decisions of the council;

(2) set fees for registration, for inspections, for decals, insignia, and review time;

(3) evaluate, according to the council's criteria, the qualifications of third-party inspector and design review agencies, and then make recommendations to the council;

(4) publish a listing of all approved third party inspectors and design review agencies,

(5) review (when the department acts as a design review agency) designs, plans, specifications, and documentation to determine compliance of the submitted building system with the mandatory state codes and these rules, and cause the stamp of the council to be placed on each page of such documentation that meets or exceeds the code standards and these rules and regulations,

(6) inspect the construction of industrialized housing or buildings, modules or modular components at the manufacturing facility and on-site construction in accordance with the Act and any inspection instructions of the council to assure compliance with the applicable mandatory codes; and

(7) monitor and evaluate the performance of third-party inspectors and design review agencies and make performance reports and recommendations to the council as may be necessary

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 November 12, 1985

TRD 8510587

Allen Parker, Sr
Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption
December 20, 1985

For further information, please call
(512) 475 0155

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Subchapter C. Standards and Codes

★ 16 TAC §§70.20-70.22, 70.25-70.27

The Texas Department of Labor and Standards proposes new §§70.20-70.22 and 70.25-70.27, concerning the mandatory building codes for manufacturing industrialized housing and buildings in Texas. The sections also detail amendments to model codes, use and construction of codes, alternate methods and materials, local amendments, and the need for code uniformity and resolution of code conflicts.

John P. Steele, director of the Manufactured Housing Division, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Steele also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is better constructed, inspected, and safe manufactured housing in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to John P. Steele, Director of Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711, or PO Box 12157 Austin, Texas 78711. A public hearing to receive comments will be held at 10:30 a.m. on November 26, 1985, at the John H. Reagan Building, 100 West 15th Street, Austin.

The new sections are proposed under Texas Civil Statutes, Article 5221f-1, which provides the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

§70.20. Mandatory Codes. All industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the following codes and their appendices:

(1) NFPA—National Electrical Code, 1984 Edition; and

(2) either:

(A) ICBO—Uniform Building Code, 1982 Edition; Uniform Mechanical Code, 1982 Edition; and Uniform Plumbing Code, 1982 Edition; or

(B) SBCCI—Standard Building Code, 1982 Edition; Standard Plumbing Code, 1982 Edition; Standard Mechanical Code, 1982 Edition; and Standard Gas Code, 1982 Edition.

§70.21. Amendments to Model Codes.

(a) The council shall consider and review all amendment(s) to these codes which are approved and recommended by ICBO or SBCCI, and if such are determined to be in the public interest, the amendment(s) shall be effective 180 days following the date of the council's determination or at such later date as set by the council.

(b) Any amendment proposed by a local building official and determined by the council following a public hearing to be essential to the health and safety of the public on a statewide basis shall become effective 180 days following the date of the council's determination or at such later date as set by the council.

§70.22 Use and Construction of Codes.

(a) The local building official shall advise the department in writing as to whether the municipality bases its code on the ICBO code group or the SBCCI code group. Any industrialized housing or building, module, or modular component, to be located within the jurisdiction of the municipality must be constructed to meet or exceed the standards and requirements of the model code referenced in this subchapter for the code group used by the municipality.

(b) If the industrialized housing or building, module, or modular component, is located either outside a municipality or in a municipality that does not base its code on the SBCCI or ICBO code groups, then the manufacturer may choose which of the two code groups with which the construction must comply. The manufacturer shall specify which of the two model code groups is applicable to the design package.

(c) The codes adopted in this subchapter shall be construed so as to conform to the intent of the Act and of these rules and regulations. For example, where reference is made in any of the codes to the "building official," the "plumbing" or "mechanical" official or the "administrative authority" or "enforcement official" such reference shall be construed pursuant to the Act and the sections in this chapter to mean, where applicable, the council or the local building official or the department.

§70.25 Alternate Methods and Materials

(a) Alternate methods of construction or use of materials other than as certified by a registered professional engineer in accordance with performance criteria and standards pursuant to the mandatory codes set forth in this subchapter must be approved by the council

(b) Manufacturers shall submit descriptions of alternate methods or materials required to be approved by the council to the commissioner for consideration by the council. The submittal shall include 15 legible copies of drawings, specifications, and substantiating evidence for each such alternate method or material

§70.26. Local Amendments A local building official or municipality shall not require or enforce any amendments to the mandatory codes, set forth in this subchapter, as a prerequisite for granting or approving any local building or construction permits or certificates of occupancy

§70.27. Uniformity and Conflicts A municipality or local building official shall reasonably and uniformly apply and enforce all local ordinances and regulations without distinction as to whether the housing or buildings are manufactured (industrialized) or are constructed on-site. Any local requirements, regulations, or ordinances which are in conflict with the Act, or other state law relating to the transportation, on-site construction, or use of industrialized housing or buildings, shall not be enforced

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 November 12, 1985

TRD 8510588 Allen Parker, Sr
Commissioner
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Subchapter D. Administration and Enforcement

★ 16 TAC §§70.30-70.42

The Texas Department of Labor and Standards proposes new §§70.30-70.42, concerning compliance required, right of entry, registration requirements, approval of design review agencies and third-party inspectors, review and approval of designs and plans, compliance assurance program, on-site construction specifications on documentation, plant certification, in-plant inspections, building site inspections, manufacturers data plate; decals and insignia, and delivery to other states

John P Steele, director of the Manufactured Housing Division, has determined that for the first five-year period the proposed sections 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 sections

Mr Steele, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section is better constructed, inspected, and safe manufactured housing in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to John P Steele, Director of Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711, or PO Box 12157, Austin, Texas 78711. A public hearing to receive comments will be held at 10:30 a.m. on November 26, 1985, at the John H. Reagan Building, 100 West 15th Street, Austin, Texas 78701

The new section is proposed under Texas Civil Statutes, Article 5221f-1, which provide the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of this Act and to provide for uniform enforcement

§70.30 Compliance Required

(a) No person shall construct, sell, lease, offer to sell or lease, any industrialized housing or buildings, modules, or modular components, in violation of the Act or of the rules, regulations, or administrative orders promulgated by the department

(b) Manufacturers and builders as defined in §70.4 of this title (relating to Definitions) shall not engage in any business activity relating to the construction or location of industrialized housing or buildings without being registered with the department and before receiving a certificate of registration.

§70.31 Right of Entry.

(a) Department personnel may enter any business establishment to review applicable and relevant documents and records to determine if any person is violating the Act or the rules and regulations of the department.

(b) The department is authorized to enter at reasonable times and without advance notice any manufacturing facility, warehouse, establishment, or location of any person to make any inspections and review records for necessary corrective actions that are reasonably required to determine whether the person is in compliance with the Act and the rules, regulations, and administrative orders promulgated by the department

§70.32 Registration Requirements.

(a) A manufacturer, as defined in this chapter, shall not engage in business in this state prior to being issued a manufacturer's certificate of registration. A builder, as defined in this chapter, shall not engage in business in this state prior to being issued a builder's certificate of registration.

(b) An application for registration shall be submitted to the department on a form and shall contain such information as may be required by the department. The application must be verified under oath by the owner of a sole proprietorship, the managing partner of a partnership, or the chief executive or chief operating officer of a corporation. The application must be accompanied by the fee set forth in §70.52 of this title (relating to Fees)

(c) The registration shall be for 12 months and must be renewed annually. Every corporate entity must be separately registered. Each separate manufacturing facility must be registered; a manufacturing facility is separate if it is not on property which is contiguous to a registered manufacturing facility. A builder must register each separate office but is not required to register each job location

(d) A registered manufacturer or builder shall notify the department in writing within 10 days of any of the following occurrences:

- (1) the corporate or firm name is changed;
- (2) the main address of the registrant is changed;
- (3) there is a change in 25% or more of the ownership interest of the company within a 12-month period;
- (4) the location of any manufacturing facility is changed;
- (5) a new manufacturing facility is established, or
- (6) there are changes in principal officers of the firm

(e) Design review agencies and third-party inspectors must register with the department in accordance with §70.33 of this title (relating to Approval of Design Review Agencies and Third-Party Inspectors)

(f) An application for original registration or renewal may be rejected if any information contained on, or submitted with, the application is incorrect. The certificate of registration may be cancelled and the registration revoked or suspended for any violation of the Act, violation of the rules and regulations in this chapter or administrative orders of the department, or violations of the instructions and determinations of the council in accordance with Subchapter G of this chapter (Relating to Sanctions and Penalties)

§70.33 Approval of Design Review Agencies and Third-Party Inspectors.

(a) Pursuant to the criteria established by the council, the department will recommend design review agencies and third-party inspectors to the council for approval. An application for approval shall be submitted in writing to the department for consideration and recommendation to the council. The application shall be on the form and contain such information as may be required by the council.

(b) If the application is approved by the council, it shall be filed with the department as the registration of the applicant as a design review agency or a third-party inspector to perform specific functions. This registration shall be a continuous registration so long as the information required by this section is updated in accordance with subsection (e) of this section and the annual fee is paid. The department shall issue a certificate of registration which shall contain the specific functions which the registrant is approved to perform. It shall be valid for a 12-month period on receipt of the application and the registration fee by the department.

(c) Design review agencies and third-party inspectors shall notify the department in writing within 10 days of any of the following occurrences:

(1) the name of the registrant is changed,

(2) the address of the registrant is changed,

(3) if a partnership or corporation is created or exists, there is a change in 25% or more of the ownership of the business entity within a 12-month period, or

(4) there are changes in principal officers or key supervisory personnel of the business entity.

(d) In the event a third-party inspector or design review agency is not approved, the department shall return one complete application to the applicant with a written explanation attached thereto setting forth the reasons of the council for such disapproval.

§70.34 Review and Approval of Designs and Plans

(a) An approved design review agency or the department shall review all designs, plans, specifications, calculations, compliance assurance programs, on-site construction documentation or specifica-

tions, and other documents as necessary to assure compliance with the mandatory construction codes in accordance with the interpretations, instructions, and determinations of the council. The department or design review agency will obtain from the manufacturer such information as is reasonably necessary to assure that the manufacturer's designs and procedures are in compliance with the mandatory codes and the sections in this chapter.

(b) All documents shall have all pages numbered and arranged in accordance with a table of contents and to the extent practical shall be on 8½-inch by 11-inch pages. The floor plans shall have no scale smaller than 1/8 inch equals one foot. All documents shall be identified to indicate the manufacturer's name and address. A rectangular blank space shall be provided on all documents for the council's stamp of approval, and all documents shall be dated by the manufacturer.

(c) The manufacturer shall provide the design review agency a design package which must, at the minimum, contain the following:

(1) specifications and/or detail drawings for all materials, devices, appliances, equipment, and fasteners used in construction,

(2) detailed drawings of all assemblies and components (with cross-sections as necessary to identify major building components),

(3) floor plans for all models and options,

(4) electrical schematics for all models and options,

(5) water system and drain waste vent system drawings for all models and options,

(6) gas piping system drawings for all models and options,

(7) mechanical system drawings for all models and options,

(8) fire protection, fire safety, and exit details,

(9) thermal resistance details;

(10) heating, ventilation, and air conditioning details,

(11) structural, thermal, and electrical load calculations,

(12) weather resistance details,

(13) condensation protection details,

(14) decay protection details,

(15) insect and vermin protection details;

(16) fastening schedule, and

(17) assembly and connection instructions for all components, materials, devices, equipment, and appliances.

(d) The manufacturer shall also provide the design review agency a compliance assurance manual and on-site construction documentation or specifications in accordance with §70.35 of this title (relating to Compliance Assurance Program) and §70.36

of this title (relating to On-Site Construction Specifications or Documentation).

(e) The department or design review agency will signify approval of a drawing, specification, calculation, or other document by application of the stamp of the council to each page thereof. The manufacturer and the design review agency (or department) must keep copies of the approved documents. The manufacturer must make a copy available to the person performing in-plant inspections. A design review agency will forward one approved copy of the design package, including additions and revisions, to the department within five days of approval and will return one approved copy to the manufacturer.

(f) The department (when acting as a design review agency) or a design review agency may withdraw the approval of any document whenever the approval is later found to be in violation of code requirements or the rules and regulations in this chapter. Notice of such withdrawal of the approval shall be in writing with the reasons for such withdrawal set forth therein.

§70.35 Compliance Assurance Program

(a) The utilization of mass production techniques and assembly line methods in the construction of industrialized housing, buildings, modules, and modular components along with the fact that a large part of such construction cannot be inspected at the ultimate building site requires manufacturers to develop an adequate compliance assurance program to assure that these structures meet or exceed mandatory code requirements and are in compliance with the rules and regulations of this chapter. The compliance assurance program shall be documented in the form of a manual which must be approved by the design review agency.

(b) The compliance assurance manual shall include at least the following:

(1) table of contents,

(2) a chart indicating the manufacturer's organizational structure to assure compliance and to assure that the compliance assurance staff shall maintain independence from the production personnel;

(3) a statement which defines the obligation, responsibility, and authority for the manufacturer's compliance assurance program,

(4) identification of compliance assurance personnel, their accountability by position, responsibility for inspections, method of marking nonconformances observed, and system for assuring corrections are made;

(5) materials handling methods, including inspection checklists, for receiving materials and methods for marking and removing rejected materials both upon receipt and from the production line. The area for rejected materials must be clearly indicated to assure that such material is not used;

(6) a description of an identification system to mark each individual mod-

rule, modular component, or group of related components at the first stage of production to assure appropriate inspection and rechecking of any deviation corrections;

(7) a diagram of the manufacturing sequence with the plant layout, including a description of the activities to be performed along with a listing of those which may be performed at one or more stations;

(8) an inspection checklist including:

(A) a list of inspections to be made at each production station; and

(B) accept/reject criteria (i.e., each significant dimension and component should be given tolerances);

(9) step-by-step test procedures and a description of the station at which each production test will be performed including, where applicable:

(A) dielectric test, continuity test, polarity test, electrical operational test, gas supply pressure tests, water supply pressure tests, and drain-waste-vent system tests;

(B) description of required testing equipment; and

(C) procedures for periodic checking, recalibration, and readjustment of test equipment;

(10) storage procedures for completed structures at the plant and for any other locations prior to installation;

(11) statement indicating the person who is responsible for compliance assurance at each manufacturing facility and who will assume responsibility for decals and insignia, their application, and the reporting procedure;

(12) procedure for maintaining reliable, retrievable records of the inspections performed, decal and insignia numbers assigned, the deficiencies and how they were corrected, and the site to which the modules or modular components were transported;

(13) procedures and information to demonstrate how the modules and modular components are to be transported to the building site so that damage will not occur or that compliance deviations will not result. (Actual transportation without damage or deviation is evidence sufficient to justify the method.)

§70 36. On-Site Construction Specifications or Documentation.

(a) All work to be performed on the building site shall be specifically identified and distinguished from construction to be performed in the manufacturing facility, i.e., assembly and connection of all modules, modular components, systems, equipment, and appliances and attachment to the foundation system. The work to be performed on-site shall be described in detail in documents (architectural sheets, specifications, instructions, etc.) which shall be made available to the builder and the inspector at the building site.

(b) The on-site construction documentation must contain (but is not limited to) the following:

(1) foundation system designs for all models in accordance with the applicable mandatory state code;

(2) details for module to module or modular component assembly and connection;

(3) details for connection and attachment of all modules and modular components to the foundation system;

(4) firestopping and draftstopping details;

(5) details for fire exits, balconies, walkways, and other site-built attachments;

(6) exterior weatherproofing details;

(7) details for thermal, condensation, decay, corrosion, and insect protection;

(8) electrical, mechanical, heating, cooling, and plumbing system completion details;

(9) electrical, mechanical, heating, cooling, and plumbing system test procedures;

(10) fire safety provisions;

(11) compliance assurance checklist for the preceding requirements, and

(12) specifications and instructions for cooling equipment, and complete information necessary to calculate sensible heat gain along with information on the sizing of the air distribution system, if applicable, and the R values of insulation in the ceiling, walls, and floor.

(c) If the typical foundation drawing in the on-site construction documentation is not suitable for a specific site, or if the structure is only partially constructed of modular components, or if the builder will add unique on-site details a registered professional engineer (or architect for one and two family dwellings and buildings having one story and a total floor area of 5,000 square feet or less) shall design and stamp the unique foundation drawings or on-site details and no review by a design review agency is needed nor required.

§70 37. Plant Certification

(a) Prior to being issued decals or insignia, each manufacturing facility will undergo a certification inspection. A representative of the design review agency must be present during the manufacturer's certification inspection. The plant certification will be conducted by a team of one or more department inspectors or, when designated by the department, third-party inspectors. The purpose of the plant certification inspection will be to assure that the compliance assurance program in the manufacturing facility is capable of producing structures in compliance with the approved design package. The team will become familiar with all aspects of the manufacturer's approved design package. Structures on the production line will be checked to assure that failures, to conform located by the in-

spection team are being located by the plant quality control program and are being corrected by the plant personnel. The inspection team will work closely with the plant quality control personnel to assure that the approved design package and compliance assurance manuals for that facility are clearly understood and are being followed. The plant certification inspection will terminate when the inspection team has fully evaluated all aspects of the manufacturing facility. At least one module or modular component containing all systems, or a combination of modules or modular components containing all systems, shall be observed during all phases of construction. The team must inspect all modules or modular components in the production line during the certification.

(b) Following completion of the plant certification inspection, the team will issue a plant certification report. The plant certification report will contain the following:

(1) name and address of manufacturer,

(2) names and titles of personnel performing the certification inspection;

(3) serial or identification numbers of the modules or modular components inspected;

(4) a list of nonconformances observed on the modules or modular components inspected (with appropriate design package references) and corrective action taken in each case,

(5) a list of deviations from the approved compliance assurance procedures (with section or manual references) observed during the certification with the corrective action taken in each case,

(6) date of certification, and

(7) the following statement,

This report concludes that (name of agency) after evaluating the facility, certifies that (name of factory) of (city) is capable of producing (industrialized housing and buildings or modular components) in accordance with the approved building system and compliance assurance manuals on file in the manufacturing facility and in compliance with the requirements of the Texas Industrialized Building Code Commission.

(8) signature of the inspection team leader.

(c) If during the certification inspection, the manufacturer is judged not capable of building structures in compliance with the approved design package and compliance assurance manual, the agency will issue a deviation report. The deviation report will detail the specific areas in which the manufacturer was found to be deficient and will make recommendations for improvement. The certification inspection will continue from the date of the report until all certification requirements are met or 45 days, whichever comes first.

(d) A manufacturing facility which was registered with the department for the

construction of modular homes on September 1, 1985, and which had previously been issued a plant certification report, shall not be required to have an additional certification inspection in order to receive decals and insignia.

§70.38 *In-Plant Inspections.*

(a) The department shall conduct announced and unannounced inspections at the manufacturing facility at reasonable, but varying, intervals to review any and all aspects of the manufacturer's production and compliance assurance program. In order to determine if the compliance assurance program is working as set forth in the compliance assurance manual, inspection of every visible aspect of every module or modular component shall be made at least at one point during the manufacturing process.

(b) Inspections at the manufacturing facility shall be increased in frequency as may be necessary for the department inspectors to assure that the manufacturer is performing in accordance with the approved compliance assurance manual.

(c) The department, in its discretion, may require or may authorize upon written request by the manufacturer, the use of third-party inspectors approved by the council to perform in-plant inspections subject to the sections in this chapter and to monitoring by department personnel.

§70.39. *Building Site Inspections*

(a) When the building site is within a municipality which has a building inspection agency or department, the local building official will inspect all on-site construction done at the site and the attachment of the structure to the permanent foundation to assure completion and attachment in accordance with the design package, the on-site construction documentation, and any unique foundation system or on-site detailed drawings.

(b) When the building site is outside a municipality, or within a municipality which has no building department or agency, the department or third-party inspectors will perform the required inspections. The builder may elect to utilize the services of the department or third-party inspectors approved by the council for the on-site construction inspections at any building site; the election must be made in writing to the commissioner. The builder may utilize the services of the department on one or more projects and utilize third-party inspectors on other projects; however, the election may not be changed once made for a particular project at the building site except with written approval of the department.

(c) If the design package has the stamp of the council on each page, if the foundation drawing has been approved by a registered architect or engineer, and if the module, modular components, and components have the decal or insignia affixed thereto, the local building official, third-

party inspector, or the department shall not stop assembly, connection and on-site construction except for deviations from, or non-conformance to, the approved design package, on-site construction documentation, or any unique foundation system or on-site detailed drawings.

(d) Destructive disassembly shall not be performed at the site in order to conduct tests or inspections, nor shall there be imposed standards or test criteria different from those approved by the council. Non-destructive disassembly may be performed only to the extent of opening access panels and cover plates.

(e) If a structure, or any part thereof, is found by the inspector at the building site to be in violation of the approved design package, the inspector shall immediately post a deviation notice and notify the builder. The builder after making corrections as necessary to bring the unit into compliance shall request an inspection, either by the department or the on-site inspector. If the deviation is not corrected, then no certificate of occupancy shall be issued.

§70.40. *Manufacturer's Data Plate.*

(a) The manufacturer will permanently attach a data plate to each dwelling unit of a residential structure and to each appropriate unit of a commercial structure. The data plate will be placed on or near the electrical distribution panel or in some other easily accessible location as designated in the approved design package.

(b) The data plate must contain the following information:

- (1) manufacturer's name and address;
- (2) serial or identification number of the unit;
- (3) decal and insignia numbers;
- (4) name and date of applicable codes;
- (5) manufacturer and model designation of major appliances;
- (6) identification of permissible type of gas for appliances;
- (7) maximum live load (floor) (psf);
- (8) maximum snow load (roof) (psf);
- (9) maximum wind load (psf);
- (10) seismic zone;
- (11) heating, ventilation, and air-conditioning (HVAC) design temperatures;
- (12) occupancy/use group type;
- (13) construction type.

§70.41 *Decals and Insignia*

(a) Decals are used for module certification, and insignia are used for modular component certification. The department will issue decals and insignia to the manufacturer on application and payment of the fee therefor following certification of the manufacturing facility. Each module or modular component of industrialized housing or buildings shall have the decal or in-

signia, respectively, affixed thereto before leaving the manufacturing facility. The decal or insignia shall be placed in a visible location as set forth in the approved design package and in the on-site construction documentation and shall be permanently attached so that it cannot be removed without destruction.

(b) Each decal or insignia shall be assigned to a specific module or modular component and the manufacturer shall keep records as necessary to show, by decal or insignia number, the module or modular component (by identification number) to which the decal or insignia was assigned. The manufacturer shall keep complete records of all decals and insignia received, decals and insignia used, and that which is on-hand. These records shall be made available to the department or in-plant inspector on request. Assigned decals or insignia are not transferrable and are void when not affixed as assigned. All decals or insignia which are voided must be returned to, or shall be confiscated by, the department.

(c) By affixing the decal and insignia, the manufacturer certifies that the module or modular component is constructed in accordance with the approved design package.

(d) The control of the decals and insignia shall remain with the department. Should inspection reveal that the manufacturer is not constructing structures, or any portion thereof, in accordance with the approved design package, the manufacturer will be notified of the specific deviations. Such shall be corrected at a point in the construction process before the deviation is covered up or hidden by additional construction; otherwise, the department (or third-party inspector) shall confiscate any decals or insignia previously issued and presently on-hand at the manufacturing facility. In addition, new decals or insignia will not be issued until the manufacturer has shown proof of compliance.

§70.42 *Delivery to Other States*

(a) Industrialized housing or buildings designed and constructed by a manufacturer in this state for delivery and placement on a building site in another state are not subject to the sections in this chapter. The manufacturer shall notify the department in writing prior to the construction of any modules or modular components designed for out-of-state delivery.

(b) The manufacturer of industrialized housing or buildings designed and constructed for delivery and placement in another state may, however, elect to build such structures in accordance with the sections of this chapter by notifying the department in writing.

(c) A manufacturer engaged exclusively in constructing industrialized housing or buildings in this state for delivery to another state is subject to the registration requirements expressly set forth in §70.32. of this title (relating to Registration Requirements).

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

Issued in Austin, Texas, on November 12, 1985

TRD-8510589

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption
December 20, 1985

For further information, please call
(512) 475-0155

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Subchapter E. Fees and Reports

★ 16 TAC §§70.50-70.52

The Texas Department of Labor and Standards proposes new §§70.50-70.52, concerning fees and reports. Section 70.52 provides fees to be assessed by the department to persons engaged in industrialized housing and buildings activities in Texas. Section 70.50 sets out the monthly reports required of manufacturer and builder registrants. Section 70.51 sets out the reports required of third-party inspectors.

John P. Steele, director of the Manufactured Housing Division, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Steele also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is better constructed, inspected, and safe manufactured housing in Texas. The anticipated economic cost to individuals who are required to comply with the proposed sections will be \$170,000 in 1986 and \$250,000 each year in 1987-1990 for registrations; \$300,000 in 1986 and \$500,000 each year in 1987-1990 for in-plant inspections; \$80,000 in 1986 and \$120,000 each year in 1987-1990 for design review by the department; \$45,000 in 1986 and \$72,500 each year in 1987-1990 for decals and insignias; and \$5,000 each year in 1986-1990 for on-site inspections.

Comments on the proposal may be submitted to John P. Steele, Director of Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711, or PO Box 12157, Austin, Texas 78711. A public hearing to receive comments will be held at 10:30 a.m. on November 26, 1985, at the John H. Reagan Building, 100 West 15th Street, Austin.

The new sections are proposed under Texas Civil Statutes, Article 5221f-1, which provide the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

§70.50. *Manufacturer and Builder Monthly Reports.*

(a) A monthly report shall be submitted to the department by the manufacturer on a form or in the format required by the department of all industrialized housing, buildings, modules, and modular components which were constructed and to which decals and insignias were applied during the month. The report must state the name and address of the builder (or other person) to whom the structures, modules, or modular components were sold, consigned, or shipped. If any of such units were produced and stored, the report must state the place and location of storage. The report shall also contain:

- (1) the serial or identification number of the unit;
- (2) the decal and insignia numbers assigned to each identified unit;
- (3) the registration number of the builder (as assigned by the department) to whom the units were sold, consigned, and shipped;
- (4) the building site location to which any units were shipped; and
- (5) an identification as to the type of structure for which the units are to be assembled and installed, i.e., single family residence, duplex, two-story motel, 75-unit three-story apartment, etc.

(b) Each builder shall submit to the department a monthly report on a form or in the format required by the department which shall contain:

- (1) the specific address and location of each building site on which the builder has performed any on-site construction work during the month;
- (2) identification of the city and the number and description of any building permit issued by the city to the builder during the month;
- (3) the decal and insignia numbers and unit identification number of all modules or modular components assembled or installed at a building site during the month;
- (4) the location and description of the type of structure for which a certificate of occupancy was issued during the month; and
- (5) such other information as the department may require on the form or by separate instruction letter.

(c) The manufacturer's and builder's monthly reports must be filed with the department no later than the 10th day of the following month.

§70.51. *Third-Party Inspection Reports.*

(a) When performing in-plant inspections at a manufacturing facility or performing inspections at the building site, the third-party inspector must file reports on the forms and in the format as the department may require by written instruction (in accordance with any requirements set by the council).

(b) The reports must be filed with the department each week or at such other interval as the department may require pursuant to instructions of the council.

§70.52. *Fees.*

(a) The manufacturer's registration fee is \$1,000 annually.

(b) The builder's registration fee is \$500 annually.

(c) The design review agency's registration fee is \$200 annually.

(d) The third-party inspector's registration fee is \$100 per firm and \$100 per inspector, annually.

(e) The registration fee shall be paid prior to the issuance of the certificate of registration and annually thereafter.

(f) The fee for department personnel for in-plant inspections at a manufacturing facility shall be \$25 per inspector-hour for all inspections including plant certification inspections, varying interval inspections to monitor the manufacturer's compliance assurance program, and for increased frequency inspections. The department will give a monthly statement to the manufacturer, and it must be paid within 15 days from the date of the statement.

(g) When the department acts as a design review agency, the fee for such services is \$35 per engineer-hour. The fee shall be paid by the manufacturer for whom the services are offered prior to the approval of the designs, plans, specifications, compliance assurance, and installation manuals and the release of the documents to the manufacturer.

(h) The fees for the issuance of decals and insignias are as follows:

(1) \$20 per decal for each module;

or
(2) \$10 per insignia for each modular component or for each group of related components.

(i) The fee for department personnel for building site inspections is as follows and shall be paid within 15 days from the date of the department's statement:

(1) a minimum fee of \$50 per inspector for each day in which any inspections are performed at the site; and

(2) a maximum of \$100 per inspector per day or \$15 per inspector-hour whichever is less.

(j) The department (as is the case for third-party inspectors) may agree to a reasonable maximum inspection fee per unit or structure based on the number of inspections estimated to be necessary to assure compliance.

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 November 12, 1985

TRD 8510590

Allen Parker, Sr
Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption
December 20, 1985

For further information, please call
(512) 475 0155

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Subchapter F. General and Miscellaneous

★ 16 TAC §§70.101-70.105

The Texas Department of Labor and Standards proposes new §§70.101-70.105, concerning miscellaneous activities in industrialized housing and buildings which require regulation such as compliance disputes, alterations, or deviations of design plans, selection of design review agencies, owner information, and proprietary information

John P Steele, director of the Manufactured Housing Division, has determined that for the first five-year period the proposed sections 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 sections

Mr Steele also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is better constructed, inspected, and safe manufactured housing in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to John P Steele, Director of Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711, or PO Box 12157, Austin, Texas 78711. A public hearing to receive comments will be held at 10:30 a.m. on November 26, 1985 at the John H. Reagan Building, 100 West 15th Street, Austin.

The new sections are proposed under Texas Civil Statutes, Article 5221f-1, which provide the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement.

§70.101 *Design Review Agency Selection* The manufacturer must select either the department or a council-approved de-

sign review agency to perform all required review and evaluation of plans, designs, specifications, compliance assurance, and on-site construction documentation, etc. This election shall be made in writing to the commissioner and, if an agency other than the department is selected, the written election will state the name, address, and registration number of the design review agency selected.

§70.102 *Compliance Disputes.*

(a) Any dispute, disagreement, or difference of opinion as to whether the approved design package meets or exceeds the requirements of the mandatory building codes set forth in this chapter between the design review agency (or department when acting as a design review agency) and a local building official shall be resolved by the council. The decision or determination by the council shall be timely made and shall be binding on all parties.

(b) If the local building official is of the opinion that the approved design package and on-site construction documentation does not meet the code requirements of this chapter, this opinion shall be forwarded in writing to the commissioner for submission to the council within five working days following the filing of an application for a building permit. This written opinion shall set forth specifically those sections of the codes for which the noncompliance allegedly exists and the specific reasons the local building official is of the opinion that the design package and on-site construction documentation fail to meet the requirements of such code sections. The local official shall submit 15 copies of the written opinion to the commissioner. Once a local building permit is issued, the local building official shall not stop any on-site construction due to questions about the approved design package or on-site construction documentation.

(c) If a dispute or difference of opinion arises between the manufacturer and the department or third-party inspector during an in-plant inspection as to whether the construction meets or exceeds the approved design package, the dispute or difference shall be forthwith resolved by the commissioner.

(d) If a dispute or difference of opinion arises between the builder and a local building official or third-party inspector (or the department when acting as a building site inspector) as to whether the on-site construction meets or exceeds the approved design package and on-site construction documentation or unique foundation system, the dispute or difference of opinion shall be forthwith resolved by the commissioner.

§70.103 *Alterations or Deviations.* The builder shall not alter nor deviate from the approved design package and on-site construction documentation unless approved by the design review agency or the council. Unique foundation drawings and on-site

details are subject §70.36(c) of this title (relating to On-Site Construction Specifications or Documentation)

§70.104 *Owner Information*

(a) The builder shall provide the purchaser (owner) of any industrialized housing or building the following information:

- (1) the name, location, and address of the manufacturer and builder,
- (2) description of the location of the data plate and explanation of the information thereon,
- (3) floor plan of the structure; and
- (4) drawings of the plumbing, electrical, and heating/ventilation systems.

(b) The builder must have written proof that the information in subsection (a) of this section was delivered to the purchaser (owner) and keep such proof in the builder's files for a period of two years.

§70.105 *Proprietary Information Protected*

(a) All designs, plans, specifications, compliance assurance programs, manual, on-site construction instructions, and documentation, information relating to alternate methods or materials, or any other documents submitted by a manufacturer to a design review agency, the council, the department, or local building official is proprietary information and shall only be used for purposes of assuring compliance with the provisions of the Act and this chapter.

(b) The items and information set forth in subsection (a) of this section furnished by the manufacturer to a design review agency, the council, the department, or local building official, shall not be copied or distributed to any other person except with the written permission of the manufacturer.

(c) This section is subject to applicable law relating to public records as set forth in Texas Civil Statutes, Article 6252-17a.

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 November 12, 1985

TRD 8510591

Allen Parker, Sr
Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption
December 20, 1985

For further information, please call
(512) 475-0155

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Subchapter G. Sanctions and Penalties

★ 16 TAC §70.125, §70.126

The Texas Department of Labor and Standards proposes new §70.125 and §70.126, concerning sanctions and penalties. The new sections provide for penalties and injunctions and refusal, revocation, or suspension of registrations which violate the Act or its rules

John P. Steele, director of the Manufactured Housing Division, has determined that for the first five-year period the proposed sections 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 sections

Mr Steele also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is better constructed, inspected, and safe manufactured housing in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to John P Steele, Director, Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711, or P.O. Box 12157, Austin, Texas 78711. A public hearing to receive comments will be held at 10:30 a.m. on November 26, 1985, at the John H. Reagan Building, 100 West 15th Street, Austin

The new sections are proposed under Texas Civil Statutes, Article 5221f-1, which provide the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of the Act and to provide for uniform enforcement

§70.125. *Civil Penalties and Injunctions.*

- (a) No person shall construct, sell or

offer to sell, lease or offer to lease, or transport over the roads, streets, or highways of this state, any industrialized housing or buildings, modules or modular components, in violation of the Act or the rules, regulations, or administrative orders of the department

(b) Any person who violates any provision of the Act or of the rules, regulations, or administrative orders of the department may be assessed a civil penalty to be paid to the State of Texas in an amount not to exceed \$1,000 for each such violation as the court may deem proper

(c) Whenever it appears that any person has violated, or is about to violate, any of the provisions of the Act or of the rules, regulations, or administrative orders of the department, the attorney general may cause a civil suit to be instituted either for appropriate injunctive relief or for the assessment and recovery of the civil penalty or for both. Civil suits filed pursuant to this section shall be filed in a district court in Travis County, Texas

(d) A person who knowingly and willfully violates any provision of the Act or of any published rule, regulation, or administrative order of the department commits a Class A misdemeanor

§70.126. *Refusal, Revocation, and Suspension of Registration*

(a) Violations. The commissioner, after notice and hearing, may refuse to issue or may permanently revoke or suspend for a definite period of time and for a specified geographic area or location, any certificate or registration if the commissioner finds that the applicant or registrant

(1) furnished false information on any application, report, or other document filed with the department,

(2) failed to pay any fee or to furnish or file any reports required by the department for the administration and enforcement of the Act or this chapter;

(3) engaged in any false, misleading, or deceptive acts or practices as those terms are set forth in and as those acts are

declared unlawful by the provisions of Business and Commerce Code, Chapter 17, Subchapter E; or

(4) violated any provision of the Act or any rule, regulation, or administrative order made or issued by the department in, or pursuant to, this chapter or any decisions, actions, or interpretations of the council.

(b) Hearings

(1) A formal complaint must be filed by addressing a written complaint to the commissioner. The complaint must set forth the specific acts or omissions of the registrant which are alleged to constitute the basis of the refusal, denial, or suspension. The commissioner will forward a copy of the complaint to the registrant. The registrant may respond in writing to the complaint within 20 days following its receipt

(2) If the commissioner believes that just cause may exist, a hearing will be held pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, to show cause why the registration should not be refused, revoked, or suspended for a time certain. Following the hearing, the commissioner shall make a final decision as to the denial of the application or as to the revocation or suspension for a time certain of the registration and shall issue an appropriate order

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

Issued in Austin, Texas, on November 12, 1985

TRD 8510592

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption

December 20, 1985

For further information please call
(512) 475 0155

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Withdrawn

Rules An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

TITLE 22. EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

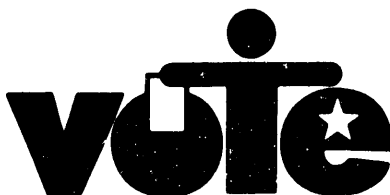
Chapter 395. Code of Operating Procedure for Polygraph Examiners

★22 IAC §395.17

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §395.17 submitted by the

Polygraph Examiners Board has been automatically withdrawn, effective November 8, 1985. The new section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1390)

TRD 8510833
Filed November 8 1985



Chapter 401. Grievance Review of Disciplinary Action

★22 TAC §401.1

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §401.1 submitted by the Polygraph Examiners Board has been automatically withdrawn, effective November 8, 1985. The new section as proposed appeared in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1391).

TRD-8510832
Filed November 8 1985

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 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. CCAD Model Waiver Program

★ 40 TAC §48.2501, §48.2502

The Texas Department of Human Services adopts new §48 2501 and §48 2502, without changes to the proposed text published in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3215). The new sections were adopted on an emergency basis in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3203).

Adoption of the new sections is justified to allow implementation of the Model Waiver Program. The waiver was required to allow Medicaid (Title XIX) reimbursement for certain home and community-based services provided as cost-effective alternatives to institutional placement.

Section 48 2501 will function as the eligibility criteria for clients admitted to the program. Section 48 2502 provides the right to a fair hearing for applicants denied admission into the program.

The department received no comments regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs: the Model Waiver Program, an applicant must

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 November 12, 1985

TRD-8510634 Marlin W Johnston
Commissioner
Texas Department of
Human Services

Effective date December 3, 1985
Proposal publication date August 23, 1985
For further information, please call
(512) 450-3766

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Part II. Texas Rehabilitation Commission

Chapter 101. General Rules

★ 40 TAC §101.11

The Texas Rehabilitation Commission adopts an amendment to §101 11, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3948).

This section concerning administrative review of agency action and fair hearing for applicants and clients, is amended to substitute the new term "area manager" for the obsolete term "supervisor".

The section will function to ensure that applicants and clients have their grievances determined by a fair administrative hearing.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter.

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 November 7, 1985

TRD 8510608 Vernon H Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information, please call
(512) 445-8126

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Chapter 103. Vocational Rehabilitation Services Program

Subchapter B. Client Participation

★ 40 TAC §103.21, §103.22

The Texas Rehabilitation Commission adopts amendments to §103 21 and §103 22, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3949).

These sections provide guidance as to the basic living requirements to be used to determine clients' participation in their vocational rehabilitation program and equitable treatment and notice accorded all clients with regard to basic living requirements.

The section will function to provide clients with information as to which vocational rehabilitation services the commission will provide without client participation in costs.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter.

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 November 7, 1985.

TRD 8510609 Vernon H Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information, please call
(512) 445-8126

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**Subchapter D. Eligibility,
Ineligibility, and Certification**

★ 40 TAC §103.42

The Texas Rehabilitation Commission adopts an amendment to §103 42, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3949)

This section provides that factors such as sex, race, age, creed, religion, color, and national origin will be disregarded in determining eligibility of individuals for vocational rehabilitation services

The section will function to clarify existing policy as to those factors which are disregarded by the commission in determining an individuals eligibility for services

No comments were received regarding the adoption of the amendment

The amendment is adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter

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 November 7 1985

TRD-8510610 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4 1985
Proposal publication date October 11 1985
For further information please call
(512) 445 8126

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**Subchapter E. Methods of
Administration of Vocational
Rehabilitation**

★ 40 TAC §103.53

The Texas Rehabilitation Commission adopts the repeal of §103 53 without changes to the proposal published in the October 11 1985 issue of the *Texas Register* (10 TexReg 3949)

This section is repealed to delete obsolete language relating to the order of selection and outcomes and service goals

in selecting cases for service when such service cannot be provided to all who apply and are eligible

The repeal of this section will delete obsolete language relating to order of selection and outcomes and service goals A new §103 53 is adopted to inform applicants for services of the priority in which services are provided by the commission

No comments were received regarding the adoption of the repeal

The repeal is adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter

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 November 7 1985

TRD 8510611 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4 1985
Proposal publication date October 11 1985
For further information please call
(512) 445 8126

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The Texas Rehabilitation Commission adopts new §103 53, without changes to the proposed text published in the October, 11, 1985, issue of the *Texas Register* (10 TexReg 3950)

This section will replace repealed §103 53 to provide more up to-date information on the order of selection and outcomes and service goals in selecting cases for service when such service cannot be provided to all who apply and are eligible

New §103 53 will function to inform applicants for services of the priority in which services are provided by the Texas Rehabilitation Commission

No comments were received regarding the adoption of the amendment

The new section is adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter

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 November 7, 1985

TRD 8510612 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information please call
(512) 445 8126

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**Chapter 105. Extended
Rehabilitation Services
Program**

★ 40 TAC §105.1, §105.3

The Texas Rehabilitation Commission adopts amendments to §105 1 and §105 3, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3950)

These sections will serve to clarify the purpose of the Extended Rehabilitation Services Program and provide the basic requirements for eligibility for this program with regard to basic living requirements

These section will function to clarify the eligibility requirements for extended rehabilitation services

No comments were received regarding the adoption of the amendments

The amendments are adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter

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 November 7 1985

TRD-8510613 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information, please call
(512) 445-8126

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Chapter 107. Independent Living Services Program

★40 TAC §107.1, §107.2

The Texas Rehabilitation Commission adopts amendments to §107.1 and §107.2, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3951)

These amendments will clarify the purpose of the Independent Living Services Program and provide the basic requirements for eligibility with regard to basic living requirements

The amendments will function to clarify the eligibility requirements for the Independent Living Services Program

No comments were received regarding the adoption of the amendments

The amendments are adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter

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 November 7, 1985
TRD 8510614
Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information please call
(512) 445-8126

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Chapter 109. Developmental Disabilities Program

★40 TAC §§109.2-109.4

The Texas Rehabilitation Commission adopts amendments to §§109.2-109.4, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3951)

These amendments will update the legal basis for the Developmental Disabilities Program, reflect changes in the administration and organization of the program

The sections will function to comply with new legislation with respect to legal, administrative, and organizational matters of the Developmental Disabilities Program.

No comments were received regarding the adoption of the amendments

The amendments are adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter

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 November 7, 1985
TRD 8510615
Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information please call
(512) 445-8126

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Chapter 111. Deaf-Blind Multihandicapped Program

★40 TAC §§111.1-111.4

The Texas Rehabilitation Commission adopts new §§111.1-111.4, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3952)

These sections are required to implement the Deaf-Blind Multihandicapped Program authorized by the Human Resources Code, Chapter 113, to include the purpose of the program, basic requests for eligibility, ineligibility, and programs

These sections will function to advise the public of the new sections relating to eligibility for and the services provided by the Deaf-Blind Multihandicapped Program

No comments were received regarding adoption of the new sections

The new sections are adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter.

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 November 7, 1985

TRD 8510616
Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information, please call
(512) 445-8126

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Chapter 113. Comprehensive Medical Rehabilitation

★40 TAC §§113.1-113.5

The Texas Rehabilitation Commission adopts new §§113.1-113.5, without changes to the proposed text published in the October 11, 1985, issue of the *Texas Register* (10 TexReg 3952)

These sections are required to implement the Comprehensive Medical Rehabilitation Services Program to include the purpose of the program, the basic requirements for eligibility, ineligibility, services provided, and availability of services

These sections will function to notify the public of the new rules relating to eligibility for and services provided by the Comprehensive Medical Rehabilitation Services Program

No comments were received regarding the adoption of the new sections

The new sections are adopted under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for hearings, and other regulations necessary to carry out the purposes of this chapter

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 November 7, 1985
TRD-8510617
Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date December 4, 1985
Proposal publication date October 11, 1985
For further information please call
(512) 445-8126

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State Board of Insurance Exempt Filings

State Board of Insurance Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals)

These actions become effective 15 days after the date of publication or on a later specified date

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

Under Board Order 47777, dated October 29, 1985, the State Board of Insurance has approved amendments to the Texas Medical Liability Insurance Underwriting Association manual to provide for a classification code for podiatrists who perform surgery and a classification code for podiatrists who do not perform surgery, and rate changes attendant thereto

The amendments provide for classification Code 80993, which is applicable to podiatrists who do not perform surgery, and classification Code 80993S, which is applicable to podiatrists who do perform surgery

Code 80993 will have a base rate of \$1,800 for podiatrists practicing in Harris County and a base rate of \$1,200 for podiatrists practicing in the remainder of the state. Code 80993S will have a base rate of \$4,500 for podiatrists practicing in Harris County and a base rate of \$3,000 for podiatrists practicing in the remainder of the state

These amendments were proposed by the Texas Medical Liability Insurance Underwriting Association.

This board action is effective 15 days after it is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act

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

TRD 8510570

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date December 5, 1985
For further information please call
(512) 463-6327

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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 Department of Agriculture

The Texas Department of Agriculture will conduct administrative hearings in Suite C, 5501 IH 40 West, Amarillo. Days, times, and agendas follow.

Monday, November 25, 1985, 1:30 p.m. Alleged violation of the Texas Agriculture Code, §7.8(e)(3), by Claude D. Nowell, doing business as Agri Sprayers, Inc., holder of a commercial applicator license.

Contact: Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 12, 1985, 1:03 p.m.
TRD-8510572

Monday, November 25, 1985, 1:45 p.m. Alleged violation of the Texas Agriculture Code, §7.8(e) and §7.18, by R. J. Lasiter, doing business as Dimmitt Aerial Spray, Inc., holder of a commercial applicator license.

Contact: Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 12, 1985, 1:03 p.m.
TRD-8510573

Monday, November 25, 1985, 2:15 a.m. Alleged violation of 4 TAC §11.6(e)(6) by Champion Sprayers, Inc., holder of a commercial applicator license.

Contact: Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 12, 1985, 1:08 p.m.
TRD-8510574

Tuesday, December 3, 1985, 10 a.m. The Texas Department of Agriculture will meet in the district office, 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative hearing to review alleged violation of the Texas Agriculture Code, §76.116(a)(1), by Douglas Thompson and King Sharp, doing business as Coastal Flying Service holders of a commercial applicators licenses.

Contact: Deborah Brown, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: November 12, 1985, 1:02 p.m.
TRD-8510575

State Bar of Texas

Thursday, November 21, 1985, 9:30 a.m. The Executive Committee of the State Bar of Texas will meet in the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the committee will consider reports of the president and president-elect; a presentation of budgetary matters; reports of the executive director, the Supreme Court liaison, board chairman, general counsel, the Fact Finding Committee, General Counsel Advisory Committee, the Scope and Correlation Committee, and the 1986 Convention and Grant Review Development and Implementations Committee.

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

Filed: November 13, 1985, 2:59 p.m.
TRD-8510636

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Texas Department of Health

Friday, November 15, 1985, 4 p.m. The Environmental Committee of the Texas Board of Health met in emergency session in Room T-604, 1100 West 49th Street, Austin. According to the agenda, the committee considered petitions for a rule change concerning the sale of raw milk in retail establishments; final adoption of rules for the certification of waterworks operators; final adoption of rules for the certification of bottled water plant operators; final adoption of rules for the certification of residential water treatment facility operators; and amendments to the *Texas Regulations for Control of Radiation*. The emergency status was necessary to advise the Board of Health on legislative mandates which the board has to implement.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 13, 1985, 3:59 p.m.
TRD-8510651

Friday, November 15, 1985, 4:30 p.m. The Nursing Home Committee of the Texas Board of Health of the Texas Department of Health met in emergency session in Room G-107, 1100 West 49th Street, Austin. According to the agenda, the committee discussed emergency and proposed rules, and final adoption of amendments. The emergency status was necessary to advise the Board of Health on legislative mandates which the board has to implement.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 13, 1985, 4:02 p.m.
TRD-8510647

Friday, November 15, 1985, 5:30 p.m. The Hospital Committee of the Texas Board of Health of the Texas Department of Health met in emergency session in Room G-107, 1100 West 49th Street, Austin. According to the agenda, the committee discussed the hospitals' cardiac units to participate as providers in the Crippled Children's Services Program. The emergency status was necessary to advise the Board of Health on legislative mandates which the board has to implement.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: November 13, 1985, 4:02 p.m.
TRD-8510649

Thursday, November 21, 1985, 9:30 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Department of Health will meet in the ballroom, Embassy Suites Hotel, 5901 North IH 35, Austin. Items on the agenda include approval of minutes; charge to council; the status of past and pending actions; resolution on self-service wheeling (electricity); a presentation on risk assessment; the status of the waste-to-energy conference; legislative initiatives; rules for collection of household waste which may be hazardous-legislative mandate; and multi-

media presentation on municipal solid waste management.

Contact: L. Don Thurman, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed: November 13, 1985, 4:01 p.m.
TRD-8519650

Friday, December 6, 1985, 9 a.m. The Texas Ambulatory Surgical Center Licensing Act Ad-Hoc Committee of the Texas Department of Health rescheduled a meeting to be held in the conference room, G-107, 1100 West 49th Street, Austin. According to the agenda, the committee will discuss a work session for drafting licensing regulations. The meeting was rescheduled from Friday, November 15, 1985, as published at 10 TexReg 4377.

Contact: Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: November 13, 1985, 4:02 p.m.
TRD-8510648

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House of Representatives

Wednesday, November 20, 1985, 9 a.m. The State Employees Incentive Commission of the House of Representatives will meet in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include the election of officers; actions underway to publicize the commission including payroll stuffer and appoint agency coordinator; adoption of procedures for publicizing and effective implementation of incentive program; funding and staffing of the program; and accessibility of monetary awards to state employees.

Contact: Bob Richardson, John H. Reagan Building, Room 104, 105 West 15th Street, Austin, Texas 78705.

Filed: November 8, 1985, 2:44 p.m.
TRD-8510598

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The Texas Housing Agency

Wednesday, November 20, 1985. The Texas Housing Agency will meet at the Sheraton Crest Hotel, 111 East First Street, Austin. Times, committees, and agendas follow.

8:30 a.m. The Finance and Audit Committee will consider and possibly act on presentations from prospective underwriters; discuss restructuring single family management team; evaluate and review the management team; and present the quarterly financial reports.

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

Filed: November 12, 1985, 4:30 p.m.
TRD-8510596

10 a.m. The Board of Directors will consider and possibly act on matters related to the 1985 single family bond programs; the annual single family policy statement, the sale of one or more series of multifamily housing revenue bonds; multifamily rules; the minority contractors report; recommendations of the Finance and Audit Committee regarding the agency's management team, financial advisory services, allocations, and computer conversion; the adoption of certain provisions of appropriations act; the presentation of quarterly single family and multi-family status reports; the election and ratification of assistant secretaries; committee appointments; and administrative and miscellaneous matters relating to prior bond issues. The board also will meet in executive session to consider personnel matters.

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

Filed: November 12, 1985, 4:30 p.m.
TRD-8510597

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University of Houston System

Tuesday, November 19, 1985, 2 p.m. The Board of Regents of the University of Houston System will meet in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. According to the agenda summary, the board will discuss and/or approve the minutes, personnel recommendations, six-year planning process, resolution updating security clearance, continuance beyond retirement age, fall 1985 faculty workload statements and small class reports, an application for an instructional television fixed service, contract guidelines, athletic advisory council appointment, various amendments, the awarding of various contracts, lease agreements, approval of consultants, naming of business administration building, graphics, fiscal year 1984 financial statements, various reviews, banking resolution, and the purchase of equipment.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: November 13, 1985, 9:52 a.m.
TRD-8510618

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Texas Department of Human Services

Wednesday, November 20, 1985, 10 a.m. The Indigent Health Care Advisory Committee of the Texas Department of Human Services (TDHS) will meet in Room 3-W, third floor, west tower, 701 West 51st

Street, Austin. According to the agenda summary, the committee will consider eligibility for indigent health care funds including allocating funds, program management concerning county responsibilities, TDHS responsibilities; final recommendations about medical services definitions and medical services reimbursement rates; and the final discussion regarding client eligibility rules, procedures, forms, and TDHS residence.

Contact: Ernest Schmid, P.O. Box 2960, Austin, Texas 78769, (512) 450-3721.

Filed: November 12, 1985, 3:40 p.m.
TRD-8510594

Thursday, November 21, 1985, 12:30 p.m. The Texas Board of Human Services of the Texas Department of Human Services will meet in the boardroom, 701 West 51st Street, Austin. According to the agenda summary, the board will consider the limitation on Medicaid contracts with hospitals; a moratorium on nursing home beds; record retention requirements for ICF/MR; increase in income eligibility cap for A & D services; rate methodology change for SNF; termination of community care purchased services to clients posing danger to themselves or others; proposed rules on SSI and RSDI retroactive lump sum payments, discipline policy in the adoption program, summer food service program, indigent health care program, and contract appeal rules; required changes in Medicaid eligibility policies; adjustments to fiscal year 1985 operating budget; appointments to advisory committees; final rules; amendments to policies and procedures; and commissioner's report.

Contact: Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3047.

Filed: November 13, 1985, 11:45 a.m.
TRD-8510628

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State Board of Insurance

Wednesday, November 20, 1985, 4 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda summary include decisions on motions filed by United Transportation Union, *et al* and the Texas Medical Association in Docket 9021—appeal of Commercial State Insurance Company; from commissioner's Order 85-0677 (commissioner's Docket 1456 regarding certain policy forms filed by Commercial State Insurance Company).

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: November 12, 1985, 3:30 p.m.
TRD-8510593

Thursday, November 21, 1985, 10 a.m. The State Board of Insurance will meet in Room 4141110 San Jacinto Street, Austin. Items on the agenda summary include board orders on several different matters; the fire marshal's report on personnel matters; the commissioner's report on personnel matters; pending and contemplated litigation; and a decision of agency training facilities.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: November 13, 1985, 3:41 p.m.
TRD-8510652

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Board of Law Examiners

Sunday-Tuesday, November 24-26, 1985, 9 a.m. Sunday and 8:30 a.m. daily Monday and Tuesday. The Board of Law Examiners will meet Sunday at the Habitat Inn, 500 Highland Mall Boulevard, Austin, and Monday and Tuesday at the Texas Law Center, 1414 Colorado, Austin. Items on the agenda include minutes of the July 1985 and September 1985 meetings; budget review for fiscal year 1986 and close-out for fiscal year 1985; discussion of the July 1985 exam and the February 1986 exam; assign subjects to board members and discuss exam security; set the MBE passing score; review the returned check fee; adopt an extended sick leave policy; questions of eligibility and special requests; and hearings on moral character and fitness.

Contact: Wayne E. Denton, Suite 505, Texas Law Center, 1414 Colorado, Austin, Texas 78701, (512) 475-4137.

Filed: November 13, 1985, 1:13 p.m.
TRD-8510630

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Texas State Board of Medical Examiners

Friday, November 15, 1985, 2:30 p.m. The Executive Committee of the Texas State Board of Medical Examiners met in emergency session at 1101 Camino La Costa, Austin. According to the agenda, the committee considered a matter involving a license under provisions of Texas Civil Statutes, Article 4495b, §4.13. The committee also met in executive session under Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§4.05(d), 5.06(e)(1), and 3.05(d), and attorney general opinion H-484, 1974, and Texas Civil Statutes, Article 4495b, §2.07. The emergency status was necessary because information just became available which needed immediate

committee attention. The matter will be referred to in later full board session.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: November 13, 1985, 12:50 p.m.
TRD-8510629

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Midwestern State University

Thursday, November 21, 1985. Committees of the Board of Regents of Midwestern State University (MSU) will meet in the boardroom, Hardin Building, MSU, Wichita Falls. Times, committees, and agenda summaries follow.

3 p.m. The Executive Committee will consider construction accounts, employee insurance, and easements.

3:45 p.m. The Finance Committee will consider recommendations concerning allocations and transfers of MSU funds.

4:30 p.m. The Personnel and Curriculum Committee will consider enrollment and small class report for fall 1985; shortened-format class policy; intellectual property policy; maternity leave policy; work break policy; nepotism policy for part-time employees; telephone long distance policy; emergency procedures for mentally ill individuals; and spot purchase increase; and act on policy manual changes.

5 p.m. The Student Affairs Committee will consider student development.

5:15 p.m. The Athletics Committee will consider sports and athletics developments.

5:30 p.m. The University Development Committee will consider reports on gifts, grants, and pledges received during the 1984-1985 academic year and from September 1, 1985, to October 29, 1985.

Contact: Dr. Louis J. Rodriguez, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611.

Filed: November 14, 1985, 9:03 a.m.
TRD-8510668, 8510667, 8510666,
8510665, 8510664, 8510663

Friday, November 22, 1985, 9 a.m. The Board of Regents of Midwestern State University will meet in the boardroom, MSU, Wichita Falls. Items on the agenda summary include approval of minutes; financial reports; board committee appointments; recommendations by the Executive Committee, Finance Committee, and Personnel and Curriculum Committee; and reports by the Student Affairs Committee, Athletics Committee, and University Development Committee. The board also will

meet in executive session to discuss personnel and contractual matters.

Contact: Dr. Louis J. Rodriguez, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611.

Filed: November 14, 1985, 9:05 a.m.
TRD-8510662

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Public Utility Commission of Texas

Wednesday, November 13, 1985, 9 a.m. The Hearings Division of the Public Utility Commission of Texas made an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Docket 6350—application of El Paso Electric Company for a rate increase and appeal of an examiner's order requiring a subpoena; and Docket 6560—petition for review of certain rate-making actions of the City of Austin and the interim appeal of ALJ's order number one. The emergency status was necessary because the appeals relate to a rate case with statutory deadline.

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

Filed: November 12, 1985, 2:41 p.m.
TRD-8510580

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin Days, times, and dockets follow

Wednesday, November 20, 1985, 10 a.m. A settlement conference in Docket 6062—application of Texas-New Mexico Power Company for approval of the standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities.

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

Filed: November 12, 1985, 2:39 p.m.
TRD-8510579

Monday, November 25, 1985, 1:30 p.m. A second prehearing conference in Docket 6477 and Docket 6525—inquiry of the commission concerning the fixed fuel factor of Gulf States Utilities and application of Gulf States Utilities for authority to change rates.

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

Filed: November 13, 1985, 2:10 p.m.
TRD-8510658

Tuesday, November 26, 1985, 1:30 p.m. A prehearing conference in Docket 6565—application of Continental Telephone Company of Texas for customer owner pay telephone service.

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

Filed: November 12, 1985, 2:40 p.m.
TRD-8510582

Tuesday, December 3, 1985, 10 a.m. A hearing on the merits in Docket 6122—a \$43(h) rate increase of Martin Water Company.

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

Filed: November 12, 1985, 2:39 p.m.
TRD-8510581

Monday, December 9, 1985, 1:30 p.m. A prehearing conference in Docket 6589—petition of S&W Water Company for authority to terminate water utility service in Hood County.

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

Filed: November 13, 1985, 2:11 p.m.
TRD-8510655

Tuesday, January 28, 1986, 10 a.m. A hearing on the merits in Docket 6439—application of AT&T Communications to offer a new custom network service called software defined network service.

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

Filed: November 13, 1985, 2:11 p.m.
TRD-8510656

Tuesday, March 18, 1986, 9 a.m. A hearing on the merits in Docket 6200—petition of Southwestern Bell Telephone Company for authority to change rates (ALJ's order number 85) and Docket 6588—request for declassification of documents covered by the protective order entered in Docket 6200 (ALJ's order number one).

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

Filed: November 13, 1985, 2:11 p.m.
TRD-8510657

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State Purchasing and General Services Commission

Wednesday, November 20, 1985, 1:30 p.m. The Texas School Bus Specifications Committee of the State Purchasing and General Services Commission will meet in Room 1004, LBJ Building, 111 East 17th Street, Austin. According to the agenda, the commission will consider maximum axle weights allowed under Texas traffic laws; engine fan clutches on Texas buses; sealed (nonreplaceable bulb) rear lights recommended by

Truk-Lite Company; school bus engine power requirements; the use of U-bolts made of round rod at 0.390 inch with formed threads at 0.475 inch instead of U-bolts at 0.475 inch with cut threads; and the minimum requirements for school buses.

Contact: Troy Martin, LBJ Building, Room 1007, 111 East 17th Street, Austin, Texas 78705, (512) 463-3411.

Filed: November 12, 1985, 3:21 p.m.
TRD-8510585

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University of Texas System

Friday, November 15, 1985, 3 p.m. The Council for Intercollegiate Athletics for Women of the University of Texas at Austin of the University of Texas System met in Room 606, conference room, Belmont Hall, San Jacinto between 21st and 23rd Streets, Austin. According to the agenda, the council considered approval of minutes of October 15, 1985; announcements; and old and new business. The council also met in executive session.

Contact: Rhonda Lands, Belmont Hall, San Jacinto between 21st and 23rd Streets, Austin, Texas 78705, (512) 471-7693.

Filed: November 12, 1985, 2:55 p.m.
TRD-8510583

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Texas Turnpike Authority

Thursday, November 21, 1985, 11:30 a.m. The Board of Directors of the Texas Turnpike Authority will meet in the Jubilee Room, Executive Inn, 3232 West Mockingbird Lane, Dallas. Items on the agenda include the approval of minutes of the last Board of Director's meeting; with respect to the Houston Ship Channel Bridge project, acceptance of toll rate review study and approval of various projections, resolutions, reports, and contracts including release of preliminary private placement memorandum relating to the partial refinancing of the current bond issue and the sale of bonds; with respect to the Dallas north tollway extension project, approval of various projections, resolutions, reports, and contracts including the release of the preliminary official statement relating to the refinancing of the current bond issue and the sale of bonds; approval of contract DNT-120; and purchase of right-of-way. The board also will meet in executive session.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: November 13, 1985, 1:32 p.m.
TRD-8510631

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Veterans Land Board

Monday, November 25, 1985, 1:15 p.m. The Veterans Land Board (VLB) will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include consideration of October 17, 1985, minutes; consideration to adopt a resolution approving information statement and bidding instructions, official bid form, official notice and official statement for veterans bonds, series 1985; consideration to adopt a resolution authorizing the issuance of and sale of veterans bonds, series 1985, \$250M; consider bids and award contract for paying agent/registrar; take other necessary action for the sale of bonds; consider the bond counsel's fee; discuss the appointment for administrator of Veterans Housing Assistance Program (VHAP); consideration of Pruco's program; consider a \$375 administrative fee; set penalty interest; discuss the time frame for the county committee report; on-site inspection; authorize a committee to draft rules and regulations of the Farm and Ranch Loan Program; consider waiver requests under VHAP; a discussion of VLB accounts; forfeiture action; a report of LaMoca Ranch Subdivision; and the report of the executive secretary.

Contact: Richard Keahey, Stephen F. Austin Building, Room 636, 1700 North Congress, Austin, Texas 78705, (512) 475-6755.

Filed: November 14, 1985, 9:58 a.m.
TRD-8510679

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Texas Water Commission

Tuesday, December 17, 1985, 9 a.m. The Texas Water Commission will meet at the Neighborhood Facilities Center, 400 North Washington, Beeville. Agenda summaries follow.

The commission will consider an application by Diamond Shamrock Refining and Marketing Company, P.O. Box 490, Three Rivers, Texas 78701, for an amendment to Permit 01353 to add provisions authorizing the use of treated effluent for irrigation on approximately 500 acres of company-owned land which is located three miles north northeast of the City of Three Rivers. The existing permit authorizes the discharge of treated process wastewater effluent at a volume not to exceed an average flow of 800,000 gallons per day plus stormwater and plant washwater runoff. The applicant proposes to use the treated wastewater primarily for irrigation and to discharge into the waters of the state only during emergency situations and only when the Nuccc

River flow is greater than 20 cubic feet per second.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 12, 1985, 2:22 p.m.
TRD-8510577

The commission will consider the application of Intercontinental Energy Corporation, doing business as IEC Corp. in Texas, Route 1, Box 622, Three Rivers, Texas 78071, for proposed Permit 02788 to authorize the disposal by irrigation of effluent at a volume not to exceed a maximum of 360,000 gallons per day during the aquifer restoration process as required by Permit UR-02050 at the applicant's Pawnee *in situ* uranium mine. The effluent will be used to irrigate a 58.8-acre tract within a 200-acre restricted area owned by the applicant. Application rates for the irrigated land shall not exceed 3.5 acre-feet per acre per year. No discharge of pollutants to water in the state is authorized.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875

Filed: November 12, 1985, 2:21 p.m.
TRD-8510578

Tuesday, December 17, 1985, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on the petition for creation of South Mission Glen Municipal Utility District containing 198.924 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: November 13, 1985, 3:21 p.m.
TRD-8510653

Thursday, December 19, 1985, 9 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider an application by Doyle Wilson, 1515 Capital of Texas Highway, Suite 402, Austin, Texas 78746, for proposed Permit 13081-01 to authorize the disposal by irrigation of treated domestic wastewater effluent at a rate not to exceed an average of 720,000 gallons per day. The applicant proposes to construct a treatment facility to service a proposed development. The facility is to consist of a contact stabilization process followed by clarification and chlorination. Effluent is to go to a 214.8 acre-foot capacity holding pond and then to 298.7 acres for irrigation. Application rates for the irrigated and are not to exceed 2.7 acre-feet per acre per year. No discharge of pollutants to the water in the state is authorized by the permit.

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

Filed: November 13, 1985, 3:20 p.m.
TRD-8510654

Texas Water Development Board

Thursday, November 21, 1985. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times and agendas follow.

9 a.m. The board will hold a work session for briefing and discussion with the staff concerning its responsibilities and programs under House Bill 2 and the constitutional amendments approved November 5, 1985, based on House Joint Resolution 6.

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: November 13, 1985, 9:03 a.m.
TRD-8510605

3 p.m. The board will consider minutes; the development fund manager's report; extensions of loan commitments to the cities of Bertram, Olney, Savoy, Tatum, Pittsburg, and Quitman; consider the City of Crockett to use \$37,384 from surplus bond funds; the City of Emory to revise the water supply system project; the Lamar County water supply district to issue bonds on parity; the City of Gatesville to issue parity lien bonds and extend the extension on loan commitment; formulate travel policies; the adoption of 31 TAC Chapters 341, 355, 363, and 373; consider the Red River Authority application for local sponsorship; the appointment of two board members for the San Jacinto River Authority; and funding research and flood protection planning applications.

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: November 13, 1985, 9:04 a.m.
TRD-8510604

3 p.m. The board revised its agenda to consider funding the research and flood protection planning applications of Texas Tech; the University of Texas at Austin; Texas A&M University, Agricultural Experiment Station; the City of Brownsville; and San Patricio County drainage district.

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: November 13, 1985, 3:09 p.m.
TRD-8510639

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Regional Agencies

Meetings Filed November 12

The Denton County Appraisal District, Appraisal Review Board, will meet at 3911 Morse, on November 21, 1985, at 3:30 p.m. Information may be obtained from Joe D. Rogers, 3911 Morse Street, Denton, Texas 76201, (817) 566-0904.

The Hansford County Appraisal District, Board of Directors, will meet at 709 West Seventh Street, Spearman, on November 20, 1985, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Hunt County Tax Appraisal District, Board of Directors, met in emergency session in the boardroom, 4815-B King Street, Greenville, on November 14, 1985, at 7 p.m. Information may be obtained from Terry G. Bryan, 4815-B King Street, Greenville, Texas 75401, (214) 454-3510.

The Trinity River Authority of Texas, Utility Services Committee, met at 5300 South Collins, Arlington, on November 18, 1985, at 10:30 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, Arlington, Texas 76010, (817) 467-4343.

The Texas Municipal Power Agency, Board of Directors, met in the administrative building, at Gibbons Creek Steam Electric Station, 2½ miles north of Carlos on FM Road 244, on November 14, 1985, at 10:30 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

TRD-8510571

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Meetings Filed November 13

The Arkansas-Texas Council of Governments, Executive Committee, will meet at K-Bob's Restaurant, Mount Pleasant, on November 21, 1985, at 5:30 p.m. Information may be obtained from Vivienne Arvin, (214) 832-8636.

The Atascosa County Appraisal District, Board of Directors, will meet at 1010 Zanderson, Jourdanon, on November 21, 1985, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanon, Texas, (512) 769-2730.

The Cherokee County Appraisal District, Board of Directors, will meet at 107 East Sixth Street, Rusk, on November 21, 1985, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

The Hockley County Appraisal District, Board of Directors, met in the boardroom, 1103-C Houston Street, Levelland, on November 18, 1985, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Liberty County Central Appraisal District, Board of Directors, will meet at 1820 Sam Houston, Liberty, on November 20, 1985, at 9:30 a.m. Information may be

obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

The Mills County Appraisal District will meet at the courthouse, Goldthwaite, on November 21, 1985, at 6:30 p.m. Information may be obtained from Gary Holcomb, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on November 26, 1985, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas, (214) 442-5405.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, will meet at the Life Skills Center, 102 Charles Street, Granbury, on November 20, 1985, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Texas Political Subdivisions Workers' Compensation Joint Insurance Fund, Board of Trustees, met at the Austin Club, Austin, on November 18, 1985, at 10 a.m. Information may be obtained from Thomas P. Vick, P.O. Box 2759, Dallas, Texas 75221, (214) 760-6183.

The South Texas Development Council, Board of Directors, will meet in the Wing Conference Room, 600 South Sandman, Laredo, on November 21, 1985, at 1:30 p.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187.

The Trinity River Authority of Texas, Legal Committee, will meet at 5300 South Collins, Arlington, on November 19, 1985, at 10:30 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, Arlington, Texas 76010, (817) 467-4343.

TRD-8510603

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Meetings Filed November 14

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on November 20, 1985, at 11 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720.

The Grayson Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, on November 20, 1985, at noon. Information may be obtained from Sandra Bolter, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Hale County Appraisal District, Board of Directors, will meet at 302 West Eighth Street, Plainview, on November 21, 1985, at 7 p.m. The Appraisal Review Board will meet at the same location on November 22, 1985, at 11 a.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072.

The Heart of Texas Mental Health and Mental Retardation, Board of Trustees, will meet at 110 South 12th Street, Waco, on November 20, 1985, at 10:30 a.m. Information may be obtained from Jan Baty, P.O. Box 890, Waco, Texas 76703, (817) 752-3451.

The Houston-Galveston Area Council, Board of Directors, will meet at 3555 Timmons, Houston, on November 19, 1985, at 9:30 a.m. Information may be obtained from Sallie Sosa, 3555 Timmons, Houston, Texas 77027, (713) 627-3200.

The Trinity River Authority of Texas, Executive Committee, will meet at 5300 South Collins, Arlington, on November 20, 1985, at 10:30 a.m. Information may be obtained from Jack C. Worsham, 5300 South Collins, Arlington, Texas 76010, (817) 467-4343.

The West Central Texas Council of Governments, Regional Advisory Council on Aging, will meet at the Travel Lodge, 774 East Highway 80, Abilene, on November 21, 1985, at 10:30 a.m. Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

The Wood County Appraisal District, Board of Directors, will meet in the conference room, 217 North Main, Quitman, on November 21, 1985, at 1:30 p.m. Information may be obtained from W. Carson Wages, 217 North Main, Quitman, Texas 75783.

TRD-8510661

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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 Amendment to Consultant Contract Award

Pursuant to funds management ruling §5.54(f) promulgated by the Comptroller of Public Accounts, the Texas Department of Community Affairs (TDCA) proposes to amend its existing contract with the firm of Peat, Marwick, Mitchell, and Company for the design and implementation of program and financial management systems. The existing contract was awarded under the provisions of Texas Civil Statutes, Article 6252-11c, for the period April 15, 1985-June 30, 1986. The consultant proposal request for such services was published in the November 16, 1984, issue of the *Texas Register* (9 TexReg 5945).

Description of Services. Under the terms of the proposed contract amendment, the firm of Peat, Marwick, Mitchell, and Company would provide modifications and enhancements to the financial accounting and management information system (FAMIS) for the TDCA during the existing contract period. Services would include modification of the security table, index code table, data element file, voucher payable module, training program and operator's guide, and financial input to repeat data fields; development of reconciliation reports, year end close-out procedures, and reports and inquiries for monitoring of contractors; and providing training and accounting support for the TDCA staff.

Business Address. The business address of Peat, Marwick, Mitchell, and Company is 1100 American Plaza, Fifth and Lavaca Streets, Austin, Texas 78701.

Amendment Amount. The total cost of services to be performed under the proposed amendment is presently estimated to be \$55,000.

Effective Date. The effective date of the proposed amendment shall be 10 days after the date of publication in the *Texas Register*.

Project Reports. Reports to be generated under the proposed amendment shall be submitted to the TDCA upon completion throughout the period of performance of the contract.

Issued in Austin, Texas, on November 8, 1985

TRD-8510528 Douglas C Brown
General Counsel
Texas Department of Community Affairs

Filed: November 8, 1985

For further information, please call (512) 834-6060.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ /Agricultural/Commercial ⁽²⁾ thru \$250,000	Commercial ⁽²⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 11 18 85-11/24 85	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 11 01 85-11/30 85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10 01 85-12 31 85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽¹⁾ 10 01 85-12/31 85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽¹⁾ 10 01 85-12 31 85	14.46%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 10 01 85-12/31 85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽¹⁾ 10 01 85-12 31 85	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10 01 85-12 31 85	18.00%	N/A
Judgment Rate— Article 1.05, §2 12 01 85-12 31 85	10.00%	10.00%

(1) For variable rate commercial transactions only.

(2) Only for open end credit as defined in Texas Civil Statutes, Article 5069-1.01(1).



- (3) Credit for personal, family, or household use.
 (4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on November 13, 1985.

TRD-8510807 Sam Kelley
 Consumer Credit
 Commissioner

Filed November 13 1985
 For further information, please call (512) 479-1299.

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Texas Economic Development Commission

Texas Cities for Economic Leadership

The Texas Economic Development Commission will conduct six regional application workshops December 3-12, 1985, filed pursuant to the provisions of Texas Civil Statutes, Article 6252-13a.

These workshops will introduce and describe the Texas Cities for Economic Leadership (TEXCEL) Program. This program is designed to assist communities across the state to develop basic economic development skills to capitalize on, and create, economic development opportunities.

A full program description and application will be available at the following six regional application workshops: December 3, 1985, 9:30 a.m.-12:30 p.m., El Mercado del Sol, Jensen and Navigation, Houston, Texas 77003; December 10, 1985, 9:30 a.m.-12:30 p.m., Palmer Auditorium, 400 South First and Riverside Drive, Austin, Texas 78704; December 4, 1985, 1:30 p.m.-4:30 p.m., Maude Cobb Convention and Activity Center, 100 Grand Avenue, Longview, Texas 75606; December 5, 1985, 9:30 a.m.-12:30 p.m., Friendship Gardens, 600 International Boulevard, Brownsville, Texas 78520; December 11, 1985, 1:30 p.m.-4:30 p.m., Lubbock Memorial Civic Center, 1501 Sixth Street, Lubbock, Texas; December 12, 1985, 9:30-12:30 p.m., Arlington Convention Center, 1200 Stadium Drive East (located east side of Arlington Stadium), Arlington, Texas.

Issued in Austin, Texas, on October 29, 1985.

TRD-8510508 David V Brandon
 Executive Director
 Texas Economic Development
 Commission

Filed, November 8, 1985
 For further information, please call (512) 472-5050.

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Texas Department of Health Public Hearing

The Texas Department of Health will conduct a public hearing on proposed new §§37.231-37.243, concerning the administration and implementation of the Maternal and Infant Health Improvement Act. The new sections were published in the October 25, 1985, issue of the *Texas Register* (10 TexReg 4165).

The hearing will be held on Wednesday, November 27, 1985, at 9 a.m., in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

For further information, contact Walter P. Peter, Jr., M.D., Chief, Bureau of Maternal and Child Health, 1100 West 49th Street, Austin, Texas, 78756, (512) 458-7700.

Issued in Austin, Texas, on November 12, 1985.

TRD-8510827 Robert A. MacLean
 Deputy Commissioner
 Professional Services
 Texas Department of Health

Filed, November 13, 1985
 For further information, please call (512) 458-7700.

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Texas Department of Human Services Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of consultant contract award. The request for proposals was published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3916).

Description of Services. The contractor will ensure that a permanent plan is accomplished within one year for all children entering DHS conservatorship in DHS Region 04. The contractor will provide input on a case plan based on professional experience and case planning, and input to the worker/supervisor on techniques for implementing case plans and ensuring that the formulated plans are measurable, time framed, and realistic.

Name of Contractor and Value of Contract. The contractor selected is Ralph W. Kantor, 4318 Mary Lou, Abilene, Texas, 79606, (915) 692-5805—\$20,000.

Effective Date of Contract. The contract will begin January 1, 1986, and will end December 31, 1986.

Due Date of Reports. No reports are required under this contract.

Issued in Austin, Texas on November 12, 1985.

TRD-8510561 Marlin W Johnston
 Commissioner
 Texas Department of Human Services

Filed: November 12, 1985
 For further information, please call (512) 450-3766.

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Amended Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of an amended contract award. The request for proposals was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4605), and the contract award was published in the November 6, 1984, issue of the *Texas Register* (9 TexReg 5749).

The contract was awarded to the Texas Coalition for Juvenile Justice, 2906 Maple Avenue, Suite 204, Dallas, Texas, 75201. The contractor will provide workshops dealing with issues of sexual abuse of children in adult jails. The termination date of the contract is extended

from August 31, 1985 to November 8, 1985. The contract amount is increased from \$68,168.58 to \$81,992.27.

Issued in Austin, Texas, on November 12, 1985

TRD-8510635 Marlin W Johnston
Commissioner
Texas Department of Human Services

Filed November 12 1985

For further information please call (512) 450-3766

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Board of Pardons and Paroles Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Board of Pardons and Paroles announces a contract award for consulting services. The request for proposals was published in the July 30, 1985, issue of the *Texas Register* (10 TexReg 2488).

Specific activities to be performed by the consultant are compiling and preparing reports and documents, as well as providing written and oral statements to be presented to the Sunset Advisory Commission and its staff, in its review of the Board of Pardons and Paroles.

In addition, the consultant will provide ongoing counsel and advice to the Board of Pardons and Paroles concerning technical and procedural aspects of the sunset review process and engage in such other necessary activities that will facilitate the efficient exchange of information between the Sunset Review Commission and its staff and the employees and board members of the Board of Pardons and Paroles.

The consultant selected is Darryll W. Grubbs, 2704 San Pedro, #16, Austin, Texas 78705.

The total value of the contract is \$20,444.40. The contract period is September 31, 1985, through November 30, 1986. Mr. Grubbs will provide reports upon the completion of assigned services.

Issued in Austin Texas, on November 8, 1985

TRD-8510546 John W Byrd
Executive Director
Board of Pardons and Paroles

Filed November 8, 1985

For further information, please call (512) 459-2716.

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Texas Savings and Loan Department Loan Office Relocation

All savings and loan associations operating in Texas are notified that the following applications to relocate an office have been filed with the savings and loan commissioner of Texas

Docket Number and Application	Applicant's Agent/Attorney
Number 85-218	Larry Temple
Benjamin Franklin Savings Association	1510 United Bank tower Austin, Texas 78701

to relocate a branch office from 8301 MoPac Expressway North, #309, Houston, Harris County to 3415 Greystone Dr., #101, Greystone Center, Austin, Travis County, Texas

P.O. Box 856
Baytown, Texas 77552

The applications are filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a. The applicable rules of the Texas Savings and Loan Department are 7 TAC §§51.2-51.12, 53.3, 53.4, 57.1, and 57.2, which are published in the department's book titled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the *Texas Register*, Office of the Secretary of State, Austin

Each applicant association asserts that there is a need for the relocated office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed relocation and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height)

Anyone desiring to protest an application may do so by filing a protest, in writing, with the Texas Savings and Loan commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than November 25, 1985. A protest should include the docket number of the application. A copy of the protest should be mailed to the agent or attorney listed previously.

Issued in Austin Texas, on November 8, 1985.

TRD-8510600 Russell R Oliver
General Counsel
Texas Savings and Loan Department

Filed November 13 1984

For further information please call (512) 475-7991

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Loan Office Applications

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-247,	James Hackney,
Capitol City Savings Association	Mc Ginnis, Lockridge and Kilgore, 1300
Loan Office	Capitol Center, 919
4926 Everhart, Corpus Christi, Nueces County	Congress Avenue, Austin, Texas 78701

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 7 TAC §§53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative

Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas.

The applicant association asserts that there is a need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation, and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than November 29, 1985

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin Texas on November 13 1985

TRD 8510599 Russell R. Oliver
 General Counsel
 Texas Savings and Loan Department

Filed November 13, 1985
For further information please call (512) 479-1250

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Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent Attorney
Number 85-206, Sunbelt Savings Association Loan Office 5930 Prestonview, Suite 200, Dallas, Dallas County	Richard Ashby, Vice-President, Sunbelt Savings Association, 5501 LBJ Freeway, Suite 1200 Dallas, Texas 75240

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 7 TAC §§53 5-53 7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas

The applicant association asserts that there is a need for the proposed office, the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation, and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height)

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than November 25, 1985

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed

Issued in Austin Texas on November 8 1985

TRD 8510601 Russell R. Oliver
 General Counsel
 Texas Savings and Loan Department

Filed November 13, 1985
For further information please call (512) 475 7991

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Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows.

Docket Number and Application	Applicant's Agent/Attorney
Number 85-205, Sunbelt Savings Savings Association Loan Office 6330 Broadway, Suite A Garland, Dallas County	Richard Ashby, Vice-President, Sunbelt Savings Association, 5501 LBJ Freeway, Suite 1200, Dallas, Texas 75240

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 7 TAC §§53 5-53 7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas

The applicant association asserts that there is a need for the proposed office, the association has no serious supervisory problems which would affect its ability to properly operate such office, the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height)

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than November 25, 1985

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin Texas on November 8 1985

TRD 8510602 Russell R. Oliver
 General Counsel
 Texas Savings and Loan Department

Filed November 13 1985
For further information please call (512) 475 7991

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Texas Water Commission Application for Provisionally- Issued Temporary Permit

Notice is given by the Texas Water Commission of a provisionally-issued temporary permit issued during the period of November 4-8, 1985-

The permit was issued without notice and hearing pursuant to the Texas Water Code, §11.138, and commission rules 31 TAC §303.91-303.93

The executive director has reviewed the application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. It is further noted that the diversion is for not more than 10 acre-feet of water and for a period of not more than one year. If a complaint is received before or after diversion is commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of the permit may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218

Listed is the name of the permittee, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

Texas Eastern Gas Pipeline Company, from the stream crossing of a pipeline, approximately four miles southeast of Jefferson, Little Cypress Bayou, tributary to Big Cypress Bayou, two acre-feet, one-year period, TI-5331; November 4, 1985

Issued in Austin, Texas on November 8, 1985

TRD-8510530 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: November 8, 1985

For further information please call (512) 463-7898

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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 November 4-8, 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) 463-7905.

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 November 4-8, 1985

City of Houston, Houston; wastewater treatment plant; at 9500 Clinton Street in Harris County; 10495-10; renewal

City of Houston, Houston; wastewater treatment plant; 625 Masey Road, Harris County; 10495-77; renewal

Koppe Construction, San Antonio; sewage treatment plant; approximately 100 feet north of the Southern Pacific Railroad and 2000 feet south-southwest of the intersection of Dunop Road and Old Corpus Christi Road in Bexar County; 13162-01; new permit

Bell County Water Control and Improvement District 1, Killeen; wastewater treatment plant; on the west side of FM Road 2410 and approximately 1/2 mile north of U.S. Highway 190 in Bell County; 10351-03; new permit

Lloyde W. Parker, Pflugerville; wastewater treatment plant; approximately 1.2 miles north-northwest of the intersection of FM Road 1670 and FM Road 2484 in Bell County; 13068-01; new permit

City of Dallas, Dallas; wastewater treatment plant; on the west bank of the Trinity River at 1020 Sargent Road in Dallas County; 10060-01; renewal

City of Morgan, Morgan; wastewater treatment facilities; adjacent to Steele Creek approximately 1/2 mile southeast of the intersection of State Highway 174 and FM Road 927 in Bosque County; 12217-01; renewal

City of Brownwood, Brownwood; wastewater treatment plant, north of Willis Creek at the southeast end of Hoover Avenue in Brown County; 10565-01; renewal

City of Bellane, Bellane; wastewater treatment facilities; in the 4400 block of Edith Street on the north side of Cypress Ditch in Harris County; 10550-01; renewal

City of Houston, Houston; wastewater treatment plant; on the south bank of Greens Bayou approximately 3,000 feet northeast of the intersection of the IH 45 and North Belt in Harris County; 10495-100; renewal

Dick Barrett Produce, Inc., doing business as Barrett-Fisher Company, Hereford; vegetable packing plant; adjacent to the eastern extension of New York Avenue and south of the Panhandle and Santa Fe Railroad right-of-way in the southeast portion of the City of Hereford, Deaf Smith County; 01234; renewal

Friendswood Development Company, Houston; wastewater treatment plant; approximately 1,200 feet south of West Road and 6000 feet west of IH 45 in Harris County; 13211-01; new permit

Allstates Chemical Corporation, Katy; wastewater treatment plant; 30001 Katy-Brookshire Road, approximately four miles west of Katy, ¼ mile south of U.S. Highway 90 on FM Road 2855 in Waller County; 02416; amendment

Texas Southwest Development Corporation, Pasadena; wastewater treatment plant; on the east bank of Williams Gully approximately 400 feet north of Jetero Boulevard in Harris County; 13037-01; amendment

CDC Coatings Company, Houston; wastewater treatment plant; at 14820 Talcott Street in the Town of Channelview, Harris County; 02650; amendment

Fox-Hancock, Inc., Livingston; wastewater treatment plant; approximately 4,000 feet southeast of the intersection of U.S. Highway 190 and FM Road 3126 in Polk County; 13209-01; new permit

Ray Styles, Wichita Falls; meat processing and canning plant; approximately 1,300 feet southeast of the intersection of FM Road 1740 and Cameron Road and approximately 1.6 miles north-northeast of Wichita Falls, Wichita County; 01283; renewal

Southern Montgomery County MUD, Spring; wastewater treatment plant; 852 Rayford Road, approximately ¼ mile east of IH 45 and approximately 3,500 feet north of Spring Creek in Montgomery County; 11001-01; renewal

Denka Chemical Corporation, Houston; plant manufacturing organic chemicals; east of the intersection of Park Place Boulevard and Old Galveston Road at 8701 Park Place Boulevard in Harris County; 02392; renewal

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Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed November 12 1985

For further information please call (512) 463 7898.