

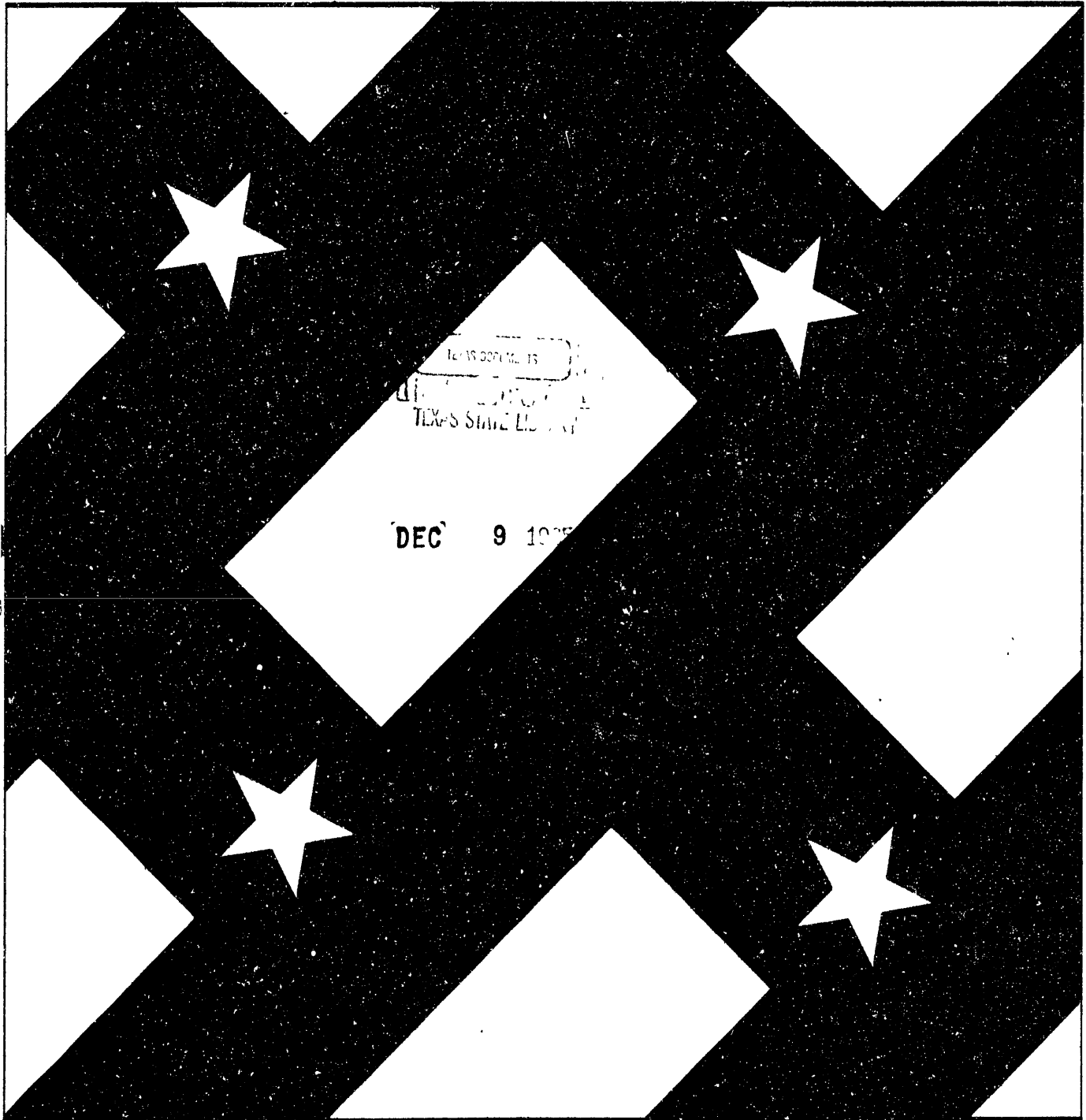
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# Texas Register

Volume 10, Number 90, December 6, 1985

Pages 4667 - 4718



## Highlights

The **Office of the Governor** adopts an amendment to a section concerning Criminal Grants Funds on an emergency basis. Effective date - November 27.....**page 4672**

The **Texas Savings and Loan Department** pro-

poses amendments concerning charter applications. Earliest possible date of adoption - January 6.....**page 4676**

The **Texas Department of Health** proposes new sections concerning maternal and child health services. Proposed date of adoption - January 31.....**page 4679**

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

a division of the  
Office of the Secretary of State  
P.O. Box 13824  
Austin, Texas 78711-3824  
512-463-5561

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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

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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 21

### Lamar University

To the Board of Regents for a term to expire October 4, 1991:

Otho Plummer  
625 20th Street  
Beaumont, Texas 77706

Mr. Plummer is being reappointed.

### State Employee Incentive Commission

For a term to expire September 1, 1987:

Anita Harris  
P.O. Box 1056  
Greenville, Texas 75401

Ms. Harris is being appointed pursuant to House Bill 473, 69th Legislature, 1985.

Issued in Austin, Texas, on November 21, 1985

TRD-8511037

Mark White  
Governor of Texas

★ ★ ★



## Appointment Made November 22

### Coordinating Board, Texas College and University System

For a term to expire August 31, 1991:

Philip G. Warner  
3824 West Clay  
Houston, Texas 77019

Mr. Warner is replacing Herbert Schiff of Dallas, whose term expired.

Issued in Austin, Texas, on November 22, 1985.

TRD-8511195

Mark White  
Governor of Texas

★ ★ ★

## Appointment Made November 22

### Finance Commission

For a term to expire February 1, 1987:

W. R. Vance  
1400 Brookhollow  
Bryan, Texas 77802

Mr. Vance is replacing Henry Sauer, Jr., of Houston, who resigned.

Issued in Austin, Texas, on November 22, 1985.

TRD-8511036

Mark White  
Governor of Texas

★ ★ ★

## Appointments Made November 25

### State Board of Nurse Examiners

For a term to expire January 31, 1991:

Pauline Barnes  
3519 Olive Street  
Texarkana, Texas 75503

Ms. Barnes is being reappointed.

### Lamar University

To the Board of Regents for a term to expire October 4, 1991:

Truman Arnold  
P.O. Box 973  
Texarkana, Texas 75504

Mr. Arnold is replacing Regina J. Rogers of Houston, whose term expired.

### Texas Structural Pest Control Board

For a term to expire August 30, 1986:

Larry A. Esparza  
165 Westlawn Park  
Brownsville, Texas 78520

Mr. Esparza is being reappointed.

Issued in Austin, Texas, on November 25, 1985.

TRD-8511195

Mark White  
Governor of Texas

★ ★ ★

## Appointments Made November 26

### Texas Commission on Alcohol and Drug Abuse

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

Robb Southerland  
2207 Bowman Avenue  
Austin, Texas 78703

### Texas Animal Health Commission

For terms to expire September 6, 1991:

Delvin R. Barrett  
2704 Pinehurst Circle  
Bryan, Texas 77802

Mr. Barrett is replacing Bobby Baros of Gonzales, whose term expired.

James D. Sartwelle  
204 West View  
Sealy, Texas 77474

Mr. Sartwelle is being reappointed.

### Bandera County River Authority

For terms to expire January 31, 1989:

John Cameron  
Rt. 4, Box 18  
Bandera, Texas 78003

Colonel Cameron is replacing Elton Frank Boultinghouse of Utopia, whose term expired.

Henry Fisher  
Box 7  
Utopia, Texas 78884

Mr. Fisher is being reappointed.

Don E. Karr  
Rt. 1, Box 755  
Bandera, Texas 78003

Colonel Karr is replacing R. E. Adams of Medina, whose term expired.

For terms to expire January 31, 1991:

Dr. Tom Denyer  
Rt. 1, Box 539  
Bandera, Texas 78003

Dr. Denyer is replacing J. B. Edwards of Pipecreek, whose term expired.

Nick Johnson  
Box 666  
Bandera, Texas 78003

Mr. Johnson is replacing M. R. Sandidge  
of Bandera, who is deceased.

Connie Taylor  
P.O. Box 45  
Bandera, Texas 78003

Ms. Taylor is replacing Carmen Hicks of  
Bandera, whose term expired.

**State Board of Nurse  
Examiners**

For a term to expire January 31, 1991:

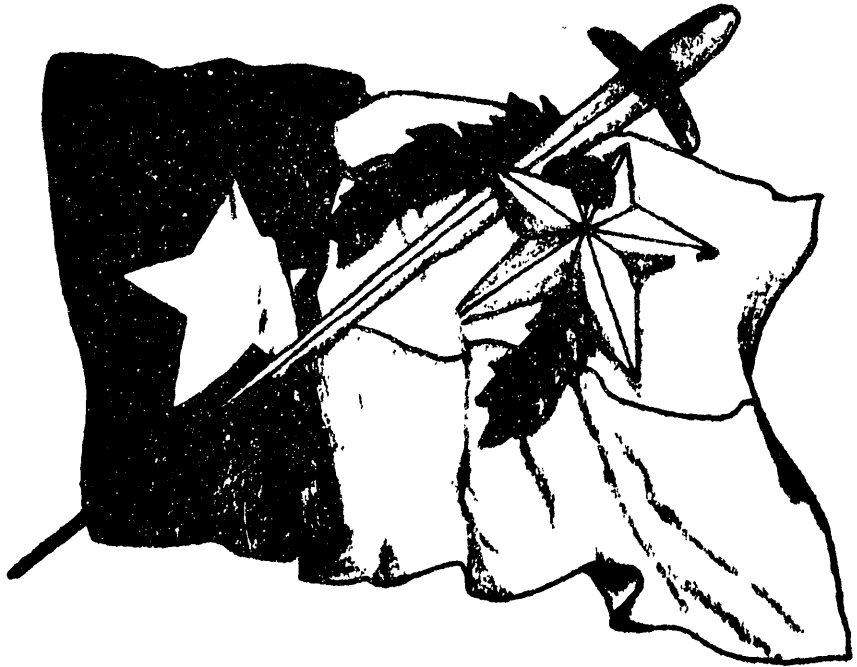
Teddy L. Langford, R.N., Ph.D.  
3601 Knoxville Drive  
Lubbock, Texas 79423

Dr. Langford is replacing Eileen Jacobi of  
El Paso, whose term expired.

Issued in Austin, Texas, on November 26, 1985.

TRD-8511195

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 1.

### ADMINISTRATION

#### Part I. Office of the Governor

#### Chapter 3. Criminal Justice Division

#### Subchapter A. Criminal Justice Implementation and Operation of Projects

#### ★ 1 TAC §3.80

The Criminal Justice Division of the Office of the Governor adopts on an emergency basis an amendment to §3.80, concerning the administration of criminal justice grant funds.

The Criminal Justice Division is now in the process of completing the 1987 Criminal Justice Plan for Texas, and has amended §3.80 in order to clarify require-

ments relating to funding of travel for certain types of training. This amendment is being adopted on an emergency basis to ensure that the applicants for 1987 criminal justice funds have complete and accurate information essential to the development of their grant applications, and are fully aware of any requirements that may affect their proposed projects.

This amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(32a)6(a)(11), which provide the Criminal Justice Division with the authority to adopt such rules, regulations, and procedures as may be necessary to carry out the provisions of the Act.

#### §3.80. Travel.

(a) **Regional law enforcement training academy grants.**

(1) CJD will not fund travel or subsistence for participation in law enforce-

ment training courses [if the training occurs within the grantee's region.

(2) (No change.)

(b) Non-law enforcement academy training. CJD will fund subsistence, but will not fund travel, for participation in training courses occurring within the state.

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

(f) Travel requirements of subsections (b) and (c) of this section are applicable only to grantees receiving funds under the 1986 Criminal Justice Plan for Texas.

Issued in Austin, Texas, on November 23, 1985.

TRD-8511172

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

Effective date: November 27, 1985

Expiration date: March 27, 1986

For further information, please call  
(512) 463-1919.



# 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 I. Office of the Governor Chapter 3. Criminal Justice Division

##### Subchapter A. Criminal Justice Implementation and Operation of Projects

###### ★ 1 TAC §3.80

*(Editor's note: The Criminal Justice Division of the Office of the Governor proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)*

The Criminal Justice Division of the Office of the Governor proposes an amendment to §3.80, concerning the administration of criminal justice grant funds.

The proposed amendment clarifies requirements relating to funding of travel for certain types of training and specifies which grantees are subject to these requirements.

Larry Janecek, assistant director, 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. Janecek 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 will be that applicants for Criminal Justice Division funds will be aware of any requirements that may affect the preparation or submission of their grant proposals. 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 Gilbert Pena, Executive Director of the Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication in this issue of the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4413(32a), 6(a)(11), which provide the Criminal Justice Division with the authority to adopt rules, regulations, and procedures as may be necessary to carry out the provisions of the Act.

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 26, 1985.

TRD-8511173

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

Earliest possible date of adoption:  
November 27, 1985  
For further information, please call  
(512) 483-1919.

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#### Part III. Office of the Attorney General Chapter 55. Child Support Enforcement Subchapter C. Enforcement

##### ★ 1 TAC §55.101

The Office of the Attorney General proposes §55.101, concerning contesting federal tax refund intercept. This proposed new section establishes a procedure by which a noncustodial parent who is notified that his income tax refund is to be intercepted to pay for past due child support may contest the amount of the payment the Attorney General determines to be past due.

The Social Security Act, Title IV, Part D, in some cases requires states to assist parents in collecting child support payments that are in arrears by intercepting the income tax refunds of the noncustodial parent. In the case of parents who

receive AFDC grants, the money intercepted on their behalf may be used to reimburse the state for AFDC payments. These proposed procedures establish an appeals process that assures due process for all parties before the Attorney General intercepts tax refunds as required by law.

Joseph Kouba, assistant director for collections and distribution for the Texas Attorney General's child support enforcement division, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of the new section. The anticipated administrative cost of these appeal procedures will be \$19,535 in 1986 and \$27,557 for each year from 1987-1990. There will be no fiscal implications for local government or small businesses as a result of enforcing or administering the new section.

Mr. Kouba 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 will guarantee due process for all parties affected by the income tax intercept program. 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 Sandra Moreno, Director State Office, Child Support Enforcement, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711, within 30 days of publication in the *Texas Register*.

The section is proposed under the Texas Human Resources Code, Chapter 78, which authorizes the Office of the Attorney General to administer the program.

##### §55.101. Contesting Federal Tax Refund Intercept.

(a) A noncustodial parent, who the Attorney General's Office has determined owes past-due child support and whose federal income tax refund is therefore subject to interception by the Attorney General's Office, may contest the determined amount of arrears by contacting the Attorney General's Office, and:

- (1) seeking to informally resolve any dispute; or
- (2) requesting a formal administrative review hearing. Seeking to informally resolve any dispute shall not preclude the noncustodial parent from subsequently requesting a formal hearing.

(b) If the order upon which the Attorney General's Office calculated the amount of past-due and owing child support was entered by a court of another state, the noncustodial parent may request a hearing in that state.

(c) A hearing shall be granted by the Attorney General's Office upon the noncustodial parent's submission of a completed "Request for Administrative Review" form to be obtained from the Attorney General's Office. (A copy of the "Request for Administrative Review" form follows.)

## REQUEST FOR ADMINISTRATIVE REVIEW TAX REFUND INTERCEPT PROGRAM

TYPE OR PRINT CLEARLY:

I. NAME: \_\_\_\_\_ SOCIAL SECURITY NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO.: ( ) \_\_\_\_\_

II. State your grounds for contesting the claimed amount of past-due child support (attach additional sheet if necessary):

\_\_\_\_\_

III. List the witnesses you intend to call in support of your contentions and the nature of their testimony (attach additional sheet if necessary):

1. \_\_\_\_\_

2. \_\_\_\_\_

IV. Describe the evidence you intend to introduce (court orders, payment records, cancelled checks, etc.). Please attach copies.

\_\_\_\_\_

V. Attach a copy of the notice you received from the federal Office of Child Support Enforcement.

Please note that only the evidence, testimony, witnesses and matters disclosed above may be considered at the hearing.

(Complete the following before a notary public only if you do not wish to personally appear at the hearing).

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ who being by me duly sworn upon oath deposed and stated that the statements and allegations he/she has made in the above and foregoing Request for Administrative Review are true and correct to the best of his/her knowledge and that any and all attachments thereto are original copies or true and accurate reproductions of the original copies.

SUBSCRIBED AND SWORN TO BEFORE ME by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to certify which witness my hand and official seal.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

My commission expires: \_\_\_\_\_

FORM 1720

(d) In interstate cases where a non-custodial parent has requested a hearing in Texas to contest an arrearage amount calculated by the IV-D agency of another state, the Attorney General's Office shall grant a requested hearing upon notification of a request by the other state. The noncustodial parent shall then be furnished with a "Request for Administrative Review" form and required to return it to the Attorney General's Office within 10 days of the hearing date.

(e) The parties may appear in person, with or without a representative; however:

(1) if the noncustodial parent so desires, he or she may submit any contentions and evidence in the form of an affidavit properly acknowledged, thereby making his or her presence unnecessary; and

(2) in non-AFDC cases, should the custodial parent choose not to appear, the information and affidavit provided at the time of application shall be considered.

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 27, 1985.

TRD-8511132      Loy McCreary  
Group Manager  
Office of the  
Attorney General

Earliest possible date of adoption:  
January 6, 1986  
For further information, please call  
(512) 475-2501.

★      ★      ★

## TITLE 7. BANKING AND SECURITIES

### Part IV. Texas Savings and Loan Department

#### Chapter 51. Charter Applications

★ 7 TAC §§51.1, 51.3, 51.4, 51.9, 51.14

The Texas Savings and Loan Department proposes amendments to §§51.1, 51.3, 51.4, 51.9, and 51.14, concerning charter applications. The substantive and procedural rules for processing such applications are discussed.

L. L. Bowman III, Texas savings and loan commissioner, 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. Bowman 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 clarification of the sections to accurately reflect changes in the Texas Savings and Loan Act that were effected by amendments passed by the 69th Legislature, 1985. The anticipated economic cost to individuals who are required to comply with the proposed sections is \$10,000 per charter application which is a fee set by separate rule, and is unaffected by these amendments.

Comments on the proposal may be submitted to L. L. Bowman III, Texas Savings and Loan Commissioner, Finance Commission Building, 2601 North Lamar, Suite 201, Austin, Texas 78705.

The amendments are proposed under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the State Finance Commission with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of the state and, from time to time, to make amendments and under Texas Civil Statutes, Article 852a, §8 01(2), which authorize the Savings and Loan Section to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Savings and Loan Department pursuant to the Texas Savings and Loan Act.

#### §51.1. Form and Content of Application to Incorporate; Requirements for Capital Stock and Paid-In Surplus or Savings Liability and Expense Fund; Payment Before Opening for Business.

(a) When articles of incorporation of a new association are presented to the savings and loan commissioner for his approval, such articles shall be accompanied by an application which conforms to the statutory requirements provided in the Texas Savings and Loan Act, §2.01[(1), (2), and (3)], and states the proposed location of the principal office of the new association and the identity and qualifications of the proposed managing officer. There shall also be submitted with the application a facsimile of each proposed loan instrument and such additional information as may be required by the proposed bylaws of the association together with such statements, exhibits, maps, plans, photographs, and other data, sufficiently detailed and comprehensive to enable the commissioner to pass upon matters set forth in the Texas Savings and Loan Act, §2.07(a) [§2.08(1)-(4)]. Such information must show that the proposed association will have and maintain independent quarters with a ground floor location or its equivalent. The articles of incorporation and all statements of fact tendered to the commissioner shall be verified as required by the Texas Savings and Loan Act, §2.01.

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

§51.3. *Hearing on Charter Application; Subsequent Competing Application Filed Prior to Hearing; Amendments to Charter Applications.* Within 10 days after the filing of a proper application, the commissioner shall set a date for a hearing on the application, which date shall not be more than 90 days after the date the application is filed. If an application for charter is filed at least 10 days before the date set for the hearing of a pending charter application, for a location which, in the opinion of the commissioner, is for the same community as the pending application, such applications may be heard in one hearing to be held upon the date set for the pending application. In such cases, the proposed incorporators named in any such subsequent application shall cause the first two paragraphs of the notice required by §51.4 of this title (relating to Publication of Notice of Charter Application) to be published at least five days before the date of such hearing, and shall file proof of such publication at the hearing. In addition, the commissioner shall mail notice of such joint hearing to the parties set out in §51.5 of this title (relating to Notice to Associations). If any material change occurs in the facts set forth in, or if the applicant files any amendment of, the application filed with the commissioner under the provisions of this chapter, the amendment setting forth such change, together with copies of documents or other material relevant to such change, shall be filed with the commissioner no less than 10 days prior to the date of hearing. Any amendment filed fewer than 10 days prior to the date of hearing shall be accepted only at the discretion of the hearing officer and [Any amendment to an application offered within 10 days of the date of hearing or thereafter shall be filed only after written consent of the commissioner is obtained. Copies of such amendments permitted to be filed must be sent to all associations to which notice of hearing was sent and] the hearing officer [commissioner] may, upon motion of any interested party having filed notice of intention to appear at said hearing, postpone or delay the hearing to a later date if it appears that such amendment materially alters the application on file. Provided, however, no additional publication of the date of such hearing shall be required.

§51.4. *Publication of Notice of Charter Application.* The proposed incorporators shall publish at least 20 days before the date of the hearing, in a newspaper printed in the English language of general circulation in the county where the proposed association will have its principal office, a notice in the following form:

Notice is hereby given that application has been made to the Savings and Loan commissioner of the State of Texas for the approval of a charter for \_\_\_\_\_ Savings and Loan Association with prin-

cipal office to be located at \_\_\_\_\_ in the city of \_\_\_\_\_ County, Texas. Notice is further given that hearing on the application will be held at \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the offices of the Texas Savings and Loan Department, 2601 North Lamar, Austin, Texas 78705, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which the commissioner shall determine whether to grant or deny the charter application.

The applicants for charter assert that:

(1) the prerequisites to incorporation required by Chapter Two of the Texas Savings and Loan Act have been satisfied;

(2) the character, responsibility, and general fitness of the persons named in the articles of incorporation command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted in accordance with the intent and purpose of the Texas Savings and Loan Act, and that the proposed association will have qualified full-time management;

(3) there is a public need for the proposed association and the volume of business in the community in which the proposed association will conduct its business indicates a profitable operation is probable; and

(4) the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested that if you plan to oppose the application, you so notify the commissioner at 2601 North Lamar Boulevard, Austin, Texas 78705.

Issued in Austin, Texas, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[A hearing will be held on the application at \_\_\_\_\_ o'clock \_\_\_\_\_ M on the \_\_\_\_\_ day of 19\_\_\_\_, at the office of the Savings and Loan Department of Texas, Austin, Texas.

[If no written notice of intention to appear in person or by attorney to protest said application is received by the Savings and Loan Commissioner from one or more persons on or before \_\_\_\_\_, 19\_\_\_\_, the said hearing may be dispensed with by order of the Savings and Loan Commissioner.]

**§51.9. Time of Decision on Charter Applications.** The commissioner shall render his decision within 60 calendar days after the date the hearing is finally closed, if the hearing is held in accordance with §51.3 of this title (relating to Hearing on Charter Application; Subsequent Competing Application Filed Prior to Hearing, Amendments to Charter Applications), or after the date on which the hearing is dispensed with, as the case may be. Provided, however, in

cases of conflicting applications meeting the requirements of §2.12 [§2.14] of the Texas Savings and Loan Act, where one or more subsequent applications are filed before the first application is heard, the commissioner may delay his decision on all such competing applications until 60 days after the last such application has been heard.

#### §51.14. Interim Charter.

(a) An applicant for charter for a savings and loan association filing pursuant to the Texas Savings and Loan Act, §2.13 [§2.15], shall complete the application for charter pursuant to §51.2 of this title (relating to Use of Approved Forms) and shall publish at least 10 days before the date of hearing in a newspaper printed in the English language of general circulation in the county where the reorganized association will have its principal office, a notice in the following form:

Notice is hereby given that application has been made to the Savings and Loan commissioner of the State of Texas for the approval of an interim charter for \_\_\_\_\_ Savings and Loan Association with principal office to be located at \_\_\_\_\_ in the city of \_\_\_\_\_ County, Texas.

Notice is further given that hearing on the application will be held at \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the offices of the Texas Savings and Loan Department, 2601 North Lamar, [1004 Lavaca,] Austin, Texas 78705, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the application and in opposition to the application, from which the commissioner shall determine whether to grant or deny the charter application.

The particular sections of Article 852a involved are §2.01 through §2.07 [§2.09], and §2.13 [§2.15]. The particular section involved is §51.14. This section is on file with the Secretary of State, Texas Register Division, or may be seen at the department's offices, 2601 North Lamar [1004 Lavaca], Austin.

The applicants for interim charter assert that 1) the prerequisites, where applicable, set forth in Chapter 2 [§§2.02-2.06] of the Texas Savings and Loan Act, have been met; 2) the character, responsibility, and general fitness of the persons named in the articles of incorporation [are such as to] command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted in accordance with the intent and purpose of the Texas Savings and Loan Act and that the proposed association will have qualified full-time management, 3) there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business indicates [is such as to indicate] a profitable operation is probable and; 4)

the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested that if you plan to oppose the application, you so notify the commissioner at 2601 North Lamar [P.O. Box 1089], Austin, Texas 78705 [78767].

Issued in Austin, Texas, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(b)-(c) (No change.)

(d) If the application is protested, and a hearing is held, each party shall, within five days of receipt of the transcript of hearing, submit for consideration proposed orders which support the position the party took at hearing. The proposed orders shall set out in detail procedural matters and proposed findings of fact and conclusions of law with citations to the record. After review of the record and proposed orders, the commissioner shall enter an order granting or denying the application for interim charter as expeditiously as possible. Applicable requirements of Chapter 2 [§§2.02-2.06] of the Act may be modified or waived by the commissioner upon a showing of good cause by the applicant.

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 25, 1985

TRD-8511030

Russell R. Oliver  
General Counsel  
Texas Savings and Loan  
Department

Earliest possible date of adoption  
January 6, 1986

For further information, please call  
(512) 479-1250

## TITLE 16. ECONOMIC REGULATIONS

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

##### Subchapter AA. Rail Safety

#### ★ 16 TAC §§5.616-5.621

The Railroad Commission of Texas proposes new §§5.616-5.621, concerning railroad reporting/filing requirements, safety equipment, wayside detector maps, walkway requirements, visual obstructions at public grade crossings, and severability. These sections will require railroads to file with the Commission copies of certain reports and documents which are filed with the Federal Railroad Administration. Railroads will be required to equip locomotives and cabooses with operable fire extinguishers. Maps indicating the current locations of described wayside detectors within Texas will have

to be maintained with the commission. Railroads will be required to create and maintain safe walkways in specific locations, such as alongside tracks in yards and terminals. The surface, slope, and width of walkways are specified. Exemptions to walkway requirements are identified, and railroads may request variances for special situations. A section regarding visual obstructions at public crossings is also proposed.

Mark E. Foster, hearings examiner 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. Foster 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 cost savings from accidents and injuries prevented. The public will also benefit from increased information which will increase the effectiveness of commission enforcement activities. There is no anticipated cost to individuals who are required to comply with §§ 5 616-5 618, 5 620, and 5 621, as proposed. The anticipated economic cost to individuals who are required to comply with § 5 619 as proposed is \$6,885,604 in 1986, and none in 1987-1990. Copies of an analysis underlying the costs and benefits regarding § 5 619 are available upon request from the transportation division, rail safety and planning section.

Comments on the proposal may be submitted to Mike James, Acting Director, Transportation Division, Railroad Commission of Texas, PO Box 12967, Austin, Texas 78711. Comments will be accepted for 60 days after publication in the *Texas Register*.

The new sections are proposed under Senate Bill 444, 69th Legislature, 1985, which empowers the Railroad Commission of Texas to adopt regulations to ensure railroad safety.

#### §5.616. Reporting/Filing Requirements.

(a) Each railroad corporation shall file with the commission:

(1) a copy of monthly reports of excess service filed with the Federal Railroad Administration pursuant to 49 Code of Federal Regulations §228.19. Initial filings shall be made within 30 days after the calendar month in which the instance occurs.

(2) a copy of its program for periodic conduct of operational tests and inspections filed with the Federal Railroad Administration pursuant to 49 Code of Federal Regulations §217.9. Initial filings shall be made within 30 days after the effective date of this requirement. Each amendment to a railroad's program for periodic con-

duct of operational tests and inspections shall be filed within 30 days after it is issued;

(3) a copy of its program for periodic instruction of its employees filed with the Federal Railroad Administration pursuant to 49 Code of Federal Regulations §217.11. Initial filings shall be made within 30 days after the effective date of this requirement. Each amendment to a railroad's program for periodic instruction of its employees shall be filed within 30 days after it is issued; and

(4) its code of operating rules, timetables, and timetable special instructions as follows:

(A) The operating rules, timetables, and timetable special instructions shall be filed with the commission not later than 30 days after the effective date of this requirement.

(B) Each amendment to a railroad's code of operating rules, each new timetable, and each new timetable special instruction shall be filed with the commission within 30 days after it is issued.

(b) Filings required by subsection (a)(1), (2), and (3) of this section shall include only information pertaining to railroad operations conducted in the State of Texas.

(c) Filings required by this section shall be filed with the Railroad Commission of Texas, Transportation Division, P.O. Drawer 12967, Austin, Texas 78711.

§5.617. *Safety Equipment.* Each railroad corporation shall provide and maintain a first aid kit and an operable fire extinguisher in a plainly designated, accessible location on each of its cabooses and locomotives.

#### §5.618. *Wayside Detector Map.*

(a) Each railroad corporation shall title and maintain a map with the commission indicating the current locations within the State of Texas of the following wayside detectors:

- (1) hot box indicators;
- (2) dragging equipment detectors;
- (3) high water indicators;
- (4) shifted load detectors; and
- (5) other wayside detectors.

(b) If the line of the railroad or the locations of the wayside detectors are changed, maps of the new line or wayside detectors must be filed with the commission.

(c) Filings required by this section shall be filed with the Railroad Commission of Texas, Transportation Division, P.O. Drawer 12967, Austin, Texas 78711.

#### §5.619. *Walkway Requirements.*

(a) Definitions. The following words or terms, when used in this section, shall have the following meanings.

Walkway—A pathway located alongside a railroad track or railroad switch for the purpose of providing an area for a railroad employee to perform duties associated with that track.

Inside edge of walkway—That edge of a walkway closest to the nearest rail of the track for which the walkway is constructed.

Main track—A track, other than an auxiliary track, extending through yards and between stations and upon which trains or engines are operated and movements are authorized by block signals, time table, or train order, or the use of which is governed by rules or special instructions.

Siding—A track auxiliary to the main track for meeting or passing trains.

Yard—A system of tracks used for making up trains, storing of cars and other purposes. Such tracks may include, but are not limited to, station, team, house, industry, rolling stock repair, and classification tracks. Main tracks and sidings are excluded from the definition of yard switching tracks except at those locations where either the main track or the siding is used as an integral component of the system of tracks used for classification of railroad cars or for making up trains.

Classification tracks—A system of tracks, joined by a lead or ladder track at one or both ends, used for the sorting and arranging of cars in order according to destination or according to the railroad's instructions.

House track—A track which now serves or formerly served a railroad's freight dock and warehouse. Current usage often is similar to that of a team track.

Industry track—A railroad owned track which leads into a warehouse, manufacturing, or other industrial location. The track may serve one or more than one industry.

Ladder track—A track on which is located a series of closely-spaced turnouts providing access to a system of classification tracks.

Team track—A track which is accessible to the public, i.e., to the general business community, for the purpose of loading or unloading railroad cars.

Switch—A track structure used to divert railroad rolling stock from one track to another.

Switch frog—A track structure used at the intersection of two running rails to provide support for wheels and passageways for the wheels' flanges, thus permitting wheels on either rail to cross the other.

(b) Where walkways shall be required. Walkways shall be located along tracks in yards, terminals, and at other points where switching, car spotting, or train or car inspections may reasonably be expected to be performed during the normal course of business.

(c) Surface of walkways.

(1) Walkways shall have a reasonably smooth surface and shall be maintained in a safe condition, clear of vegetation, debris, standing water, and other obstructions.

(2) Walkways shall be surfaced with crushed material not to exceed one inch in size or with asphalt, concrete, secured planking, grating, or similar material.

(3) Walkways shall be constructed and maintained in such a manner that the elevation of their surfaces are approximately level with the tops of the ties, but not higher than the top of the rails

(d) Slope of walkways.

(1) Walkways shall not have a slope in excess of one inch of elevation per each eight inches of horizontal length in any direction.

(2) Excess slope is permissible where the proximity of adjacent tracks so dictates so long as the slope between adjacent tracks is constant.

(3) Excess slope is permissible at locations where a vehicle or pedestrian-way intersects a walkway unless the commission, after investigation, determines that safety requires the slope prescribed by subsection (d)(1) of this section.

(e) Width of walkways. Walkways shall be constructed to a minimum width of six feet, as measured from the outside edge of the rail.

(f) Walkways at switching, inspection, and cars spotting areas. Walkways shall be located along both sides of all tracks within yards and adjacent thereto so as to include all points contiguous to yards where railroad employees normally work on the ground. Walkways conforming to this standard shall be constructed and maintained throughout the area where inspections routinely occur or where cars are actually spotted and adjacent thereto so as to include all locations contiguous to inspection areas where railroad employees normally work on the ground.

(g) Walkways at switches.

(1) Except as provided in subsection (k) of this section, walkways shall be located along both sides of the tracks for a minimum distance of 125 feet on every side of every switch stand or other trackside switch-throwing mechanism.

(2) Walkways conforming to this standard shall be continuous and maintained from the switch stand through the switch frog and along the diverging tracks to a point at least 25 feet beyond the 13-foot clearance point of the switch

(3) Three feet of walkway width shall extend in each direction from the switch stand or other trackside switch-throwing mechanism on the side of the track where said mechanism is located. This additional three feet of width shall be gradually tapered back to the six-foot minimum width over a distance of not less than 20 feet.

(h) Walkways at derails.

(1) This walkway shall be constructed and maintained to conform, in width and elevation, to walkways at switches. As measured from the derail mechanism, the walkway shall extend for

20 feet toward the switch and 10 feet away from the switch, except for a derail not operated by switch stand, in which case the walkway shall extend four feet on each side of the mechanism. At derails operated by a switch stand, the walkway shall extend an additional three feet in width in each direction from the derail. This additional three feet of width shall be gradually tapered back to the six-foot minimum width over a distance of not less than 20 feet in the direction toward the switch and not less than 10 feet in the direction away from the switch.

(2) Derails located within 200 feet of a switch mechanism shall have a continuous walkway constructed as described in subsection (c) of this section between the two on the same side of the track as the adjacent switch.

(i) Walkways at trackside warning devices. A walkway, with a minimum width of at least two feet, the outside edge of which shall be no closer than eight feet and no farther than 22 feet from the centerline of the track, shall be constructed and maintained upon order of the commission for such distance and in each location as is necessary to facilitate inspection of trains stopped by a trackside warning device.

(j) Effective dates for walkway construction.

(1) Except as approved by the commission, no railroad track which is subject to walkway requirements and constructed after the effective date of this section shall be placed in service until walkways have been provided that are in compliance with the applicable standard found in this section and notice thereof is given to the commission.

(2) For existing trackage which is subject to walkway requirements, walkways shall be constructed no later than one year after the effective date of this rule and maintained thereafter.

(k) Exemptions to walkway requirements. Walkway requirements do not apply:

(1) during periods of new track construction, maintenance, repair, renewal, reconstruction, or alteration of a right-of-way or track, where obstruction or removal of a walkway is unavoidable, provided affected railroad personnel are given prior written notice and provided walkways are returned to standard upon completion of the work;

(2) during periods of heavy rains or snow, derailments, rock and earth slides, washouts, and like unforeseen conditions beyond the control of the railroad corporation when the walkway is impaired or destroyed, including a reasonable time to permit necessary restoration; and

(3) at locations where the commission has authorized an impairment of standard clearance or where a permanent obstruction exists or has been placed or constructed alongside a track in such a location as to block the walkway partially or to pre-

vent construction of the applicable standard walkway, provided that the available space between the impairment or obstruction and the track meets the applicable walkway standard in every respect except as prevented by the authorized impairment or obstruction.

(l) Applicability of requirements.

(1) Walkway requirements apply to all railroad corporations operating in the State of Texas.

(2) The commission may order walkways conforming to requirements prescribed herein to be constructed and maintained along one or both sides of any railroad track where not otherwise required by these sections. Such walkways may be ordered when the commission determines, after opportunity for hearing, that local conditions present an undue safety risk that can be prevented or lessened by requiring a walkway.

(m) Variances for walkways.

(1) A railroad corporation may apply for a variance from the walkway requirements prescribed by this section on a form to be prescribed by the commission. Such application shall be governed by the General and Special Rules of Practice and Procedure before the Transportation Division of the Railroad Commission of Texas, as they may be from time to time amended.

(2) The commission may approve such application for variance for good cause shown.

#### **§5.620. Visual Obstructions at Public Grade Crossings.**

(a) No railroad corporation shall cause or allow trains, railway cars, or equipment to stand less than 250 feet from any public grade crossing unless a closer distance is required by operating conditions.

(b) Each railroad corporation shall keep the right-of-way adjacent to its tracks clear of vegetation and unnecessary permanent obstructions, such as billboards and signs which are not authorized by the railroad and which are not required for the safe operation of the railroad, for a distance of at least 500 feet each way from every public grade crossing where such things obscure the view of approaching trains to vehicular highway traffic. Permanent buildings, such as warehouses and equipment facilities, which exist prior to the effective date of this section are exempted from the requirements of this section.

**§5.621. Severability Clause.** If any part or application of these regulations is held invalid, the remainder of these regulations or of its applications to other situations or persons shall not be affected.

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 25, 1985.

TRD-8511101

Walter Earl Lillie  
Special Counsel  
Texas Railroad  
Commission

Earliest possible date of adoption:  
February 5, 1985  
For further information, please call  
(512) 463-7149.

★ ★ ★

**TITLE 25. HEALTH SERVICES**  
**Part I. Texas Department of Health**  
**Chapter 37. Maternal and Child Health Services**  
**Spinal Screening Program**  
★ 25 TAC §§37.141-37.152

The Texas Department of Health proposes new §§37.141-37.152, concerning the detection of abnormal spinal curvature in children. Generally, the new sections implement the requirements in House Bill 832, 69th Legislature, 1985, concerning the establishment of a program to detect abnormal spinal curvature in children. Specifically, the sections concern purpose; definitions; stages of the department's authorization; certification training for nonhealth practitioners; approval of training programs and instructors; termination of screener or instructor participation; responsibilities of public and private schools; responsibilities of parent, managing conservator, or guardian; further responsibilities of the department; confidentiality of information; and nondiscrimination statement.

Stephen Seale, Chief Accountant III has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of the new sections. The estimated additional cost will be \$50,583 for the first year and \$43,015 per year during the remaining four years. The effect on local government is an estimated additional cost of \$715,000 per year. There will be no fiscal implications on small businesses as a result of enforcing or administering the sections.

Mr. Seale 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 to provide early detection of abnormal spinal curvature in children so

that necessary treatment may be provided to prevent disability. 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 Gilbert Levine, M.D., Director, Child Health Division, Bureau of Maternal and Child Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. Comments will be received for 30 days from the date of publication of the proposed sections.

The new sections are proposed under Texas Civil Statutes, Article 4477-70, §2 and §3, which provide the Texas Board of Health with the authority to adopt rules to establish a program to detect abnormal spinal curvature in children.

**§37.141. Purpose.** The purpose of these rules is to implement the requirements of the Texas Civil Statutes, Article 4477-70, relating to the detection of abnormal spinal curvature in children.

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

**Abnormal spinal curvature**—An anatomic, structural deviation from the normal spinal curve, such as scoliosis or kyphosis.

**Approved instructors**—Includes department staff and those health practitioners who are appropriately licensed under state law, with at least two years of school spinal screening experience, and who successfully complete the department's instructor training course.

**Approved training program**—A program that meets the criteria set by the Department for training individuals to conduct spinal screening.

**Board**—The Texas Board of Health.  
**Certification training**—Department-approved training which qualifies the individual to receive a certificate stating that the person may perform spinal screening or teach a spinal screening course.

**Child health record**—The official health record maintained in a school on a child.

**Conflict of interest**—The use of the screening process for solicitation of follow-up services including a professional examination for a child by a health practitioner.

**Department**—The Texas Department of Health.

**Forward bend test**—The department-approved screening procedure to assess a possible presence of an abnormal spinal curvature.

**Health practitioner**—Any person who has completed a course of study in a field of health, and who is appropriately licensed under state law, which includes physicians, chiropractors, physical therapists, and registered nurses.

**Nonhealth practitioner**—A person who is not a health practitioner, which generally includes teachers, coaches, trainers, parents, and volunteers.

**Professional examination**—An evaluation performed by a health practitioner licensed under state law and whose expertise addresses the diagnostic needs of the individual identified as having a possible spinal deformity.

**School spinal screening experience**—Experience in spinal screening obtained in a school-based health program.

**Screeners**—Individuals who perform the actual screening tests. These may be health practitioners who are licensed under state law or nonhealth practitioners who have successfully completed a department-approved course in spinal screening.

**Screening**—The forward bend test, which is used for the determination of the need for a professional examination to diagnose a spinal deformity.

**Training**—Department-approved training conducted by a qualified instructor to enable a trainee to perform approved spinal screening.

**§37.143. Stages of the Department's Authorization.** The department, in cooperation and coordination with the Texas Education Agency and other department bureaus, divisions, or programs serving school-age children, shall develop, implement, and administer a program for the detection of abnormal spinal curvature in children. The program shall be known as the Spinal Screening Program which is authorized to:

- (1) provide certification training for spinal screening to nonhealth practitioners at the Texas Education Agency service centers and other locations;
- (2) approve spinal screening training programs including approval of instructors of these training programs;
- (3) establish the standard spinal screening tests and referral criteria,
- (4) coordinate spinal screening activities of school districts, private schools, state agencies, volunteer organizations and other entities to prevent duplication;
- (5) monitor the quality of spinal screening activities in Texas;
- (6) issue reporting forms;
- (7) provide educational and other materials to assist local spinal screening activities; and
- (8) keep a roster of approved instructors and screeners who have become certified under these sections.

**§37.144. Certification Training for Non-Health Practitioners.** The department shall be responsible for monitoring the quality of spinal screener training activities under the following guidelines.

- (1) The department shall provide certification training for nonhealth practitioners.



(2) The certification training of nonhealth practitioners shall be by department staff or department-approved instructors.

(3) The spinal screening course shall include:

(A) definition of abnormal spinal curvature;

(B) causes, consequences, and management of abnormal spinal curvature;

(C) procedure for performing the forward bend test;

(D) notification of screening results and follow-up procedures;

(E) spinal screening program standards and responsibilities; and

(F) the reporting of statistical data.

(4) Department staff or department-approved instructors shall issue a certificate to an individual who successfully completes a department-approved spinal screening training program. The certificate will indicate that the screener is approved by the department to perform spinal screening for a period of five years.

(5) The certificate described in paragraph (4) of this section will be renewable upon successful completion of an approved continuing education course in spinal screening.

#### §37.145. *Approval of Training Programs and Instructors.*

(a) In order to become an approved instructor, a health practitioner must be appropriately licensed under state law and successfully complete the department training course consisting of a minimum of six hours of instruction by department staff that includes:

(1) legal requirements in spinal screening;

(2) workshop outline and materials to be used;

(3) an update on the latest advances in the management of spinal deformity;

(4) spinal screening program requirements;

(5) approaches to spinal screening training; and

(6) the role of the different health practitioners in spinal screening.

(b) In addition, the individual must have a minimum of two years of school spinal screening experience.

(c) A certificate verifying instructor status will be issued upon successful completion of the requirements stated in subsection (a) and (b) of this section.

(d) In order to maintain instructor status, the individual must successfully complete each updated continuing education course provided by the program upon notification of the availability of such a course.

(e) All training programs conducted by approved instructors must be approved by the department at least 10 working days

in advance of the training session. The criteria which the department will consider for approval is submission of:

(1) the program outline;

(2) instructor's name, address, and professional license number;

(3) instructor's spinal screening certificate number;

(4) number of persons to be trained;

(5) a copy of the agenda; and

(6) the program date and location.

(f) Once approved, the department may provide instructional materials, as they are available, to the approved instructors.

#### §37.146. *Termination of Screener or Instructor Participation.*

(a) Approval of an instructor may be suspended or terminated if the instructor:

(1) fails to follow the department's rules for training of screeners;

(2) fails to notify the department of scheduled workshops at least 10 working days in advance of said workshops;

(3) fails to maintain instructor status by participating in the continuing education courses provided by the department;

(4) makes unethical referrals, i.e., referrals that could indicate a conflict of interest on the part of the instructor; or

(5) violates the Family Educational Rights and Privacy Act of 1974, 20 United States Code §1232g, *et seq.*

(b) Approval of a screener may be suspended or terminated if the screener:

(1) fails to maintain screener certification;

(2) fails to screen according to department rules;

(3) fails to report screening results according to department rules;

(4) makes unethical referrals, i.e., referrals that would indicate a conflict of interest on the part of the screener; or

(5) violates the Family Educational Rights and Privacy Act of 1974, 20 United States Code §1232g, *et seq.*

(c) Before the department suspends or terminates an individual's participation in the program, the department will give the individual the opportunity for a hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

§37.147. *Standards for Spinal Screening Testing.* The department and school districts, private schools, state agencies, volunteer organizations, and other entities performing spinal screening shall adhere to the following standards.

(1) The basic spinal screening test, known as the forward bend test, shall be used to screen children for abnormal spinal curvature. A description of the test is available from the Texas Department of Health, Bureau of Maternal and Child Health, 1100 West 49th Street, Austin, Texas 78756.

(2) In order to avoid over-referrals, children failing the initial screening shall be

rescreened using the forward bend test prior to parental notification of the possible presence of an abnormal spinal curvature.

#### §37.148. *Responsibilities of Public and Private Schools.*

(a) Beginning September 1, 1986, all children in grades six and nine attending public and private schools shall be screened for abnormal spinal curvature before the end of the school year. The screening requirements may also be met by a professional examination as defined in §37.142 of this title (relating to Definitions).

(b) Beginning September 1, 1986, children not previously screened who are entering the sixth and ninth grades after the scheduled screening has been performed, shall be screened within 120 days of enrollment in the school.

(c) The screening requirement for children entering grade six or nine may be met if the child has been screened for spinal deformities during the previous year. Schools may implement a program that includes screening in the fifth and/or eighth grades.

(d) The chief administrator of each school shall ensure that every child in grades six or nine complies with the screening requirements or submits an affidavit of exemption. An affidavit shall be signed by the child's parent, managing conservator, or guardian that spinal screening conflicts with the tenets and practices of a recognized church or religious denomination of which the child is an adherent or a member. This affidavit shall be submitted to the school's chief administrator on or before the day of the screening procedure. A copy of this affidavit shall be filed in the child's health record.

(e) If the spinal screening test indicates that a child may have an abnormal spinal curvature, the individual performing the test shall fill out a report on a form prescribed by the department. The chief administrator of the school shall retain one copy of such report and send the original to the parent(s), managing conservator, or guardian of the child screened. The form shall contain information regarding the results of the screening and shall be accompanied by a letter advising the parent, managing conservator, or guardian of his/her responsibility to select an appropriate health practitioner for the examination.

(f) A copy of the above report shall be kept filed in the child's health record and an entry shall be made in said record when the original is returned with the final diagnosis and the plans for treatment as indicated.

(g) The chief administrator of each school shall monitor the referral process to ensure that the child receives a professional exam, which may include information about crippled children's services to families unable to afford private care.

(h) A list of children who failed the spinal screening test may be kept to assist



in determining whether a professional examination has occurred.

(i) Proof of screening shall be provided by an entry in the child's health record attesting that the child has undergone screening tests that meet the standards outlined in these sections. Such an entry shall also include the results of screening.

(j) Personnel performing screening may submit a list of children screened for spinal deformities as proof of screening to the school's chief administrator no later than May of that school year.

(k) In cases when a professional examination was performed in lieu of the required screening test, the date, results, name, and title of the professional performing the exam shall be entered in the child's health record.

(l) The chief administrator of each school shall ensure that each individual complies with the screening requirements in these sections.

(m) Each school shall submit to the department an annual report of spinal screening performed during the school year no later than June 30 of the reporting year. The report shall be submitted by the chief administrator of each school district as specified on a form issued by the department.

(n) The child's health record shall be acceptable as proof of screening if such record contains entries of screening results. In such a case, the original or a true and correct copy of that record may be transferred between schools and shall be honored by the governing body of the school upon transfer of a student from another school in Texas or another school within the United States.

**§37.149. Responsibilities of Parent, Managing Conservator, or Guardian.** When possible abnormal spinal curvature is detected, the parent, managing conservator, or guardian is responsible for securing the services of a qualified health practitioner to perform a professional examination to diagnose the problem.

**§37.150. Further Responsibilities of the Department.**

(a) Quality assurance activities.

(1) In order to monitor the quality of spinal screening services, department personnel may enter schools during normal hours and inspect records maintained on children subject to screening in each school for the purpose of ascertaining statistical information and may directly observe the spinal screening process.

(2) The department shall compile records and statistics from all spinal screening activities reported to this program in order to collect data concerning the quality of the diagnostic outcomes of children with possible abnormal spinal curvature.

(b) Coordinated and cooperated. The department shall encourage coordination and cooperation in areas where more than one entity provides spinal screening so that

the efforts of each entity are complementary rather than augmented and duplicative.

**§37.151. Confidentiality of Information.** The department shall maintain confidentiality of those individuals screened as authorized by law.

**§37.152. Nondiscrimination Statement.** The department operates in compliance with Title VI, Civil Rights Act of 1964 (Public Law 88-352) so that no person will be excluded from participation in the program, be denied the benefits of the program, or be otherwise subjected to discrimination on the grounds of race, color, national origin, sex, creed, handicap, or age.

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 27, 1985.

TRD-8511194

Robert A. MacLean  
Deputy Commissioner  
Texas Department of  
Health

Proposed date of adoption

January 31 1986

For further information please call  
(512) 458-7236.

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## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

The following proposals submitted by the Texas Department of Health will be serialized beginning in the December 10, 1985, issue of the *Texas Register*. The proposed date of adoption for the documents is January 31, 1986.

#### Chapter 37. Maternal and Child Health Services

##### Lay Midwives

§37.171

(amendment)

§§37.177-37.180

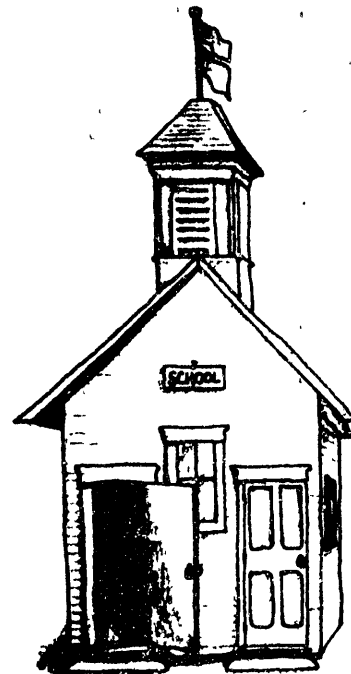
(new)

#### Chapter 97. Communicable Diseases

##### Vaccination Stamps

§§97.151-97.156

(new)



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part IX. Texas Water Commission

#### Chapter 289. Weather Modification

##### Definitions

#### ★31 TAC §289.1

The Texas Water Commission proposes new §§289.1, 289.11-289.22, 289.31-289.32, 289.41-289.44, 289.51-289.53, and 289.61-289.62, concerning definitions; issuance of licenses and permits; records and reports; amendment, revocation, and suspension of licenses and permits on motion of commission; amendment of permits upon application of permittees; and hail suppression provisions.

These sections replace and are in large part the same as existing 31 TAC §§317.1-317.52, promulgated by the Texas Water Development Board for the Texas Department of Water Resources. By virtue of Senate Bill 249, §10 002, 69th Texas Legislature, 1985, the rules of the former Texas Department of Water Resources relating to the Texas Weather Modification Act (31 TAC Chapter 317) will cease to be effective when these new sections are adopted by the Texas Water Commission. The commission proposes to adopt the new sections in order to reflect the shift of responsibilities from the Texas Water Development Board and Texas Department of Water Resources to the commission, pursuant to Senate Bill 249; to specify procedures for requesting and effecting public hearings upon applications for weather modification permits; to provide for amendment of permits

upon the initiative of permittees; and to achieve greater general clarity.

New §289.11 incorporates the statutory requirement that if a weather modification operation is to be conducted under contract, a permit is required for each separate contract.

New §289.13, in conformity with legislative authorization, increases the weather modification license fee to \$150 and otherwise clarifies the requisites of an application for a license.

New §289.15 adds, as a basis for refusing renewal of a license, the violation of weather modification permits or licenses issued in another state, which resulted in suspension or revocation of the applicant's license in that other state.

New §289.17 expands the required contents of a notice of intention to conduct weather modification operations by specifying instructions for members of the public who wish to seek more information or to request a hearing on the application.

New §289.18, in conformity with legislative authorization, increases the weather modification permit fee to \$75; it also changes the requisites of an application for permit by prescribing in greater detail the type of supporting material to be submitted and by prescribing submission of only a notice of intention in approved form, rather than proof that such notice has been published.

New §289.19 has been revised to reflect that permit applications will be processed in accordance with newly enacted Texas Water Code §5.115, which requires the commission to give notice of the filing of an administratively complete application to any person who may be affected by the subsequent granting of the application.

New §289.20 prescribes the manner in which members of the public may request a hearing on a weather modification permit application, as well as the manner of scheduling and providing notice with respect to such a hearing.

New §289.22 prescribes in greater detail the types of terms and conditions incorporated in a permit.

New §289.41 adds provisions that revocation or suspension of a weather modification license shall have a like effect on any permit issued under that license. These provisions were formerly contained in §317.21, corresponding to new §289.22, which prescribes the general contents of a weather modification permit; thus, these provisions related only tangentially to the section in which they previously were placed.

New §289.42 adds, as a probable cause to believe that a license should be revoked or suspended, the violation of weather modification permits or licenses in another state, which resulted in sus-

pension or revocation of the licensee's license in that other state.

New §289.43 prescribes the form and manner in which a licensee must receive notice with respect to proceedings initiated by the commission to amend, suspend, or revoke a license or permit.

New §289.51 provides for amendment of a weather modification permit upon the application of the permittee.

New §289.52 prescribes that the commission shall process a permittee's application to amend a permit in the same manner as an original application for a permit.

New §289.53 provides that the commission may grant a permit amendment sought by the permittee, without filing or publishing a notice of intention to describe the proposed amendment, in those instances in which the amendment is deemed minor, based upon criteria set out in the section.

Mike Hodges, chief, fiscal services section, has determined that there will not be fiscal implications as a result of enforcing or administering these sections.

Mr. Hodges also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be a clearer and more accurate expression of the procedures and standards by which the commission exercises its responsibilities relating to weather modification and the assurance that all interested persons receive adequate notice for hearings pertaining to weather modification permits. There will be no economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Mike Rogan, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087

The new sections are proposed under the Texas Water Code, §5.103, and under the Texas Water Code, Chapter 18, Subchapter B, §§18.011, 18.012, and 18.013, which provide the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state.

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

**Act or weather modification act—**The Weather Modification Act, 1967 (60th Legislature, 1967, Chapter 576, page 1295) as amended and codified—the Texas Water Code, Chapter 18.

**Commission—**The Texas Water Commission.

**Director or executive director—**The executive director, or an acting executive director, of the Texas Water Commission, or any authorized individual designated by the executive director to act in his or her place, unless a direct authorization from the executive director or acting executive director is required by the Texas Water Code or this title.

**Hail suppression—**The release of appropriate ice nucleating materials or other chemicals into or adjacent to a cloud for the purpose of artificially limiting natural hailstone growth within the cloud, so as to reduce, at ground level, the size, frequency, and damage without decreasing the cloud's natural precipitation efficiency.

**In control of and in charge of—**An individual in control of and in charge of a weather modification and control operation means the project manager, i.e., the individual that is responsible to make day-to-day decisions concerning the operation, whether or not physically located on-site.

**Operation—**The performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain weather modifying effect within one geographical area over one continuing or recurring time interval not exceeding four years.

**Operational area—**That area, described by metes and bounds or other specific bounded description, within which it is reasonably necessary to effectuate the purposes of a permitted operation. A part of the operational area may be outside the target area and thus not intended to be affected by the operation. If hail suppression activities are included, the operational area shall not exceed eight miles from the limits of the target area.

**Research and development—**Theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes including the experimental production and testing of hypotheses models, devices, equipment, materials, and processes.

**Target area—**The area described by metes and bounds, or other specific bounded description, which is intended to be affected by the operation.

**Weather modification and control—**Changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric phenomena, including cloud forms or precipitation forms which occur in the troposphere.

**Weather modifier—**Any person undertaking weather modification or control activities.

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

Earliest possible date of adoption:

December 30, 1985

For further information, please call  
(512) 463-8088.

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## Issuance of Licenses and Permits

### ★ 31 TAC §§289.11-289.22

The new sections are proposed under the Texas Water Code, §5.103, Chapter 18, Subchapter B, §§18.011, 18.012, and 18.013, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state.

#### §289.11. License and Permits Required.

(a) Unless specifically exempted by §289.12 of this title (relating to License and Permit Not Required), no person may engage in weather modification and control activities without first obtaining a license and permit from the commission.

(b) A separate permit is required for each weather modification project. If an operation is to be conducted under contract, a permit is required for each separate contract.

#### §289.12. License and Permit Not Required.

Persons may engage in the following types of weather modification and control activities without obtaining a license or permit from the commission:

(1) laboratory research and experiments;

(2) activities of an emergency nature for protection against fire, frost, sleet, or fog; and

(3) research, development, and experiments conducted by federal agencies.

§289.13. Application for License. An application for a license shall be filed with the executive director on a form provided or approved by the executive director, and in order to be considered as complete and ready for processing shall include the following:

(1) a license fee of \$150.00;

(2) evidence of the following:

(A) the possession by the applicant of a baccalaureate or higher degree in meteorology and at least one year's experience in weather modification;

(B) the possession by the applicant of a baccalaureate or higher degree in physical science or engineering and at least five years experience in the field of meteorology; or

(C) other training and experience that the commission accepts as indicative of sufficient competence in the field of meteorology to engage in weather modification activities;

(3) if the applicant is an organization, evidence of the possession of the educational and experience qualifications enumerated in paragraph (2) of this subsection by the individual or individuals who will be in control and in charge of the applicant's operations.

§289.14. Expiration Date. Each original or renewal license expires on August 31 of the State's fiscal year for which it was issued.

#### §289.15. Renewal of License.

(a) At the expiration of a license, the commission shall issue a renewal license to each applicant who pays the annual license fee and who maintains the qualifications necessary for issuance of an original license.

(b) The commission may refuse to renew the license of any applicant who:

(1) has failed to comply with any provision of the license, the Act, this chapter, or any weather modification permit issued to the licensee by the commission; or

(2) has violated provisions of weather modification permits or licenses in another state, resulting in suspension or revocation of the applicant's license in that other state.

#### §289.16. Referral of License Application to Commission.

After determining that the application for a weather modification license or a renewal is administratively complete, the executive director, shall prepare a declaration of administrative completeness and forward it to the chief clerk of the commission. Upon completing review, the executive director shall submit the application to the commission for consideration.

#### §289.17. Notice of Intention.

(a) Any person seeking to obtain a weather modification permit shall file with the executive director a notice of intention to engage in a weather modification operation. The executive director shall review and approve the notice before newspaper publication.

(b) The applicant shall include the following information in the notice of intention:

(1) a statement that an application for a weather modification permit has been filed with the commission, giving name and address of the applicant;

(2) the date on which the Texas Water Commission issued the applicant a Texas weather modification license and all dates of renewal, or the date on which the applicant filed with the commission an application for a weather modification license;

(3) the nature and objectives of the proposed operation and the number of years for which a permit is requested;

(4) if applicable, the person or organization, including mailing address and occupation, on whose behalf the operation is to be conducted;

(5) the operational area in which the proposed operation will be conducted, described by metes and bounds or other specific bounded descriptions, in sufficient detail to permit plotting on an official Texas highway map;

(6) the target area, which is intended to be affected by the proposed operation, described by metes and bounds or other specific bounded descriptions, in sufficient detail to permit the plotting on an official Texas highway map;

(7) the materials and methods to be used in conducting the proposed operation;

(8) the approximate dates and times during which the proposed operation will be conducted;

(9) a statement that persons interested in the permit application should contact the executive director for more information;

(10) a statement summarizing the conditions under which the commission will hold a public hearing on the application, as set forth in §289.20 of this title (relating to Requests for Hearing on Application for Permit).

(c) The applicant shall submit with the notice of intention the type of supporting data prescribed in §289.18(3) of this title (relating to Application for Permit).

(d) The executive director shall decide whether the notice of intention should include hail suppression as an objective of the proposed operation. The executive director may seek the advice of the Weather Modification Advisory Committee, as provided by Texas Water Code §18.015.

(e) If the notice of intention is disapproved as submitted to the executive director for its failure to identify hail suppression as an objective of the proposed operation, the applicant may, within 10 days, request that the commission determine whether the proposed operation includes hail suppression. If the commission determines that hail suppression is not an objective of the operation, the commission shall enter a preliminary order to that effect. If, after a hearing reviewing the executive director's decision, the commission determines that hail suppression is an objective of the proposed operation, the commission shall enter a final order to that effect.

(f) The applicant shall cause the notice of intention to be published at the applicant's cost at least once a week for three consecutive weeks in a newspaper of general circulation published in each county in which the operation is to be conducted and in each county which includes any part of the affected area. If in any such county no newspaper of general circulation is published, then publication shall be made in a newspaper having general circulation in that county.

(g) The applicant shall file proof of publication, including publishers' affidavits, with the commission during the 15-day period immediately following the date of the last publication.

**§289.18. Application for Permit.** An application for a weather modification permit must be filed with the executive director and shall not be considered administratively complete unless submitted on a form provided or approved by the executive director and must include the following:

- (1) a permit fee of \$75;
- (2) proof that the applicant holds a valid weather modification license or has a pending application for one;
- (3) supporting data for the application in a form prescribed by the executive director, including a plan of operation that details the type of weather modification activity proposed, equipment and personnel involved in the operation, a description of climate and hazardous weather in the operational area, cloud-seeding methodology (or the techniques and control used for other proposed types of weather modification), and a technique to evaluate the overall effect of the proposed operation;
- (4) all contracts, letters of intent, or proposals which pertain to conducting the proposed operation for a client;
- (5) an illustration of the operational and target areas that is plotted on an official Texas highway map;
- (6) sufficient information to satisfy the executive director that the applicant is able to respond in damages for liability which might reasonably arise as a result of the proposed operation, such as a copy of a comprehensive liability insurance policy or a certificate from an insurer guaranteeing coverage during for the proposed operation during the proposed term;
- (7) a notice of intention which has been approved in form by the executive director; and
- (8) a list containing the name, post office address, and home and on-site phone numbers of each individual who will participate or assist in the operation.

**§289.19. Referral of Permit Application to Commission.** After determining that the application for a weather modification permit is administratively complete, the executive director, shall prepare a declaration of administrative completeness and forward it to the chief clerk of the commission. Upon completing technical review, the executive director shall submit the application to the commission for consideration or setting of a hearing.

**§289.20. Requests for Hearing on Application for Permit.**

(a) If at least 25 eligible persons make written request, the commission shall hold a public hearing on an application prior to issuance of a permit.

(b) Those eligible to request a hearing on an application include all persons at

least 18 years of age who reside or own property within the boundaries of the weather modification operational area, as defined in the application.

(c) A request for hearing must include:

(1) the signature, full name, mailing address, and phone number of each person requesting a hearing;

(2) a statement that each person requesting a hearing is at least 18 years of age and resides or owns property within the proposed operation area; and

(3) a brief description of the interest in the application of each person requesting a hearing and of how the application, if granted, would adversely affect that interest;

(d) Requests for hearing must be received by the commission within 30 days after first publication of the notice of intention, as prescribed in §289.17 of this title (relating to Notice of Intention). The commission, for good cause, may extend the time allowed for submitting a request for hearing.

(e) Upon determining that proper requests for hearing from at least 25 persons have been submitted, the commission will schedule a public hearing within the area where the operation is to be conducted.

(f) Notice stating the time, place, subject, and legal authority of the hearing(s) shall be provided at least 20 days prior to the hearing, as follows.

(1) The commission shall give notice by first-class mail to the applicant and to each person who has submitted a proper request for hearing;

(2) The applicant shall cause notice to be published (at the applicant's cost) at least once in a newspaper of general circulation published in each county in which the operation is to be conducted and in each county which includes any part of the affected area. If in any such county no newspaper of general circulation is published, then publication shall be made in a newspaper having general circulation in that county.

**§289.21. Action on Application for Permit.**

(a) The commission may issue a weather modification permit if it determines the following:

(1) that the operation proposed in the application will not significantly dissipate the clouds and prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of persons or property in that area;

(2) that the applicant:

(A) holds a valid weather modification license;

(B) has submitted a complete application in accordance with §289.18 of this title (relating to Application for Permit);

(C) has published a notice of intention and submitted proof of publication

as required by §289.17 of this title (relating to Notice of Intention); and

(3) if the Texas Water Code, §18.0041 (relating to Election for Approval of a Permit that Includes Authorization for Hail Suppression), is pertinent to the application:

(A) that the results of all elections held in precincts, in whole or in part, in the target area, have approved the inclusion of hail suppression as a part of the weather modification operation; and

(B) that the results of elections held in precincts, in whole or in part, in the operational area, which approved the inclusion of hail suppression as a part of the weather modification operation yield an operational area which remains feasible for the conduct of the weather modification operation.

(b) If the application for a weather modification permit that includes a request for authorization to conduct hail suppression activities does not describe a proposed operational area, the commission may designate an operational area within the proposed target area which can not be more than eight miles inside of the outer limits of the proposed target area.

**§289.22. Description of Permit.** A weather modification permit shall include the following:

(1) the effective period of the permit, which shall not exceed four years, and

(A) if the permit is for more than one year, the permit shall contain a statement that it shall remain valid for so long as the permittee continues to operate in successive years during all or part of the months authorized;

(B) if a weather modifier is authorized to conduct an operation on behalf of a sponsoring entity, the term of the permit shall be limited to the duration of the contract in effect between the weather modifier and the sponsor at the date that the commission issues the permit; and

(C) if a weather modifier and client initially contract that their agreement should be renegotiated during the term of a multi-year permit, the permit shall contain a statement that the weather modifier must submit a copy of any modified contract to the executive director for review and approval before the start of operations under that modified contract;

(2) a description of the boundaries of the operational and target areas and a map that depicts those areas;

(3) the weather modification method(s) which may be employed;

(4) a requirement that the permittee maintain insurance coverage or other financial assurance of the types and amounts satisfactory to the commission for the term of the permit;

(5) a requirement that the permittee maintain a valid license and that the operation be directed only by those individuals whose credentials were evaluated for

issuance of the license;

(6) a statement that the operation must be conducted during each year of a multi-year permit, as set forth in the plan of operations, and that the plan is incorporated in the permit;

(7) a requirement that the permittee notify the executive director of changes to the list of names, addresses, and home and on-site office phone numbers of the individuals who conduct the operation;

(8) a statement that the commission shall have immediate access to any information the permittee maintains that is pertinent to day-to-day weather modification operations; and

(9) other terms, requirements, and conditions that the commission deems advisable.

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 22, 1985.

TRD-8511023

James K. Rourke, Jr.  
General Counsel  
Texas Water  
Commission

Earliest possible date of adoption:

December 30, 1985

For further information, please call

(512) 463-8069

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## Records and Reports

### ★ 31 TAC §§289.31, §289.32

The new sections are proposed under the Texas Water Code, §5.103, and the Texas Water Code, Chapter 18, Subchapter B, §§18.011, 18.012, 18.013, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state.

**§289.31. Information to be Recorded.** Any person conducting an operation in Texas shall keep and maintain a record of each operation. For all operations, the daily log (NOAA Form 17-4B) required by 15 Code of Federal Regulations, §908.8(a), and the supplemental information required by 15 Code of Federal Regulations, §908.8(b), (c), and (d) thereof shall be recorded by each operator. In addition, for all operations in which aircraft are employed for reconnaissance and seeding purposes, information consisting of the dates on which operations are conducted, each period (in minutes of local time) of operation, a description of the track of each flight, the rates of dispersion of the seeding agent of each flight, and the total amount of seeding agent dispensed during each

operation shall be recorded by each operator. The tracks of all seeding and reconnaissance missions shall be logged in such a manner so as to allow a complete and accurate reconstruction of each run. The tracks may be identified by either radial distance from a standard reference point or by ground fixes in statute miles from a nearby town or landmark at the beginning and ending of each aerial event. Furthermore, each applicant shall promptly report to the executive director any changes or additions to the list, submitted with the application, which contains the names and mailing addresses of individuals involved in the operation.

### §289.32. Time for Making Reports

(a) Any person conducting an operation shall submit to the executive director, for each month in which operations are conducted, one copy of the record of operations required by §289.31 of this title (relating to Information to be Recorded), and any supplemental information for that month, by the fifth day of the succeeding month.

(b) Copies of all other reports required by 15 Code of Federal Regulations, §§908.5-908.7, shall be submitted to the executive director as soon as practicable, but in no case later than the deadlines set by the federal regulation.

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 22, 1985.

TRD-8511016

James K. Rourke, Jr.  
General Counsel  
Texas Water  
Commission

Earliest possible date of adoption:

December 30, 1985

For further information, please call

(512) 463-8069.

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## Amendment, Revocation, and Suspension of Licenses and Permits on Motion of Commission

### ★ 31 TAC §§289.41-289.44

The new sections are proposed under the Texas Water Code, §5.103, and the Texas Water Code, Chapter 18, Subchapter B, §§18.011, 18.012, and 18.013, which provide the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state.

### §289.41. Amendment, Revocation, or Suspension.

(a) The executive director may initiate proceedings before the commission:

(1) to amend a permit if it appears necessary to protect the health or property of any person;

(2) to suspend or revoke a permit or license if the executive director has good cause to believe that the permit or license should be suspended or revoked; or

(3) to approve changes in operational personnel or other information pertaining to the weather modification license, in which case the executive director may seek the advice of the Weather Modification Advisory Committee.

(b) Suspension of a license shall suspend automatically for a like period of time any permit issued under that license, unless the permit is issued to more than one licensee, and at least one of those licensees remains in good standing.

(c) Revocation of a license shall revoke automatically any permit issued under that license, unless the permit is issued to more than one licensee, and at least one of those licensees remains in good standing.

**§289.42. Good Cause.** Good cause to believe that a permit or license should be revoked or suspended shall include, but not be limited to, the following.

(1) Licenses.

(A) The licensee has violated any of the provisions of the Act, rules, or license.

(B) The licensee has submitted false and/or misleading information on his or her application.

(C) The individual or individuals named in the license no longer possess the qualifications necessary for the issuance of an original license.

(D) The operational personnel or other information which were the basis for the issuance of the license have changed materially.

(E) The licensee is deemed incompetent to hold a license by virtue of previous violations of weather modification permits or licenses in other states, resulting in suspension or revocation of the licensee's license in that other state:

(2) Permits.

(A) The licensee has violated any of the provisions of the Act, rules, or the permit.

(B) The applicant has submitted false or misleading information in either its application for a permit or the records required to be submitted by §§289.31-289.32 of this title (relating to Records and Reports).

(C) The permittee's license has expired during the term of the permit and the licensee has not made a timely request for renewal.

(D) The executive director has reason to believe that the permitted operation is significantly dissipating the clouds and preventing the natural course of developing rain in the area where the operation is conducted to the material detriment of persons or property in that area.

**§289.43. Notice and Hearing.**

(a) The commission may not amend, suspend or revoke a permit or a license without first giving the licensee or permittee notice and a reasonable opportunity to be heard with respect to the grounds for the commission's proposed action.

(b) The commission shall give notice in the following manner.

(1) Not less than 20 days prior to the hearing date, notice shall be sent to the licensee or permittee by certified mail, return receipt requested.

(2) The notice shall include:

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

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

(C) a short and plain statement of the matters asserted, or if the executive director is unable to state the matters in detail, a statement of the issues involved.

**§289.44. Emergency Order To Cease Operations.**

If the executive director determines that probable imminent injury or hazard will result to any person, property, or to the public, by reason of a permitted operation, he shall immediately initiate proceedings before the commission to order a licensee to cease some or all operations without suspending the permit. Notice of the order to discontinue operation may be given verbally by a specifically authorized representative of the executive director to the licensee or to the person in control and in charge of the operation, to be confirmed in writing thereafter at the earliest possible date. The licensee may resume operations after he has been notified by a specifically authorized representative of the executive director that the probability of injury or hazard has ceased.

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 22, 1985.

TRD-8511015 James K. Rourke, Jr.  
General Counsel  
Texas Water Commission

Earliest possible date of adoption:  
December 30, 1985

For further information, please call  
(512) 463-8069.



**Amendment of Permits Upon Application of Permittees**

**★ 31 TAC §§289.51-289.53**

The new sections are proposed under the Texas Water Code, §5 103, and the Texas Water Code, Chapter 18, Subchapter B, §§18.011, 18.012, 18.013, which provides the Texas Water Commission with the authority to adopt any rules necessary to

carry out the powers and duties under the provisions of the Water Code and other laws of this state.

**§289.51. Application for Amendment.**

A permittee seeking to amend any provision of a weather modification permit shall file a notice of intention and an application prepared in the same manner as for an original application for permit, as provided in §§289.11-289.22 of this title (relating to Issuance of Licenses and Permits); however, the headings of the notice of intention and application should be altered to reflect the fact that the permittee seeks an amendment rather than an original permit.

**§289.52. Action on Application for Amendment.**

The executive director and commission shall process an application for amendment in the same manner as an original application for permit; an application for amendment is specifically subject to the same standards as an original application for permit in determining when to refer it to the commission, as provided by §289.19 of this title (relating to Referral of Permit Application to Commission); in evaluating requests for hearing on the application, as provided by §289.20 of this title (relating to Requests for Hearing on Application for Permit); and in making final disposition of the application, as provided by §289.21 of this title (relating to Action on Application for Permit).

**§289.53. Exception for Minor Amendments.**

(a) No notice of intention need be filed or published, and no hearing will be scheduled with respect to applications for amendments that the commission deems minor.

(b) An amendment shall be deemed minor if:

(1) in the judgment of the commission, it has no potential for harming the health or property of any person; and

(2) it does not negate or render inaccurate any information contained in the notice of intention that was published with respect to the original application for the permit that is sought to be amended.

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 22, 1985.

TRD-8511014 James K. Rourke, Jr.  
General Counsel  
Texas Water  
Commission

Earliest possible date of adoption:  
December 30, 1985

For further information, please call  
(512) 463-8069.



**Hail Suppression Election Provisions**

**★ 31 TAC §§289.61-289.62**

The new sections are proposed under the Texas Water Code, §5 103, and Chapter 18, Subchapter B, §§18.011-18.013, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Water Code and other laws of this state

§289.61. If the notice published pursuant to the Texas Water Code, §18.086, does not include notice that the applicant proposes to suppress hail as an objective of the operation, any qualified voter in the proposed target or operational area may request that the commission determine whether or not the purpose of the proposed operation covered by the application for weather modification permit includes hail suppression. The commission shall hold a preliminary hearing concerning the nature of the proposed operation. The commission shall enter a preliminary order which determines the nature of the operation. If the commission determines that the proposed operation includes hail suppression as an objective, the commission shall dismiss the application, unless the applicant republishes the notice of intention in accordance with these sections and in a form prescribed by the commission within the time limitation provided in the commission order of dismissal.

§289.62. If within 30 days of the first publication of a notice of intention which includes hail suppression, qualified voters in counties or parts of counties included in the target area or operational area petition and cause an election or elections to be held, under this Act, the commission must evaluate the results of the election or elections, as certified by the respective county commissioners court, before issuing a permit. If, as a result of the election or elections, certain areas are excluded from the coverage of the permit as applied for, the commission must determine if the proposed operation is still feasible for those areas in which no election was requested and in those areas in which the voters gave their approval. No permit can be issued if a majority of the qualified voters voting in the election precincts which are wholly within the target area vote in opposition to the issuance of the permit. Also, no permit can be issued covering all or part of a target area or an operational area that was previously excluded from the coverage of a permit by virtue of an election, unless as a result of the publication of notice of the new application, an election was called and a majority of qualified voters voted in favor of the proposition. After the results of an election or elections are received, the commission may conduct a hearing for the sole purpose of determining the feasibility of the proposed operation, or may include consideration of



this issue in the hearing on the application for the permit.

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 22, 1985.

TRD-8511013

James K. Rourke, Jr.  
General Counsel  
Texas Water  
Commission

Earliest possible date of adoption:

December 30, 1985

For further information, please call  
(512) 463-9069.

★ ★ ★

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter O. State Sales and Use Tax

###### ★ 34 TAC §3.312

The Comptroller of Public Accounts proposes an amendment to §3.312, concerning persons engaged in the graphic arts or related occupations. The amendment clarifies the comptroller's position on painting, waxing, polishing, or applying decorative or protective material to tangible personal property. The amendment also taxes the mass or multiple production of printed material when produced by a word processor or computer. This material, which is now taxable when produced by a printer with a printing press, will also be taxable when produced by a person using a word processor or computer.

Dale Craymer, director of revenue estimating for the comptroller, 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. Craymer 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 will be to benefit taxpayers by providing notice of comptroller's policy change on the taxability of certain maintenance services, graphic arts, and printed items. 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 Joe Greco, Director, Tax Admin-

istration, P.O. Box 13528, Austin, Texas 78711.

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

§3.312. *[Persons Engaged in the] Graphic Arts or Related Occupations [Occupation]; Miscellaneous Activities.*

(a) Decorative or informative activities; graphic art.

(1) Photographers, commercial artists, portrait painters, and persons who draw, paint, engrave, and etch are graphic artists.

(2) Persons who paint or apply decorative material to tangible personal property are also engaged in graphic art activities. Examples of graphic artists performing decorative or informative activities include painting murals, pinstriping, or painting signs on motor vehicles.

(3) Sales tax is due and should be collected by the graphic artist from the customer on the total charge for the art.

(4)[(a)] Persons who furnish their own supplies in pursuit of their work, including photographers, commercial artists, portrait painters, etc., shall pay a tax on their supplies, equipment, and any other taxable items used by them. However, when supplies or materials will become an ingredient or component part of a finished product held for sale, the materials are not subject to tax at the time of purchase by the artist. See §3.300 of this title (relating to Manufacturing, Custom Manufacturing, Fabricating, Processing). [The total charge for the finished product is subject to the tax.]

(b) Printing, imprinting, word processing, and multiple reproduced computer-generated material.

(1) Sales tax is due on the total charge for producing multiple copies of printed material regardless of the type of equipment used in the reproduction.

(2) Multiple copies include computer-generated form letters produced with a slight variation which personalizes essentially the same letter. Tax applies to the entire charge without deduction for charges for setting up the machine, keyboarding, or assembling the material. Charges for providing additional copies are taxable regardless of whether the original was prepared using a typewriter or word processing equipment.

(3) Sales tax is not due on charges for furnishing original letters or other printed material or carbon copies produced simultaneously with the original, prepared by using a typewriter or word processing equipment.

(4)[(b)] Persons who produce, process, print, or imprint tangible personal property, when the materials used in these processes have been furnished by the customer,

must collect sales tax on [include photo finishers, book binders, printers, etc.]; the total charge [made by them] for such work. [is taxable. When printing, imprinting, or processing is performed in compliance with an order from a customer, it is subject to tax based upon the total price charged to the customers.] This includes photo finishers, book binders, printers, and film developers.

(c) Protective or maintenance activities.

(1)[(c)] The repair, remodeling, maintenance, and restoration of tangible personal property is a taxable service. The total amount charged the customer for labor and materials is subject to tax. [See §3.292 of this title relating to Repairsmen.]

(2) Persons who apply substances to tangible personal property, including motor vehicles, for the purpose of protection or maintenance are covered by §3.292 of this title (relating to Repairs, Remodeling, Maintenance, and Restoration of Tangible Personal Property). Examples of protective or maintenance activities include painting, rustproofing, undercoating, chrome plating, and the application of polishes, waxes, and glazes. Application of decorative molding, sunshield, and tinting would come within this category.

(3) Persons maintaining aircraft, motor vehicles, or commercial vessels should refer to subsection (b) of §3.292 of this title (relating to Repairs, Remodeling, Maintenance, and Restoration of Tangible Personal Property). When aircraft, motor vehicles, or commercial vessels are being protected or maintained, it makes no difference if an item is being painted or repaired, coated or recoated, waxed or re-waxed. The taxability of the activity will be determined by the type of contract used, or in absence of a contract, the type of billing, either lump-sum or separated, which is used by the provider of the activity.

(4) Persons maintaining tangible personal property other than aircraft, motor vehicles, or commercial vessels should refer to §3.292(c) of this title (relating to Repairs, Remodeling, Maintenance, and Restoration of Tangible Personal Property).

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 27, 1985.

TRD-8511127

Bob Bullock  
Comptroller of Public  
Accounts

Earliest possible date of adoption:

January 7, 1985

For further information, please call  
(512) 463-4606.

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# Adopted

**Rules** An agency may take final action on a rule 30 days after a proposal has been published in the *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 1. ADMINISTRATION Part V. State Purchasing and General Services Commission

### Chapter 113. Central Purchasing Division Purchasing

#### ★1 TAC §113.6

The State Purchasing and General Services Commission adopts an amendment to §113.6, without changes to the proposed text published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3295).

The amendments are adopted to comply with the provisions of House Bill 620 and House Bill 1278 of the 69th Legislature, 1985.

The rule will give Texas growers of agricultural products a preference in tie-bid situations over out-of-state and foreign growers and give Texas bidders a preference over out-of-state bidders in those situations where the out-of-state bidder would have a preference over the Texas bidders when bidding in the out-of-state bidder's state.

Only one comment was received, which favored the proposal because of its broad definition of "principal place of business."

W. E. Donaldson, Texas A&M University, commented in favor of the rule.

The amendment is adopted under Texas Civil Statutes, Article 601b, which provides the State Purchasing and General Services Commission with the authority to institute and maintain an effective and economical purchasing system for all affected state agencies.

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 26, 1985.

TRD-8511086

John R. Neel  
General Counsel  
State Purchasing and  
General Services  
Commission

Effective date: December 18, 1985  
Proposal publication date: September 3, 1985  
For further information, please call  
(512) 463-3446.

★ ★ ★

### Purchasing

#### ★1 TAC §113.10

The State Purchasing and General Services Commission adopts an amendment to §113.10, with changes to the proposed text published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3295).

The amendment is adopted in order to comply with the provisions of House Bill 1903 of the 69th Legislature, 1985. The changes from the proposal are to also increase the no-bid limit in subsection (b)(3) and (c)(1) of the section from \$150 to \$250 to make such provisions consistent with the proposed changes in subsection (a).

The effect of the amendment is to raise the no-bid limit on delegated purchases from \$150 to \$250; expedite purchases for medical schools, state hospitals, and other facilities providing critical care services by exempting purchases made with federal grant funds; and alleviate hardships caused by reduction in state agency personnel as of September 1, 1985.

Only one comment was received, from W. E. Donaldson, Texas A&M University, who favored the proposal because of reduced state agency staff funding.

The amendment is adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to institute and maintain an effective and economical purchasing system for all affected state agencies.

### §113.10. Delegated Purchases.

(a) General delegation. Pursuant to the provisions of Texas Civil Statutes, Article 601b, §3.08, competitive bidding, whether formal or informal is not required for purchases not in excess of \$250. Purchases subject to Texas Civil Statutes, Article 6203c (required to be made from the Texas Department of Corrections, see also §113.11 of this title (relating to Texas Department of Corrections Purchases), and Texas Civil Statutes, Article 601b, §3.23), as well as purchases of products and services of blind and severely disabled persons subject to the Human Resources Code, Texas Civil Statutes, Chapter 122 (see also §113.12 of this title (relating to Purchase of Blind-Made Goods and Services) and Texas Civil Statutes, Article 601b, §3.22), shall be made in accord with those statutes and will not be affected by this delegation. By authority granted under Texas Civil Statutes, Article 601b, §3.06, the commission has delegated purchasing functions in the following cases to agencies of the state. (Spot and emergency purchase rules will apply to all types of delegated purchases.)

- (1)-(4) (No change.)
  - (5) direct publications;
  - (6) fuel, oil, and grease purchases;
- and
- (7) distributor purchases.

(b) Spot purchases. As further required by Texas Civil Statutes, Article 601b, §3.08, using state agencies are delegated the authority to make purchases in amounts that do not exceed \$700 in accordance with the following conditions.

- (1)-(2) (No change.)
- (3) If the purchase exceeds \$250, the agency must attempt to obtain a minimum of three competitive bids (which may be taken by telephone) from sources which normally stock the merchandise being purchased.
- (4) (No change.)

(c) Emergency purchases. Payment for emergency purchases of needed supplies, equipment, or services will be approved by this commission provided an emergency exists and the purchase is made in accordance with the following conditions:



(1) At least three oral bids must be obtained whenever possible on all purchases in excess of \$250, but not in excess of \$700. Written competitive bids must be obtained whenever possible on all purchases in excess of \$700. A signed written bid must always be obtained from the source of the purchase except in the case of internal repairs for which bids are not obtainable. In that situation, written estimates should be obtained whenever possible.

(2)-(5) (No change.)

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

(f) Direct publication orders may be made by an agency when such publications are not available through statewide contract or competitively. Direct publication orders shall be made in accord with guidelines suggested by the commission. Such orders include, but are not limited to:

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

(5) prepared films, tapes, and discs, (audio, visual, or both);

(6) collections of the items in paragraphs (1)-(5) of this subsection and microfilm or microfiche copies of the items in paragraphs (1)-(5) of this subsection; and

(7) Library of Congress cards.

(g) Fuel, oil, and grease purchases may be made by an agency at service stations or in bulk. Spot and emergency purchase procedures are particularly applicable to purchases at service stations. Fuel, oil, and grease purchases shall be made in accord with guidelines suggested by the commission.

(h) Distributor purchases cover the purchase of repair parts for a unit of major equipment that are needed immediately (see emergency purchases, subsection (c) of this section), or as maintenance contracts for laboratory/medical equipment. Distributor purchases shall be made by agency in accord with guidelines suggested by the commission.

(1) Examples of distributor purchases include repair parts for motor vehicles, farm tractors and equipment, road building machinery and equipment, heavy construction machinery and equipment, signal light maintenance contracts for laboratory/medical equipment, etc.

(2) An agency may not purchase any of the following on a distributor purchases basis: consumable items, labor of any kind (see "service"), "will fit" parts (non-OEM), major component replacements, parts for stock, contract items (regardless of contract minimum), electrical parts for electric motors, electrical switch panel boards, electrical accessories, etc.

(i) Purchasing functions may be delegated to user agencies for a specific open market purchase only through approval by the commissioners given in open meeting. Requests for such approval should be made in writing to the executive director and signed by the chief executive officer of the requesting agency. All such requests should

clearly set out the reasons and justification for the request.

(j) Adherence to ethical standards. Employees of state agencies involved in purchasing under delegated authority shall adhere to the same ethical standards required of commission employees and set out in §111.4 of this title (relating to Breach of Ethical Standards). Such agency employees should also be aware of Texas Civil Statutes, Article 601b, relating to conflicts of interest, in their purchasing activities under delegated authority.

(k) Withdrawal of delegated purchase authority. The commission will make necessary verification to ensure compliance with established procedures and will withdraw the delegated purchase privilege from any agency for continued violations after giving adequate warning.

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 26, 1985.

TRD-8511095

John R. Neel  
General Counsel  
State Purchasing and  
General Services  
Commission

Effective date: December 18, 1985  
Proposal publication date: September 3, 1985  
For further information, please call  
(512) 463-3446.

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### Surplus Property Sales

#### ★ 1 TAC §113.72 and §113.73

The State Purchasing and General Services Commission adopts amendments to §113.72, and §113.73, without changes to the proposed text published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3295)

The amendments are adopted in order to comply with the provisions of Senate Bill 526 of the 69th Legislature, 1985.

The effect of the amendments is to provide food banks with economic savings in acquiring surplus and salvage property in order to serve their clients.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to establish and maintain procedures for the disposition of surplus and salvage property no longer needed by state agencies.

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 26, 1985.

TRD-8511094

John R. Neel  
General Counsel  
State Purchasing and  
General Services  
Commission

Effective date: December 18, 1985  
Proposal publication date: September 3, 1985  
For further information, please call  
(512) 463-3446.

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### Chapter 121. Telecommunications Services Division

#### Telecommunications Services

#### ★ 1 TAC §§121.2-121.6, 121.8 and 121.9

The State Purchasing and General Services Commission adopts amendments to §§121.2-121.6 and 121.8, and new §121.9, without changes to the proposed text published in the September 10, 1985, issue of the *Texas Register* (10 TexReg 3416).

The amendments and new section are adopted to comply with the provisions of House Bill 2375 of the 69th Legislature, 1985.

The effect of the amendment and new section is to provide a coordinated review through the automated information telecommunications council of state expenditures for telecommunication services and equipment.

No comments were received regarding adoption of the amendments and new section.

The amendments and new section are adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to manage the operation of a system of telecommunication services for all state agencies and to provide centralized telephone service in the capitol complex

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 27, 1985.

TRD-8511114

John R. Neel  
General Counsel  
State Purchasing and  
General Services  
Commission

Effective date: December 18, 1985  
Proposal publication date: September 10, 1985  
For further information, please call  
(512) 463-3446.

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**TITLE 19. EDUCATION**  
**Part II. Texas Education**  
**Agency**  
**Chapter 61. School Districts**  
**Subchapter K. Mineral Leases**  
**by School Districts**

★ 19 TAC §§61.271-61.273

The Texas Education Agency adopts an amendment to §61.273, with changes to the proposed text published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3876). Sections 61.271, and 61.272 are adopted without changes and will not be republished.

In §61.273(b)(3), the word "also" was added to the penultimate sentence for clarification.

The Texas Education Code, §23.29, provides that the sale and terms of sale of minerals by independent school districts must be approved by the commissioner of education on the basis of criteria approved by the State Board of Education.

Independent school districts must grant mineral leases through a competitive bidding process, as specified in subsection (b)(1) of the section, or a public auction process, as specified in subsection (b)(2) of the section. All leases must be authorized by resolution of the school district board of trustees and must be executed by the board, acting through its president. Leases must be approved by the commissioner of education. Leases must not include provisions for in kind payments.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §23.29, which requires the commissioner of education to approve the sale or leasing of minerals by independent school districts based on criteria established by the State Board of Education.

**§61.273. Independent School Districts.**

(a) Approval. Mineral leases executed by independent school districts shall be in accordance with the Texas Education Code, §23.29, the Texas Natural Resources Code, Chapter 71, Subtitle F, and these sections. Approval of such leases by the commissioner of education is required and shall be granted upon satisfactory compliance by the

district with the criteria, conditions, and procedures in this section. The revenues derived from such lease or sale shall be restricted to the expenditure purposes stated in the Texas Education Code, §23.29(d).

(b) General requirements. General requirements shall be as follows:

(1) Competitive bidding. The board of trustees shall give notice of its intention to lease any lands owned by the district by publishing a notice in a newspaper published and having a general circulation in the county where the lands are situated once a week for a period of three consecutive weeks, describing the lands to be leased and designating the time and place after the last publication where the board shall receive and consider bids for such mineral leases as the board may determine to make. The published time at which such bids will be considered shall not be less than three calendar days following the date of the last newspaper publication. On the date specified in said notice, the board shall receive and consider any and all bids submitted for the leasing of said lands or any portions thereof which are advertised for leasing and in the discretion of the board shall award each lease to the highest and best bidder submitting a bid therefor, provided that if in the judgment of the board the bids submitted do not represent the fair value of any such lease, the board may reject the same and again give notice and call for additional bids, but no lease shall in any event be made except upon public hearing and consideration of said bids and after the notice as herein provided unless granted by public auction as provided in paragraph (2) of this subsection.

(2) Public auction. In the alternative to competitive bidding as specified in paragraph (1) of this subsection, the board of trustees may grant mineral leases by public auction. The same publication and notice provisions applicable to sealed bid leases or sales shall apply to sales or leases by public auction.

(3) Board resolution. All leases shall be authorized by resolution of the board of trustees, which resolution shall contain a legal description of the land leased and shall specify the number of acres of land involved, the trustee authorized to execute the lease on behalf of the school district, and the name of the successful bidder to whom the land is being leased. The resolution shall incorporate the lease agreement by reference and shall attach a copy of the lease agreement. A copy of the resolution shall also be attached to the lease and made a part thereof. Such copy shall be certified by the secretary of the board of trustees.

(4) (No change.)

(c) Oil, gas, and sulphur leases. In addition to the general requirements of subsections (a) and (b) of this section, the following rules shall apply to all leases for oil, gas, or sulphur:

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

(3) Primary term. No lease, other than for coal or lignite, may be for a primary term of more than 10 years from the date of execution and approval of the lease by the commissioner of education. A renewal option based upon payment of additional delay rentals or bonus, or other monies shall not be approved to extend the primary term beyond five additional years to the stated primary term.

(d) Coal and lignite leases. In addition to the general requirements of subsections (a) and (b) of this section, the following rules shall apply to all leases for coal and lignite:

(1) (No change.)

(2) No in kind payments. Leases permitting royalty payments to be made in kind shall not be approved.

(3) Primary term. No lease for coal and lignite may be for a primary term of more than 35 years from the date of execution.

(e) Applications for approval. Mineral leases executed by independent school districts shall be submitted for approval by the commissioner of education in accordance with the following procedure.

(1) When a mineral lease has been fully executed by all parties thereto, the school district shall request approval of the same by letter to the Commissioner of Education, 1701 North Congress Avenue, Austin, Texas 78701, enclosing the original and one copy of the lease with attached copies of the board resolution authorizing the lease. The request letter should state whether the lease was awarded as a result of competitive bidding or granted by a public auction, and should contain sufficient information for the commissioner to determine whether the bidding or auction requirements of this section have been met, including a publisher's affidavit certifying the dates and a copy of the published announcement that was published in a newspaper in compliance with this section.

(2) (No change.)

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

Issued in Austin, Texas, on November 27, 1985.

TRD-8511171

W. N. Kirby  
Commissioner of  
Education

Effective date: December 18, 1985  
Proposal publication date: October 8, 1985  
For further information, please call  
(512) 463-9212.

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**Chapter 77. Comprehensive Instruction**  
**Subchapter W. Driver Education**  
**★ 19 TAC §77.474**

The Texas Education Agency adopts an amendment to §77.474, with changes to the proposed text published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3878).

In (a)(2), the words "a minimum" have been added for clarification.

A new subsection (b) has been added to provide that school districts that have already set up 80-hour driver education programs with six hours of behind-the-wheel training may request permission to continue such programs for the 1985-1986 school year only if the district can show that increasing to seven hours would cause a hardship. Subsequent paragraphs have been relettered.

In July, the State Board of Education approved the awarding of one-half unit of credit toward state graduation requirements for driver education. The new section establishes strengthened requirements for the driver education programs for which state credit may be earned.

Two courses may be offered for which state credit of one-half unit may be awarded. One course, which prepares students to qualify for a driver's license, requires a minimum of 80 clock hours, including at least 56 hours of classroom work, seven hours of behind-the-wheel instruction, and seven hours of in-car observation.

The other course, which prepares a student to qualify for a learner's permit, requires 80 clock hours, including 56 clock hours of classroom instruction and 24 hours of safety education. Courses may also be offered for local credit only.

No comments were received (from organizations) regarding adoption of the amendment.

A few individuals commented that some school districts had already set up courses with only six hours of behind-the-wheel training and that increasing to seven hours this school year would cause a hardship. A new subsection (b) was added to provide for a hardship waiver.

The amendment is adopted under the Texas Education Code, §21.102, which directs the Central Education Agency to develop a program of organized instruction in driver education and traffic safety for public school students.

**§77.474. Course Requirements.**

(a) To be approved under these standards, driver education courses shall be provided under one or more of the following plans:

(1) a minimum of 32 clock hours of classroom instruction, seven hours of be-

hind-the-wheel instruction, and seven hours of in-car observation. Under this plan, students may receive only local credit for the course;

(2) a minimum of 80 clock hours covering the essential elements in §75.121(a) of this title (relating to Driver Education) and consisting of a minimum of 56 clock hours of driver education classroom instruction, a minimum of seven hours of behind-the-wheel instruction, and a minimum of seven hours of in-car observation. Under this plan, students may receive one-half unit state credit counting toward graduation;

(3) a minimum of 80 clock hours of classroom instruction covering the essential elements in §75.121(b) of this title (relating to Driver Education) and consisting of a minimum of 56 clock hours of driver education classroom instruction and 24 clock hours of safety education. Under this plan, students may receive one-half unit state credit counting toward graduation.

(b) School districts that have already set up their driver education programs for a minimum of 80 hours, including six hours of behind-the-wheel instruction and six hours of in-car observation, may request authorization from the commissioner of education to continue such program for the 1985-1986 school year only if the district can show that changing to the seven hour requirement should cause a hardship.

(c) Schools may use multimedia systems, simulators, and multicar driving ranges for instruction in the driver education program. All simulators, including the filmed instructional programs, and all plans for multicar driving ranges must meet state specifications. Specifications for simulators and driving ranges have been developed by the Department of Public Safety and the Central Education Agency and are available from the agency.

(d) Course content, minimum instruction requirements, and administrative guidelines for each phase must conform to the state-approved curriculum guide appropriate for each phase of instruction: *Driver Education Classroom and In-Car Instruction*, *Driver Education Simulation and In-Car Instruction*, *Driver Education Multicar Driving Range Instruction*.

(e) Four periods of at least 55 minutes of instruction in a simulator may be substituted for one clock hour of in-car instruction. Two periods of at least 55 minutes of multicar driving range instruction may be substituted for one clock hour of in-car instruction relating to elementary or city driving lessons. However, a minimum of three clock hours must be spent in actual in-car instruction.

(f) Learning systems that have programs correlated with the course content of the *Curriculum Guide for Driver Education* may be used in class instruction.

(g) Class instruction courses conducted through the medium of television must conform to the *Guide for Educational*

*Television in Driver Education for Texas Schools* (Texas Education Agency, 1964, and including subsequent revisions).

(h) Multiphase driver education programs that include at least the minimum required simulator and in-car instruction may be taught with less than 32 clock hours of class instruction under the following provisions:

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

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

Issued in Austin, Texas, on November 22, 1985.

TRD-8511169

W. N. Kirby  
Commissioner of  
Education

Effective date: December 18, 1985  
Proposal publication date: October 8, 1985  
For further information, please call  
(512) 483-9212.

★ ★ ★  
**Chapter 145. Professional Environment**  
**Subchapter C. Employment Assurances**

**★ 19 TAC §145.44**

The Texas Education Agency adopts an amendment to §145.44 without changes to the proposed text published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3881)

The amendment clarifies implementation requirements for the Texas Education Code, §13.902, concerning the 45-minute planning and preparation period for teachers.

Each teacher actively engaged in the instruction of children in the public schools of Texas must have at least one period of 45 consecutive minutes free from supervision of students within the scheduled school day for parent-teacher conferences, reviewing students' homework, and planning and preparation.

Districts which extend the school day beyond the required seven hour minimum for instructional purposes may include the required 45-minute planning period within the extended school day. The day may not be extended solely to provide for the planning period.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.902, which provides for the 45-minute planning and preparation period; and the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules

for administration of the Foundation School Program.

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

Issued in Austin, Texas, on November 22, 1985.

TRD-8511170      W N Kirby  
Commissioner of  
Education

Earliest possible date of adoption:  
December 18, 1985

For further information, please call  
(512) 463-9212

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### Chapter 149. Education Personnel Development Subchapter D. Teacher Career Ladder

#### ★19 TAC §149.71

The Texas Education Agency adopts an amendment to §149.71 without changes to the proposed text published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3881).

In July 1985, the State Board of Education established a new vocational program in technical education internship. This program places students on the job as interns with business and industry involved in high technology.

The amended section concerning the teacher career ladder provides that, for the technical education internship teacher/coordinator, up to two hours of on-the-job supervision per day may be counted as classroom teaching to meet the minimum teaching requirement for career ladder purposes.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education code, §16.057, which provides for career ladder salary supplements; the Texas Education Code, §§13.301-13.322, which establishes the teacher career ladder; and the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation of the Foundation School Program.

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 27, 1985.

TRD-8511168      W. N. Kirby  
Commissioner of  
Education

Effective date: December 18, 1985  
Proposal publication date: October 8, 1985  
For further information, please call  
(512) 463-9212.

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## TITLE 22. EXAMINING BOARDS

### Part IX. State Board of Medical Exams Chapter 175. Schedule of Fees

#### ★22 TAC §175.1

The Texas State Board of Medical Examiners adopts an amendment to §175.1, without changes to the proposed text published in the August 20, 1985, issue of the *Texas Register* (10 TexReg 3163).

Costs of processing applications for licensure by examination and reciprocal endorsement have risen steadily. Also, cost of giving the examination has increased. Therefore, the board deemed it necessary to amend the fee schedule to more accurately reflect the actual licensure costs.

The section will enable the agency to more efficiently and expeditiously process applications for licensure by examination and reciprocal endorsement.

No comments were received regarding adoption of the amendment.

Texas Civil Statutes, Article 4495b, provides the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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

Issued in Austin, Texas, on December 2, 1985.

TRD-8511205      G V. Brindley, Jr.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: December 23, 1985  
Proposal publication date: August 20, 1985  
For further information, please call  
(512) 452-1078.

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## Chapter 263. Life Safety Design and Materials

### ★37 TAC §263.13

The Texas Commission on Jail Standards adopts an amendment to §263.13, without changes to the proposed text published in the October 18, 1985, issue of the *Texas Register* (10 TexReg 4077).

This amendment clarifies the utilization of non-fire retardant treated framing in low risk jails.

The amendment allows use of non-fire retardant framing in construction of single story low risk jails providing the adherence to other criteria, as outlined in the amendment.

No comments were received regarding adoption of the amendment.

Texas Civil Statutes, Article 5115.1, Title 18, provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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 26, 1985.

TRD-8511082      Robert O. Viterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: December 17, 1985  
Proposal publication date: October 18, 1985  
For further information, please call  
(512) 475-2716

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## Chapter 281. General Provisions Practice and Procedure

### ★22 TAC §281.34

The Texas State Board of Pharmacy adopts an amendment to §281.34, without changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3545).

The amendment provides for the establishment of procedures for the proper institution, conduct, and determination of all proceedings and matters within the jurisdiction of the board.

The section is amended to be consistent with changes in the Texas Rules of Civil Procedures.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §16 and §17, which provide the board with the authority to adopt rules for the proper ad-

ministration and enforcement of this Act, consistent with this Act.

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

Issued in Austin, Texas, on November 26, 1985.

TRD-8511122 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: September 17, 1985  
For further information, please call  
(512) 478-9827.

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### Practice and Procedure

#### ★ 22 TAC §281.48

The Texas State Board of Pharmacy adopts an amendment to §281.48, without changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3545).

This amendment provides for the establishment of procedures for the proper institution, conduct, and determination of all proceedings and matters within the jurisdiction of the board.

The amendment states that the informal conference shall be among the executive director/secretary, the director of adjudication and legal support services, and legal counsel of the agency, and the affected party and/or such affected party's authorized representative.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §16 and §17, which provide the board with the authority to adopt rules for the proper administration and enforcement of this Act, consistent with this Act.

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

Issued in Austin, Texas, on November 26, 1985.

TRD-8511123 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: September 17, 1985  
For further information, please call  
(512) 478-9827.

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### Chapter 283. Licensing Requirements for Pharmacists

#### ★ 22 TAC §283.2, §283.3

The Texas Board of Pharmacy adopts amendments to §283.2 and §283.3, without changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3546).

Enforcement of these amendments further ensure that all applicants meet the requirements to qualify for licensing as pharmacists.

The amendment to §283.2 defines "professional degree" relative to the licensing requirements for pharmacists. The amendment to §283.3 defines the educational requirements for an applicant for licensure as a pharmacist.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §21, which provide the board with the authority to establish standards to qualify an applicant for the licensing examination.

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 26, 1985.

TRD-8511124 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: September 17, 1985  
For further information, please call  
(512) 478-9827.

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#### ★ 22 TAC §283.11

The Texas State Board of Pharmacy adopts an amendment to §283.11, without changes to the proposed text published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3882).

The amendment ensures that all applicants meet the requirements to qualify as a preceptor.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §20 which provide the board with the authority to determine the necessary qualifications of any preceptors used in any internship or other program.

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 26, 1985.

TRD-8511116 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board  
of Pharmacy

Effective date: December 18, 1985  
Proposal publication date: October 8, 1985  
For further information, please call  
(512) 478-9827.

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#### ★ 22 TAC §283.12

The Texas State Board of Pharmacy adopts an amendment to §283.12, without changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3547).

The amendment ensures that all applicants meet the requirements to qualify for licensing by examination.

This amendment provides for the integrated examination effective June 1986. It also clarifies the licensure requirements for applicants who failed the required examination.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §21, which provide the board with the authority to specify the qualifications an applicant must meet to qualify for a license to practice pharmacy by examination.

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 26, 1985.

TRD-8511121 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: September 17, 1985  
For further information, please call  
(512) 478-9827.

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★ 22 TAC §283.14

The Texas State Board of Pharmacy adopts an amendment to §283.14, with-out changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3547).

The amendment ensures that all applicants meet the requirements to qualify for licensing by examination.

The amendment outlines the conditions whereby the fee for the examination is nonrefundable.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §21, which provide the board with the authority to specify the qualifications an applicant must meet to qualify for a license to practice pharmacy by examination.

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 26, 1985.

TRD-8511120 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: September 17, 1985  
For further information, please call  
(512) 478-9827.

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Chapter 291. Pharmacies  
All Classes of Pharmacy

★ 22 TAC §291.19

The Texas State Board of Pharmacy adopts new §291.19, with changes to the proposed text published in the September 17, 1985, issue of the *Texas Register* (10 TexReg 3548). Language is added in paragraph (4) for clarification.

The new section ensures that pharmacies licensed in the State of Texas are operating within the laws and rules governing the practice of pharmacy.

This new section lists administrative actions available as a result of a compliance inspection or reinspection of a pharmacy wherein violations of the Texas Pharmacy Act, Controlled Substances Act, Dangerous Drug Act, Texas Food Drug and Cosmetic Act, or rules adopted pursuant to such Acts, have occurred.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4542a-1, §29 and

§17 which provide the board with the authority to inspect facilities licensed under this Act for compliance with this Act.

§291.19. *Administrative Actions as a Result of a Compliance Inspection.* As a result of a compliance inspection or compliance reinspection of a pharmacy wherein violations of the Texas Pharmacy Act, Controlled Substances Act, Dangerous Drug Act, Texas Food, Drug, and Cosmetic Act, or rules adopted pursuant to such Acts are observed:

(1) a compliance officer of the board may issue a written report of areas of noncompliance that need improvement;

(2) a compliance officer of the board may issue a written warning notice listing specific violations to which the licensee shall respond in writing to the board by the date stated on the warning notice, indicating that the violations listed in the warning notice have been corrected;

(3) a compliance officer of the board may recommend the institution of disciplinary action against a licensee if such compliance officer determines that:

(A) previously cited violations are continuing to occur; or

(B) violations observed are of a nature that written notice of noncompliance or a written warning notice would not be in the best interest of the public; or

(4) a compliance officer of the board, upon determination that the violations observed are of a nature that pose an imminent peril to the public health, safety, or welfare, may recommend to the director of compliance, the institution of action by a district court in Travis County, Texas, to restrain or enjoin a licensee from continuing the violation, in addition to recommending the institution of disciplinary action against a licensee.

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 26, 1985.

TRD-8511125 / Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: September 17, 1985  
For further information, please call  
(512) 478-9827.

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Institutional Pharmacy (Class C)

★ 22 TAC §§291.72, 291.74, 291.75

The Texas State Board of Pharmacy adopts amendments to §§291.72, 291.74, and 291.75, without changes to the proposed text published in the September 17, 1985 issue of the *Texas Register* (10 TexReg 3548).

The amendments further ensure the safety, health, and welfare of the public by specifying the procedures required regarding the use of floor stock in a Class C pharmacy.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §29, which provide the board with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

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 26, 1985.

TRD-8511119 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: September 17, 1985  
For further information, please call  
(512) 478-9827.

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Institutional Pharmacy (Class C)

★ 22 TAC §291.75

The Texas State Board of Pharmacy adopts an amendment to §291.75, without changes to the proposed text published in the October 8, 1985, issue of the *Texas Register* (10 TexReg 3882).

The amendment further ensures the public health, safety, and welfare by specifying requirements for other records to be maintained by a Class C pharmacy.

The amendment is adopted under Texas Civil Statutes, Article 4542a-1, §29, which provide the board with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

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 26, 1985.

TRD-8511117 Fred S. Brinkley, Jr.  
Executive Director/  
Secretary  
Texas State Board of  
Pharmacy

Effective date: December 18, 1985  
Proposal publication date: October 8, 1985  
For further information, please call  
(512) 478-9827.

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## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

The following adoptions submitted by the Texas Department of Health will be serialized beginning in the December 10, 1985, issue of the *Texas Register*. The effective date of the amendment to §§61.2-61.4, 61.7, and 61.10 is December 18, 1985. The effective date of the remaining serialized adoptions is December 30, 1985.

Chapter 61. Chronic Diseases  
Kidney Health Care Program Benefits  
§§61.2-61.4, 61.7, 61.10  
(amendment)

Chapter 229. Food and Drug  
Bottled Drinking Water Certificates of  
Competency  
§§229.91-229.96  
(repeal)

Chapter 337. Water Hygiene  
Certification of Persons to Install,  
Exchange, Service, or Repair Residential  
Water Treatment Facilities  
§§337.32-337.35  
(amendment)  
§337.36, §337.37  
(new)

Certification of Waterworks Personnel  
§§337.51-337.59  
(amendment)

Certification of Bottled Water Plant  
Operators  
§§337.111-337.118  
(new)

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

#### Subchapter O. State Sales and Use Tax

##### ★ 34 TAC §3.303

The Comptroller of Public Accounts adopts an amendment to §3.303, without changes to the proposed text published in the October 25, 1985, issue of the *Texas Register* (10 TexReg 4175).

The section provides notice of the comptroller's policy of the taxability of transportation charges connected with taxable services.

One amendment clarifies the comptroller's position on F.O.B. terms, when transportation of taxable items is by the seller's own vehicle. The second amendment addresses transportation incident to a taxable service. The current section is silent on both these points.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on November 27, 1985.

TRD-8511128 Bob Bullock  
Comptroller of Public  
Accounts

Effective date: December 18, 1985  
Proposal publication date: October 25, 1985  
For further information, please call  
(512) 463-4806.

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## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part IX. Texas Commission on Jail Standards

#### Chapter 259. New Construction Rules

## New Low Risk Design, Construction, and Furnishing Requirements

##### ★ 37 TAC §259.212

The Texas Commission on Jail Standards adopts an amendment to §259.212, without changes to the proposed text published in the October 18, 1985, issue of the *Texas Register* (10 TexReg 4077).

This amendment clarifies the authorization to use wooden frames in construction of low risk jails.

If a county opts to construct a low risk jail, they have the option of building a wood frame structure if they meet certain other criteria as outlined in the change.

No comments were received regarding adoption of the amendment.

Texas Civil Statutes, Article 5115.1, Title 18, provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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 26, 1985.

TRD-8511084 Robert O. Viterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: December 17, 1985  
Proposal publication date: October 18, 1985  
For further information, please call  
(512) 475-2718.

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## Chapter 261. Existing Construction Rules

### Existing Low Risk Design, Construction, and Furnishing Requirements

##### ★ 37 TAC §261.201

The Texas Commission on Jail Standards adopts an amendment to §261.201, without changes to the proposed text published in the October 18, 1985, issue of the *Texas Register* (10 TexReg 4077).

This amendment clarifies the authorization to use wooden frames in construction of low risk jails.

If a county operates a low risk facility, the structure may be constructed with wooden framing providing certain other criteria are met.

No comments were received regarding adoption of the amendment.

Texas Civil Statutes, Article 5115.1, Title 18, provides the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.



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 26, 1985.

TRD-8511083 Robert O. Viterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: December 17, 1985  
Proposal publication date: October 18, 1985  
For further information, please call  
(512) 475-2716.

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### Chapter 263. Life Safety Design and Materials

#### ★ 37 TAC §263.22

The Texas Commission on Jail Standards adopts an amendment to §263.22, without changes to the proposed text published in the October 18, 1985, issue of the *Texas Register* (10 TexReg 4078).

This amendment clarifies an earlier change to §263.53 allowing counties to have a sprinkler system instead of a smoke/fume removal system in low risk jails.

This amendment requires counties with low risk facilities operating without smoke/fume removal systems to separate, with two-hour fire rated material, the low risk portion from any other prisoner classification areas.

No comments were received regarding adoption of the amendment.

Texas Civil Statutes, Article 5115.1, Title 18, provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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 26, 1985.

TRD-8511081 Robert O. Viterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: December 17, 1985  
Proposal publication date: October 18, 1985  
For further information, please call  
(512) 475-2716.

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#### ★ 37 TAC §263.24

The Texas Commission on Jail Standards adopts an amendment to §263.24, without changes to the proposed text pub-

lished in the October 18, 1985, issue of the *Texas Register* (10 TexReg 4078).

This amendment clarifies the utilization of non-fire treated framing in low risk jails.

The amendment allows use of non-fire retardant treated framing in construction of single story low risk jails providing the adherence to other criteria, as outlined in the amendment.

No comments were received regarding adoption of the amendment.

Texas Civil Statutes, Article 5115.1, Title 18, provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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 26, 1985.

TRD-8511080 Robert O. Viterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: December 17, 1985  
Proposal publication date: October 18, 1985  
For further information, please call  
(512) 475-2716.

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### Life Safety and Emergency Equipment

#### ★ 37 TAC §263.53

The Texas Commission on Jail Standards adopts an amendment to §263.53, without changes to the proposed text published in the October 18, 1985, issue of the *Texas Register* (10 TexReg 4078).

The amendment realigns the format of the section, and provides consideration for operation of low risk jails without smoke and fume removal systems.

The amendment allows counties to operate single story low risk jails without smoke/fume removal systems or sprinkler systems under certain conditions, as outlined in the amendment.

No comments were received regarding adoption of the amendment.

Texas Civil Statutes, Article 5115.1, Title 18, provide the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

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 26, 1985.

TRD-8511079 Robert O. Viterna  
Executive Director  
Texas Commission on  
Jail Standards

Effective date: December 17, 1985  
Proposal publication date: October 18, 1985  
For further information, please call  
(512) 475-2716.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE Part I. Texas Department of Human Services

The following adoptions submitted by the Texas Department of Human Services will be serialized beginning in the December 10, 1985, issue of the *Texas Register*. The effective date of the amendments to §46.2911 and §48.2918 is January 1, 1986. The effective date of the remaining serialized adoptions is December 18, 1985.

Chapter 48. CCAD  
Eligibility  
§48.2911, §48.2918  
(amendment)

Chapter 85. General Licensing Procedures  
Day Care Licensing Procedures  
§85.2006, 85.2008, 85.2011, 85.2012,  
85.2014, 85.2016, 85.2017, 85.2026,  
85.2032-85.2035  
(amendments)

§85.2040-85.2044  
(new)

Agency and Institutional Licensing  
Procedures  
§85.3044, 85.3047, 85.3049, 85.3050-  
85.3052  
(amendments),  
§85.3074-85.3078  
(new)

## Part IX. Texas Department on Aging Chapter 277. Monitoring Retired Senior Volunteer Programs

### Statutes and Regulations

#### ★ 40 TAC §§277.1-277.4

The Texas Department on Aging adopts new sections §§277.1-277.4, without changes to the proposed text published in the October 22, 1985, issue of the *Texas Register* (10 TexReg 4118).



The new sections are adopted to establish procedures for monitoring Retired Senior Volunteer Programs (RSVP) throughout the state.

The new sections will permit Retired Senior Volunteer Programs to know, in advance, the procedures which will be followed during scheduled monitoring and will permit the development of greater consistency in these programs throughout the state. It will also provide a standard guide for staff members of the Texas Department on Aging who are routinely in-

involved in RSVP monitoring.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

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

of the agency's legal authority.

Issued in Austin, Texas, on November 26, 1985.

TRD-8511075

O. P. (Bob) Bobbitt  
Executive Director  
Texas Department on  
Aging

Effective date: December 17, 1985  
Proposal publication date: October 22, 1985  
For further information, please call  
(512) 444-2727.

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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*.

## Automated Information and Telecommunications Council

**Friday, December 13, 1985, 9 a.m.** The Board of the Automated Information and Telecommunications Council will meet in Room 109, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include approval of minutes; award presentations; a presentation on AITC mission; status of data processing and telecommunications legislative study groups; procurement proposals; and future business. The board also will meet in executive session relating to the AITC organization.

**Contact:** Charlotte D. Craig, P.O. Box 13564, Austin, Texas 78711, (512) 463-5530.

**Filed:** November 27, 1985, 11:05 a.m.  
TRD-8511157

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## Texas Department of Community Affairs

**Friday, December 13, 1985, 10 a.m.** The Advisory Council of the Texas Department of Community Affairs (TDCA) will meet at 8317 Cross Park Drive, Austin. Items on the agenda include adoption of minutes; the report on TDCA funding activities including the Texas Community Development Program, the local government assistance division, economic opportunity division, and training and employment development division; the transfer of drug abuse prevention division; implementation of improved management systems and other business.

**Contact:** Michael Allen, P.O. Box 13166, Austin, Texas 78711, (512) 834-6010.

**Filed:** December 2, 1985, 11:14 a.m.  
TRD-8511212

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## Comptroller of Public Accounts

**Wednesday, December 18, 1985, 9 a.m.** The Tax Administration Division of the Comptroller of Public Accounts will meet in the Auditorium, third floor, 111 West Sixth Street, Austin. The public hearing on 34 TAC §3.59, Receipts/Exemptions—Telephone Companies (Gross Receipts Tax), was rescheduled from December 5, 1985, *Texas Register* (10 TexReg 4649).

**Contact:** Martin Cherry, 111 West Sixth Street, Room 101, Austin, Texas 78701, (512) 463-4606.

**Filed:** November 27, 1985, 9:52 a.m.  
TRD-8511126

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## Texas Commission for the Deaf

**Saturday, December 14, 1985, 9 a.m.** The Texas Commission for the Deaf will meet at 510 South Congress, Austin. Items on the agenda include approval of previous minutes; a report from the Board for Evaluation of Interpreters; an update on Sunset Advisory Commission Review; proposed rules; the director and staff reports; and the chairman's report. The commission also will meet in executive session to discuss personnel matters.

**Contact:** Larry D. Evans, 510 South Congress, Austin, Texas 78704, (512) 475-2492.

**Filed:** November 27, 1985, 11:05 a.m.  
TRD-8511158

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## Texas State Board of Dental Examiners

**Thursday-Saturday, January 23-25, 1985, 8 a.m.** The Texas State Board of Dental Examiners will meet in the Miro Room, Loews Anatole Hotel, 2201 Stemmons Freeway, Dallas. According to the agenda summary, the board will consider disciplinary hearings; discuss the subcommittee report on dental hygienists working in nursing homes; permitted duty interpretation request; approval of anesthesia applications; consider a report on AADE and ADA meetings; the 1986 dental and dental hygiene exams; a report on legal counsel; dental examination grading; consider special requests of foreign graduates to be allowed to take the dental licensing exam; approval of honorary retired dentists and dental hygienists; and a request of Dr. Stephen Clayton for reinstatement of his Texas dental license. The board will meet in executive session to discuss pending litigation.

**Contact:** William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

**Filed:** December 3, 1985, 8:52 a.m.  
TRD-8511256

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## Texas Economic Development Commission

**Tuesday, December 10, 1985, 10 a.m.** The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission will meet in Room 318, Anson Jones Building, 410 East Fifth Street, Austin. Agendas follow.

The Texas Small Business Industrial Development Corporation (TSBIDC) will consider proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$1,850,000 to finance the cost of the construction of a manufacturing facility containing approximately 63,000 square feet to

be used as a facility for the manufacture of copper telephone wire products, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Superior Cable Corporation (the user). The project will be an expansion to the user's existing facility located on an approximately five acre site on the north side of Morris Shepard Drive between Lincoln Road and Custer Road in Brown County, 76801. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance by TSBIDC (the issuer) of its revenue bonds (the bonds) in amount not to exceed \$1,400,000 to finance the cost of the construction of a tiltslab manufacturing facility containing approximately 23,600 square feet to be used as a facility for the design and manufacture of electronic products, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by and occupied in part in Micro Star, Inc., and leased in part to CompuRoute, Inc., Automatic Circuits and Systems, Inc., and Electronic Modules, Inc. The project will be located on an approximately 54,800 square foot site at 10810 Alder Circle in Dallas. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$1,000,000 to finance the cost of the acquisition of production equipment for the manufacture of liquid crystal display (LCD), together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned and operated by Polytronix, Inc. The project will be installed at 1820 Glenville Avenue in Richardson, Texas 75801. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed.

The TSBIDC will consider the proposed issuance of its bonds (the bonds) in an amount not to exceed \$750,000 to finance the cost of construction of an addition to an existing manufacturing facility consisting of approximately 6,000 square feet to be used as a facility for the manufacture of fiberglass and resin composite materials for use in the construction of chemical and waste water plants, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned and operated by Composite Technology, Inc. The project will be located at 1005 Blue Mound Road, Fort Worth, Texas 76131. All interested

persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$500,000 to finance the cost of the acquisition of approximately 39,400 square feet of land and the acquisition and rehabilitation of a masonry office warehouse building located thereon containing approximately 37,226 square feet to be used as a facility for the wholesale distribution of hardware, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Earl J. O'Brien and leased to Riggsbee Hardware Company, Inc. The project will be located at 1120 Sarapson in Houston, 77003. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$850,000 to finance the cost of the construction of a prefabricated steel building containing approximately 23,000 square feet to be used as a retail hardware and sporting goods store, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Joe W. Blagg and leased to Wealkey Watson, Inc. The project will be located at the northwest corner of the intersection of Woodson Road and Milton Avenue in Brownwood, 76801. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$750,000 to finance the cost of the acquisition of approximately two acres of land and the construction thereon of a masonry/warehouse/manufacturing facility containing approximately 12,000 square feet to be used as a facility for the distribution of material handling equipment, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Malin Construction and Realty of Houston and leased to N.J. Malin & Associates, Inc. The project will be located at the corner of Westfare and Wendigo Place, Houston. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bond and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$1,500,000 to finance the cost of the acquisition of approx-

imately 29 acres of land and the construction thereon of a prefabricated metal-exterior building containing approximately 2,400 square feet to be used as a facility for receiving, offloading, onloading, and coordinating delivery and pickup of railroad trailers; the construction of an approximately 6,000 square foot paved asphalt surface; and the acquisition and installation of approximately 6,000 square feet of railroad tract, together with the purchase of equipment (including two diesel switch engines) and of the facilities which are functionally related and subordinate to the foregoing (the project), to be owned and operated by East Texas Transportation, Inc. The project will be located within the area bounded by Third Street, Sixth Street, Constantin Avenue and Lawhon Avenue, and the East Texas Industrial Park, Smith County 75708. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of one or more series of revenue bonds (the bonds) to finance or refinance the cost of a commercial facility or facilities, consisting of the construction and equipping of a building to be used for a retail grocery store and related facilities (the project). The maximum aggregate face amount of the bonds is anticipated to be \$660,000. The project will be located at 3604 Mansfield Highway, Forest Hill, and will be owned initially by Big Value Supermarket, Inc. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds, the project to be financed thereby, and the plan of financing relating to the project.

The TSBIDC will consider the proposed issuance of one or more series of revenue bonds (the bonds) to finance or refinance the cost of a manufacturing facility or facilities, consisting of the acquisition, rehabilitation, and equipping of an existing food products manufacturing facility to be used for manufacturing, storing, and distributing food products and related facilities (the project). The maximum aggregate \$750,000. The project will be located at 11242 Indian Trail, Dallas, and will be owned initially by Suoro, Inc. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds, the project to be financed thereby, and the plan of financing relating to the project.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$750,000 to finance the cost of the construction of an office building containing approximately 10,168 square feet to be used as a law office, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Russell, Turner & Laird.

The project will be located at 2501 Scott Avenue, Fort Worth, 76103. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$750,000 to finance the cost of the acquisition of approximately 22,417 square feet of land and the construction thereon of a general office building containing approximately 10,000 square feet, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Max L. Spillar and Associates and other tenants. The project will be located at 750 North Freeway in Fort Worth, 76102. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$500,000 to finance the cost of the acquisition of approximately 21,700 square feet of land and the construction thereon of a metal office/warehouse building containing approximately 13,000 square feet to be used as a facility for the storage and distribution of air filters used in air conditioning and heating equipment, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Phillip R. Gamble and leased to Pure Air Filter Company. The project will be located at 2324 Merrill Road, Fort Worth, 75229. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$738,000 to finance the cost of the acquisition of approximately 6.124 acres of land and the acquisition and rehabilitation of a storage building located thereon, containing approximately 12,000 square feet, a warehouse building located thereon, containing approximately 6,750 square feet, and an office building located thereon, containing approximately 1,896 square feet, to be used as a facility for the manufacture of prefabricated buildings and building components, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Henry Pat Tilley doing business as Tilley Business Systems. The project will be located within the area bounded by West 28th Street, 27th Street, South Street, and East Street in Bryan, Texas 77801. All interested persons are invited to attend and express any comments

they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$375,000 to finance a portion of the cost of the construction of an office building containing approximately 12,000 square feet, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Willow Creek Plaza Joint Venture and to be leased to commercial tenants. The project will be located on an approximately one acre site at 2405 Yorkstown in Ennis, Texas 75119. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bond and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$600,000 to finance the cost of the acquisition of approximately 1.2 acres of land and the construction thereon of a concrete tilt wall office/manufacturing building containing approximately 20,000 square feet to be used as a facility for the manufacture of aircraft and helicopter parts, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Roach-Haan and Cates Real Estate Partnership and leased to Skyline Industries, Inc. The project will be located at the northeast corner of Forum Way and Forum Way South in Fort Worth, Texas 76140. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$1,400,000 to finance the cost of the construction of two concrete tilt-wall office/warehouse buildings containing a total of approximately 44,750 square feet, together with equipment and other facilities which are functionally related and subordinate to the foregoing (the project), to be owned by Coleman & Coleman. One building will be leased to Coleman Metal Products Company, Inc., to be used as a facility for the wholesale distribution of home improvement products and the other building will be leased to additional tenants. The project will be located at 4900 Southeast Loop 820, and 4901 Forest Hill Circle, Fort Worth, Texas 76140. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

The TSBIDC will consider the proposed issuance of its revenue bonds (the bonds) in an amount not to exceed \$1,000,000 to finance the cost of the construction of an ap-

proximately 9,700 square foot expansion to an existing food manufacturing/processing facility which manufactures food products, together with the purchase of food manufacturing equipment and other facilities and equipment which are functionally related and subordinate to the foregoing (the project), to be owned and operated by Mrs. Crockett's Kitchens, Inc. The project will be located at 8905 Forum Way, Fort Worth, Texas 76104. All interested persons are invited to attend and express any comments they have regarding the proposed issuance of the bonds and the project to be financed thereby.

**Contact:** John H. Kirkley, 410 East Fifth, Room 318, Austin, Texas 78701, (512) 472-5059.

**Filed:** December 2, 1985, 4:50 p.m.  
TRD-8511235-8511252

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### **Texas Education Agency**

**Thursday, December 5, 1985, 9 a.m.** The Task Force for the Development of the Long-Range Master Plan for Vocational Education of the Texas Education Agency (TEA) met in Room 6-101, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the task force discussed the content of the long-range master plan for vocational education, in a continuation of the December 4, 1985, meeting.

**Contact:** R. D. Bristow, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9704.

**Filed:** November 27, 1985, 1:08 p.m.  
TRD-8511166

**Thursday, December 5, 1985, 1:30 p.m.** The Committee of the Whole of the State Board of Education of the TEA met in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee reviewed test items for the first grade Texas educational assessment of minimum skills test and reviewed test items for the Texas examination of current administrators and teachers. The actual test items were reviewed in executive session in accordance with Texas Civil Statutes, Article 6252-17, and attorney general Opinion H-484, 1974.

**Contact:** W. N. Kirby 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** November 26, 1985, 2:33 p.m.  
TRD-8511098

**Friday, December 6, 1985.** Committees of the State Board of Education of the Texas Education Agency (TEA) will meet at the William B. Travis Building, 1701 North Congress Avenue, Austin. Times, rooms, committees, and agenda summaries follow.

**8:30 a.m.** In Room 1-110, the Committee for Finance and Programs will consider the permanent school fund; the school district annual performance report; the State Textbook Program; vocational education; proprietary schools and veterans education; the Accountable Costs Advisory Committee; the Education of the Handicapped Act, Part B, the Handicapped Special Studies Program; a telecommunications planning grant; distribution percentages for textbooks adopted by the State Board of Education; the Job Training Partnership Act; appraisal certification training programs; appointment of a trustee for Randolph Field; purchase of historic flags; the Vocational-Technical Education Committee; a budget development plan; audit reports; the Investment Division internal control audit; the status report of renovation and equipment; the master plan for vocational education in Texas and the Texas Educational Computer Cooperative.

**8:30 a.m.** In Room 1-104, the Committee for Personnel will consider statewide standards on the duties of a school board member; an alternative examination for the Texas examination of current administrators and teachers (TECAT); training for school board members; TECAT sample tests; teacher certification; the Houston Independent School District alternative certification plan; a pilot project for teacher appraisal training; appraisal certification training programs; a procedure to validate a study guide for TECAT; reporting strategies for the TECAT; and procedures for approval of advanced academic training.

**8:30 a.m.** In Room 1-109, the Committee for Students will consider special education; vocational education; graduation requirements; the Texas assessment of basic skills; the Texas educational assessment of minimum skills; University Interscholastic League rules; norm-referenced tests pilot study; guidelines for bilingual and English as a second language programs; student referral and teacher training relating to dyslexia; program evaluation studies for bilingual, English as a second language, compensatory education, and gifted and talented programs; gifted and talented program advisors; and extracurricular activities.

**1:30 p.m.** The Committee for Long-Range Planning will consider accreditation of non-public elementary and secondary schools; accreditation; planning and accreditation; the long-range master plan; regional education service centers; and a status report on the accreditation of school districts.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701. (512) 463-8985.

**Filed:** November 26, 1985, 2:34 p.m.  
TRD-8511099, 8511102, 8511100,  
8511103

**Friday, December 6, 1985, 6:30 p.m.** The State Board of Education of the TEA will meet at the Foothills Restaurant, Hyatt-Regency Hotel, 208 Barton Springs Road, Austin. Items on the agenda include reports from the chairmen of the State Board of Education committees, including the Committee for Finance and Programs, Committee for Students, Committee for Personnel, Committee for Long Range Planning, and Committee of the Whole, concerning items discussed in committee meetings on Thursday, December 5, and Friday, December 6.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9095.

**Filed:** November 27, 1985, 1:08 p.m.  
TRD-8511167

**Saturday, December 7, 1985, 8:30 a.m.** The State Board of Education of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. Items on the agenda include the permanent school fund; the school district annual performance report; textbooks; vocational education; proprietary schools and veterans education; the Accountable Costs Advisory Committee; the Handicapped Special Studies Program; a telecommunications planning grant; distribution percentages for textbooks; the Job Training Partnership Act; appraisal certification training programs; appointment of a trustee; purchase of historic flags; special education; graduation requirements; the 1985 Texas assessment of basic skills; the Texas educational assessment of minimum skills; University Interscholastic League rules; standards on the duties of a school board member; an alternative examination for the Texas examination of current administrators and teachers (TECAT); non-public elementary and secondary schools; accreditation; planning and accreditation; and 1986 meetings of the State Board of Education.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** November 26, 1985, 2:36 p.m.  
TRD-8511104

**Friday and Saturday, December 13 and 14, 1985, 1 p.m. and 8:30 a.m. respectively.** The State Parent Advisory Council for Migrant Education of the TEA will meet in Room 6-101, William B. Travis Building, 1701 North Congress Avenue, Austin. Items on the agenda include facilitating credit exchange for seventh and eighth grade students; tests in use in Texas; the status of prekindergarten programs; status of a local education agency direct link to Little Rock; a director's update on agency reorganization; review of the state plan; a directory of migrant education projects; a report on State Board of Education rules affecting

migrant education programs; and agenda items for the next meeting.

**Contact:** Frank Contreras, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9067.

**Filed:** November 26, 1985, 2:33 p.m.  
TRD-8511097

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### Texas Employment Commission

**Tuesday, December 10, 1985, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the board will discuss prior meeting notes; internal procedures of the commission appeals; consider and act on higher level appeals in unemployment compensation cases on Commission Docket 50; and set the date of the next meeting.

**Contact:** Courtenzy Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

**Filed:** December 2, 1985, 1:43 p.m.  
TRD-8511222

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### Office of the Governor

**Thursday, December 5, 1985, 10 a.m.** The State Job Training Coordinating Council, Ad Hoc Committee on JTPA Performance and 6% Funds of the Office of the Governor met at La Quinta Motor Inn East, 333 Northeast Loop 410, San Antonio. According to the agenda, the committee formulated recommendations for a plan for the use of the currently available and unobligated 6% funds.

**Contact:** Rik Mackay, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

**Filed:** November 27, 1985, 2:22 p.m.  
TRD-8511174

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### Texas Department of Health

**Monday, December 2, 1985, 10 a.m.** The State Primary Care Program Advisory Committee of the Texas Department of Health met in emergency session in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary included approval of minutes of the last meeting; an overview of the proposal review process, program implementation timetable, and administrative budget; a review and recommendation of program rules, a request for proposal, and the long range plan for primary health care; the mission statement review and adoption; an outline of the primary health care program technical assistance effort; and committee administrative business. The emergency status was necessary to meet the statutory

deadline required by House Bill 1844, 69th Legislature, 1985, of having primary care program rules in effect.

**Contact:** Clift Price, M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7321.

**Filed:** November 27, 1985, 4:12 p.m.  
TRD-8511187

**Friday, December 6, 1985, 9 a.m.** The Ambulatory Surgical Center Ad Hoc Committee of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda, the committee will conduct a work session to draft regulations for the Texas Ambulatory Surgical Center Licensing Act.

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

**Filed:** November 27, 1985, 4:11 p.m.  
TRD-8511189

**Friday, December 13, 1985, 10 a.m.** The Texas Home Health Licensing Act Home Health Services Advisory Council of the Texas Department of Health will meet in Room G-209, 1100 West 49th Street, Austin. According to the agenda, the council will conduct a work session for the second draft of the Texas Home Health Licensing Act Regulations.

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

**Filed:** November 27, 1985, 4:11 p.m.  
TRD-8511188

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### University of Houston System

**Tuesday, December 3, 1985, 9 a.m.** The Board of Regents of the University of Houston System met in the Student Lounge, third floor, University of Houston, Houston. Items on the agenda summary included discussion and approval of the minutes; selection of architectural consultants downtown; tentative agreement to purchase Pauly Property; the lease agreement with AT&T Information Systems in Clear Lake; the lease renewal for system administration offices; the Academic Affairs and Campus Relations Committee report and recommendations; Regental Policy Committee report and recommendations; Facilities Planning and Building Committee report and recommendations; Finance and Audit Committee report and recommendations and consent docket.

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

**Filed:** November 27, 1985, 11:46 a.m.  
TRD-8511159

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### Texas Department of Human Services

Committees of the Texas Department of Human Services will meet in Room 5-W, fifth floor, west tower, 701 West 51st Street, Austin. Days, times, committees, and agendas follow.

**Tuesday and Wednesday, December 10 and 11, 1985, 1:15 p.m. daily.** The Indigent Health Care Advisory Committee will consider medical service definitions and reimbursement rates; fund allocation record keeping and audit procedures; review of all proposed rules including eligibility and program management; receive comments on draft handbook; develop public input process; and plan the next meeting. The December 11, 1985, meeting will meet on the second floor, west tower, classroom 2.

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

**Filed:** December 2, 1985, 3:36 p.m.  
TRD-8511228

**Friday, December 13, 1985, 9 a.m.** The Services to Aged and Disabled Advisory Committee will consider the introduction of new members; approval of minutes; the report on budget hearings; a review of legislative appropriations request (LAR) alternatives; the associate's report; and plans for the next meeting.

**Contact:** Mary Ann Harvey, P.O. Box 2960, Austin, Texas 78769, (512) 450-3194.

**Filed:** December 2, 1985, 3:36 p.m.  
TRD-8511226

**Thursday, December 12, 1985, 9:30 a.m.** The Council on Child Abuse and Neglect Prevention will consider the introduction of council members and staff; orientation; an overview of prevention programs and background of children's trust funds; a review of Senate Bill 371 which established the children's trust fund in Texas; and work planning. A reception will be held at 4:30 p.m.

**Contact:** James C. Marquart, P.O. Box 2960, Austin, Texas 78769, (512) 450-3365.

**Filed:** December 2, 1985, 3:36 p.m.  
TRD-8511227

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### State Board of Insurance

**Wednesday, November 27, 1985, 9 a.m.** The State Board of Insurance met in emergency session in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board considered the filing by the Medical Protective Company for a 28% increase in their physicians and surgeons professional liability rates to recognize the impact of the recent Texas Supreme Court decision that prejudgment interest is considered damaging in per-

sonal injury awards. The emergency status was necessary pursuant to Articles 5.51 and 5.15-1, Insurance Code. The filing is deemed approved unless disapproved within 30 days of filing.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78781-1998, (512) 463-6328.

**Filed:** November 26, 1985, 3:21 p.m.  
TRD-8511105

**Friday, December 6, 1985, 9 a.m.** The State Board of Insurance will meet in the State Insurance Building, 1110 San Jacinto Street, Austin. Rooms and agendas follow.

In Room 414, the board will consider a motion for rehearing in the appeal of Larry Saye from action of the Texas Catastrophe Property Insurance Association; board orders on several different matters; decisions on petitions by the Texas Medical Liability Insurance Underwriting Association which were considered at a hearing on September 5, 1985; the fire marshal and commissioner's report concerning personnel matters; pending and contemplated litigation; agency training facilities; annual report to the governor; consideration of withdrawal and republication of proposed §25.509 published 10 TexReg 3601; annual determination of reference interest rate under Insurance Code Article 3.28, §5(e); final action on amendment to §5.5002 published in 10 TexReg 3945; discussion of Administrative Code and agency liaison to the *Texas Register*; and an emergency adoption of maintenance tax rates on 1985 premiums.

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

**Filed:** November 27, 1985, 3:54 p.m.  
TRD-8511170

In Room 342, the Commissioner's Hearing Section of the State Board of Insurance will reopen a public hearing to consider whether disciplinary action should be taken against Robert S. Dodd, doing business as Petrobanque Insurance Services, Dallas, which holds a surplus lines agent's license issued by the State Board of Insurance.

**Contact:** Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

**Filed:** November 26, 1985, 3:48 p.m.  
TRD-851110

In Room 342, the Commissioner's Hearing Section of the State Board of Insurance will consider the motion to release regarding the State of Conservatorship of True People of America Fraternal Benefit Society, Houston.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** November 26, 1985, 3:49 p.m.  
TRD-8511109

**Tuesday, December 10, 1985, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider the application of Rickie Don Keith, Abilene, for a legal reserve life insurance agent's license.

**Contact:** Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

**Filed:** December 2, 1985, 1 p.m.  
TRD-8511215

**Wednesday, December 11, 1985, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, Austin. According to the agenda, the section will consider the application of Victor Alden Norberg, Arlington, for a Group I, legal reserve life insurance agent's license.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

**Filed:** December 2, 1985, 1 p.m.  
TRD-8511216

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### Texas Department of Labor and Standards

**Tuesday, December 3, 1985, 9 a.m.** The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards met in Room 105, E. O. Thompson State Office Building, Austin. According to the agenda summary, the division will consider license and registration, suspensions and alleged violations of various rules and regulations of the Department.

**Contact:** Orlando S. Mata, P.O. Box 12548, Capitol Station, Austin, Texas 78711.

**Filed:** December 2, 1985, 3:33 p.m.  
TRD-8511223

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**Tuesday and Wednesday, December 10 and 11, 1985, 10 a.m. daily.** The Texas Industrialized Building Code Council of the Texas Department of Labor and Standards will meet in Room 105, John H. Reagan Building, 1000 West 15th Street, Austin. According to the agenda summary, the council will elect officers and review proposed rules and procedures for industrialized housing and buildings.

**Contact:** Jimmy Martin, E. O. Thompson Building, 920 Colorado Street, Austin, Texas 78711, (512) 463-5312.

**Filed:** December 2, 1985, 10:15 a.m.  
TRD-8511203

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### Lamar University

**Thursday, December 5, 1985.** The Board of Regents of Lamar University met in emergency session in the Spindletop Room, Mary and John Gray Library, Lamar University, Beaumont. Times and agendas follow.

**9:30 a.m.** The board considered invocation, the swearing in of appointees, and organization of the board.

**1:15 p.m.** The board considered approval of minutes of October 10, 1985 meeting; Chancellor's reports and announcements; and approval of committee recommendations from the Finance/Audit Committee, Buildings and Grounds Committee, Personnel Committee, and Academic Affairs Committee. The board met in executive session. The emergency status was necessary because *Texas Register* offices closed due to Thanksgiving holidays; therefore, unable to meet filing deadline.

**Contact:** Dr. George McLaughlin, Lamar University System, P.O. Box 11915, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** December 2, 1985, 1:23 p.m.  
TRD-8511218

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### Texas Board of Land Surveying

**Tuesday and Wednesday, January 7 and 8, 1986, 8 a.m. daily.** The first regular meeting of the Texas Board of Land Surveying will be held in Suite 304, 7703 North Lamar, Austin. According to the agenda, the board will meet to approve minutes of previous meetings, review applications, discuss correspondence, prepare the February, 1986 examination, and discuss any other business to come before the board.

**Contact:** Betty J. Pope, 7703 North Lamar, Suite 304, Austin, Texas 78752, (512) 452-9427.

**Filed:** January 3, 1986, 8:54 a.m.  
TRD-8511254

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### Texas Department of Mental Health and Mental Retardation

**Thursday, December 12, 1985, 1 p.m.** The Business Committee of the Texas Department of Mental Health and Mental Retardation will meet in the Austin State Hospital Chapel, 4110 Guadalupe, Austin. According to the agenda, the department will consider a report on the task force to study service delivery in TDMHMR local service areas 30 and 60; the transfer of funds; and

the quarterly budget additions and revisions.

**Contact:** Gary E. Miller, M.D., P.O. Box 12668, Capitol Station, Austin, Texas 78711-2688, (512) 465-4588.

**Filed:** December 2, 1985, 4:29 p.m.  
TRD-8511234

**Thursday, December 2, 1985, 1:15 p.m.** The Executive Committee of the Texas Department of Mental Health and Mental Retardation met at the Austin State Hospital Chapel, 4110 Guadalupe, Austin. According to the agenda, the committee considered resolution of appreciation to Alberto C. Serrano; resolution of appreciation to J. Adan Trevino; the Leander Rehabilitation Center-Senate Bill 1350; the report regarding TDMHMR six year strategy plan; consideration of approval of TDMHMR six year strategic plan; the board policy on facility reviews; roadway easement at Denton State School; the department rule governing independent contractors; recommendations on the procedure for citizen's comments; the adoption of amendments to rules governing public responsibility committees; the adoption of new rules governing disclosure of client-identifying information; discuss emergency rules on client abuse in private psychiatric hospitals; consider the proposed rule governing TDMHMR rulemaking; and consider board policy on rulemaking.

**Contact:** Gary E. Miller, M.D., P.O. Box 12668, Capitol Station, Austin, Texas, (512) 465-4588.

**Filed:** December 2, 1985, 4:29 p.m.  
TRD-8511233

**Friday, December 13, 1985, 9 a.m.** The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the Austin State Hospital Chapel, 4110 Guadalupe, Austin. According to the agenda summary, the board will consider approval of minutes of November 15, 1985; citizen's comments; the commissioner's calendar; recommendations for board consideration in the executive and business committees; and consider the status of pending or contemplated litigation.

**Contact:** Gary E. Miller, M.D., P.O. Box 12668, Capitol Station, Austin, Texas, (512) 465-4588.

**Filed:** November 2, 1985, 4:30 p.m.  
TRD-8511232

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## Pan American University

**Tuesday, December 10, 1985.** Committees of the Board of Regents of Pan American University will meet in the boardroom, Administration Building, Pan American University, Edinburg. Times, committees, and agendas follow.

**1 p.m.** The Buildings and Grounds Committee will consider naming of the residence hall and informational items.

**Contact:** Miguel A. Nevarez, Pan American University, 1201 West University Avenue, Edinburg, Texas 78539 (512) 381-1201.

**Filed:** December 2, 1985, 9:14 a.m.  
TRD-8511204

**1:15 p.m.** The Finance Committee will consider budget changes; the proposition II equipment requests; signature authorizations; and informational items.

**Contact:** Miguel A. Nevarez, Pan American University, 1201 West University Avenue, Edinburg, Texas 78539 (512) 381-2101.

**Filed:** December 2, 1985, 9:14 a.m.  
TRD-8511202

**1:30 p.m.** The Development Committee will consider gifts and donations including Exxon Education Foundation gift, the South Texas Business Journal gift, and the Central Power and Light Company Scholarship gift.

**Contact:** Miguel A. Nevarez, Pan American University, 1201 West University Avenue, Edinburg, Texas 78539, (512) 381-2101.

**Filed:** December 2, 9:14 a.m.  
TRD-8511200

**1:45 p.m.** The Academic Affairs Committee will consider the intellectual property policy; honorary degrees; the summer school employment policy; the merit policy amendment; and the proposed amended policy (principles of policy determination PPM §11.11). The committee also will meet in executive session to consider new hires, the second year tenure track recommendations, leave of absence, adjunct professor, and emeritus faculty.

**Contact:** Miguel A. Nevarez, Pan American University, 1201 West University Avenue, Edinburg, Texas 78539, (512) 381-1201.

**Filed:** December 2, 1985, 9:14 a.m.  
TRD-8511199

**2 p.m.** The Board of Regents of Pan American University will consider reports of the Buildings and Grounds Committee, Finance Committee, Development Committee, Academic Affairs Committee; the Committee of the Whole will consider executive session matters; president's informational items; and date of the next meeting.

**Contact:** Miguel A. Nevarez, Pan American University, 1201 West University Avenue, Edinburg, Texas 78539, (512) 381-1201.

**Filed:** December 2, 1985, 9:14 a.m.  
TRD-8511198

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## Texas Board of Pardons and Paroles

**Wednesday, December 4, 1985, 9:30 a.m.** The Texas Board of Pardons and Paroles met at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board conducted full board interviews, a meeting with interested parties in connection with the case of Robert E. Atwood TDC #375,177 subject to the board's jurisdiction.

**Contact:** Daniel R. Guerra, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2700.

**Filed:** November 26, 1985, 10:17 a.m.  
TRD-8511076

**Monday-Friday, December 9-13, 1985, 1:30 p.m. daily, Monday-Thursday and 11 a.m. on Friday.** A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners, inmates, and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

**Filed:** November 27, 1985, 10:15 a.m.  
TRD-8511130

**Tuesday, December 10, 1985, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

**Filed:** November 27, 1985, 10:15 a.m.  
TRD-8511131

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## Texas Parks and Wildlife Department

**Tuesday, December 3, 1985, 4 p.m.** The Commission of the Texas Parks and Wildlife Department met in emergency session in Building B, Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda, the commission will consider the status report of the Galveston Bay Oyster Fishery. The emergency status was necessary because the status of Galveston Bay Oyster Fishery had to be presented in order for the commission to properly manage the resource.

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

**Filed:** December 3, 1985, 9:26 a.m.  
TRD-8511255

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## Texas Peanut Producers Board

**Friday, December 6, 1985, 1 p.m.** The Texas Peanut Producers Board will meet at Howard Johnson's Motor Inn, 7800 IH 35 North, Austin. According to the agenda, the board will consider promotion activities; a proposal to increase assessment fees; office expenditures; and other business.

**Contact:** Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

**Filed:** November 26, 1985, 4:37 p.m.  
TRD-8511113

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## State Pension Review Board

**Monday, December 9, 1985, 10 a.m.** The State Pension Review Board will meet in Room 403, Employees Retirement System conference room, Employees Retirement System Building, fourth floor, 18th and Brazos Streets, Austin. According to the agenda, the full board will meet to elect new officers.

**Contact:** Benette Meadows, Room 501, Employees Retirement System Building, 18th and Brazos Streets, Austin, Texas 78711, (512) 463-1736.

**Filed:** November 26, 1985, 1:26 p.m.  
TRD-8511086

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## Polygraph Examiners Board

**Thursday and Friday, December 5 and 6, 1985, 9 a.m. daily.** The Polygraph Examiners Board met at the Department of Public Safety, 5805 North Lamar Boulevard, Austin. Items on the agenda included conduct and grade licensing examination; the approval of October minutes; discussion of proposed Rule 401.1; proposed emergency Rule 391.9; the investigator's report; set meeting dates for 1986; considered the approval of Los Angeles Polygraph Institute; the attorney general's response to the letter from Texas Employee Union; discussed the letter from Oklahoma Board of Polygraph Examiners; a discussion of Budget Rent-A-Car; comments from the executive office; the appearance of intern applicant James William Gibbs and his sponsor; and the consideration of any other polygraph related business which may come before the board.

**Contact:** Dawn M. Heikkila, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.  
**Filed:** November 26, 1985, 1:44 p.m.  
TRD-8511087

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## Public Utility Commission of Texas

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

**Thursday, December 5, 1985, 10 a.m.** An open meeting was held to consider permanent adoption of proposed Public Utility Commission substantive Rules §23.32 and §23.61.

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

**Filed:** November 26, 1985, 2:52 p.m.  
TRD-8511092

**Tuesday, December 10, 1985, 10 a.m.** A prehearing conference in Docket 6598—application of North Alamo Water Supply Corporation for a cease and desist Order against the City of Edinburg, Hidalgo County.

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

**Filed:** November 26, 1985, 1:56 p.m.  
TRD-8511177

**Wednesday, December 11, 1985, 8:30 a.m.** A prehearing conference in Docket 5954—inquiry of the Public Utility Commission of Texas into offering extended area service in the City of Rockwall.

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

**Filed:** November 26, 1985, 2:51 p.m.  
TRD-8511093

**Wednesday, December 11, 1985, 10 a.m.** A prehearing conference in Docket 6610—application of Southwestern Electric Service Company for authority to change rates.

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

**Filed:** November 27, 1985, 1:57 p.m.  
TRD-8511181

**Friday, December 13, 1986, 10 a.m.** A prehearing conference in Docket 6489—application H.C.M.U.D., Inc., for certificates of convenience and necessity to provide water and sewer utility service within Harris County.

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

**Filed:** December 2, 1985, 2:51 p.m.  
TRD-8511220

**Monday, December 16, 1985, 10 a.m.** A prehearing conference in Docket 6615—application of Lower Colorado River Authority for authority to increase rates.

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

**Filed:** November 27, 1985, 2:38 p.m.  
TRD-8511175

**Monday, January 13, 1986, 10 a.m.** A hearing on the merits in Docket 6567—application of Central Texas Utilities, Inc. for a rate increase in Tarrant County.

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

**Filed:** December 2, 1985, 2:51 p.m.  
TRD-8511221

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## Railroad Commission of Texas

**Monday, December 9, 1985, 9 a.m.** The Railroad Commission of Texas will meet in the first floor auditorium east, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

**Filed:** November 27, 1985, 11:01 a.m.  
TRD-8511144

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

**Filed:** November 27, 1985, 11 a.m.  
TRD-8511142

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

**Filed:** November 27, 1985, 10:55 a.m.  
TRD-8511135

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

**Filed:** November 27, 1985, 10:58 a.m.  
TRD-8511140

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

**Filed:** November 27, 1985, 10:58 a.m.  
TRD-8511143

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters, and a final order in Docket 332—show cause hearing for Reddock-Irwin Butane, Inc.

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

**Filed:** November 27, 1985, 11:02 a.m.  
TRD-8511145

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

**Contact:** Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

**Filed:** November 27, 1985, 11:04 a.m.  
TRD-8511138

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

**Filed:** November 27, 1985, 10:55 a.m.  
TRD-8511134

Consideration of an application by All American Pipeline Company for a pipeline permit across various counties in Texas.

**Contact:** Susan Cory, P.O. Box 12967, Austin, Texas 78711, (512) 463-6922.

**Filed:** November 27, 1985, 10:57 a.m.  
TRD-8511137

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

**Filed:** November 27, 1985, 10:55 a.m.  
TRD-8511139

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

**Filed:** November 27, 1985, 10:59 a.m.  
TRD-8511141

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

**Contact:** Walter Earl Lilie, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

**Filed:** November 27, 1985, 10:57 a.m.  
TRD-8511136

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters, and the acceptance of an incremental bond for the operations of Amistad Fuel Company under Permit 7 and the acceptance of an incremental bond for the operation of Northwestern Resources Co. under Permit 15.

**Contact:** J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-6901.

**Filed:** November 27, 1985, 10:53 a.m.  
TRD-8511133

Various matters falling within the Transportation Division's regulatory jurisdiction.

**Contact:** Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

**Filed:** November 27, 1985, 11:03 a.m.  
TRD-8511146

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### **Texas Rehabilitation Commission**

**Monday, December 9, 1985, 9:30 a.m.** The Texas Advisory Board of Occupational Therapy Applications Review Committee (TABOT) of the Texas Rehabilitation Commission will meet in Room 105, 118 East Riverside Drive, Austin. Items on the agenda include discussion of recommendations to be made to the TABOT regarding addi-

tions to the rules: recess to executive session, if required, in accordance with Texas Civil Statutes, Article 6252-17, §2(g) to discuss possible litigation which may arise from the implementation of the licensing program; and the report from executive session on open session.

**Contact:** Vernon H. Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

**Filed:** November 26, 1985, 11:49 a.m.  
TRD-8511085

**Friday, December 13, 1985, 9:30 a.m.** The Board of Directors of the Texas Rehabilitation Commission will meet at 118 East Riverside Drive, Austin. According to the agenda summary, the board will consider approval of minutes of September 20, 1985, board meeting; the adoption of rules for comprehensive medical rehabilitation services program; and the commissioner's report on operations. The board will meet in executive session for the election of board officers.

**Contact:** Vernon H. Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

**Filed:** December 2, 1985, 4:13 p.m.  
TRD-8511229

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### **Texas Savings and Loan Department**

**Tuesday, December 10, 1985, 9 a.m.** The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will accumulate a record of evidence regarding the application of Commodore Savings Association, Stamford, to relocate a branch office from IH 20 and Cherry Lane, Clyde, to 2323 Northwest Military Highway, San Antonio, from which record the commissioner shall determine whether to grant or deny the application.

**Contact:** Russell R. Oliver, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

**Filed:** November 26, 1985, 4:29 p.m.  
TRD-8511111

**Wednesday, December 11, 1985, 9 a.m.** The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will accumulate a record of evidence regarding the application of Richardson Savings and Loan Association, Richardson, for a branch office at 3121 North 10th Street, McAllen, from which record the commissioner shall

determine whether to grant or deny the application.

**Contact:** Russell R. Oliver, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

**Filed:** November 26, 1985, 4:28 p.m.  
TRD-8511112

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### **Texas Sesquicentennial Commission**

**Tuesday, December 3, 1985, 9 a.m.** The Library/Archives Subcommittee of the Texas Sesquicentennial Commission met in emergency session in the Crystal Ballroom, Driskill Hotel, Sixth and Brazos Streets, Austin. Items on the agenda included a discussion of an archives contract and other business. The emergency status was necessary to finalize an archives contract.

**Contact:** Lynn Nabers, P.O. Box 1986, Austin, Texas 78736.

**Filed:** November 27, 1985, 12:40 p.m.  
TRD-8511160

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### **Sunset Advisory Commission**

**Monday, December 9, 1985, 9 a.m.** The Sunset Advisory Commission will meet at the Texas Department of Corrections, Huntsville. According to the agenda, the commission will tour prison facilities.

**Contact:** Jeri Kramer, Room 305, Reagan Building, 105 West 15th Street, Austin, Texas 78701, (512) 463-1300.

**Filed:** November 27, 1985, 3:57 p.m.  
TRD-8511180

**Tuesday, December 10, 1985, 10 a.m.** The Sunset Advisory Commission will meet at the Giddings State School, Giddings. According to the agenda, the commission will tour the Giddings State School facilities.

**Contact:** Jeri Kramer, Room 305, Reagan Building, 105 West 15th Street, Austin, Texas 78701, (512) 463-1300.

**Filed:** November 27, 1985, 3:57 p.m.  
TRD-8511179

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### **Teacher Retirement System of Texas**

**Friday, December 13, 1985, 10 a.m.** The Board of Trustees of the Texas Retirement System of Texas will meet in the Board-

room, fourth floor, 1001 Trinity, Austin. Items on the agenda summary include approval of minutes; review of investments for quarter ending November 30, 1985; review of discussions and recommendations at IAC meeting; consideration of proposed new actuarial valuation method; consideration of retiree health insurance contract specifications and bid procedures; hear the report of the Audit Committee; the report of the Building Committee; consideration of the proposed amendment to rules and regulations; the report of the general counsel; consideration of the amendment of TRS operating budget; and the report of the member benefits division. The board will meet in executive session to discuss personnel.

Contact: Mary Godzik, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

Filed: December 3, 1985, 9:54 a.m.  
TRD-8511257

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### Texas A&M University System

Thursday, November 28, 1985, 9 a.m. The Board of Regents of the Texas A&M University System met in emergency session at the MSC Annex, Texas A&M University, College Station. According to the agenda, the board considered authorizing the structure and sale of permanent university fund bonds and of refunding certain bonds for the benefit of Texas A&M University, and authorizing the structure and sale of revenue bonds to finance certain facilities at Texas A&M University. The emergency status was necessary because bond authorities have just completed necessary work and determined that the sale of these bonds is feasible and the element of time is crucial.

Contact: Robert Cherry, Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: November 27, 1985, 4:24 p.m.  
TRD-8511191

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### Texas Southern University

Friday, December 6, 1985, 9:30 a.m. Committees of Texas Southern University will meet in Room 117, Hannah Hall, Texas Southern University, 3100 Cleburne Avenue. Agendas follow.

The Building and Grounds Committee will consider approval of payments for construction contracts; approval/ratification of contracts; the construction change orders; improvements to land; sale of automobile; the report on the central plant expansion and renovation; the progress report on on-

going construction projects; and receive bids on construction projects.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77005, (713) 529-8911.

Filed: December 2, 1985, 9:16 a.m.  
TRD-8511206

The Development Committee will receive reports from the administration on the university fund raising efforts, and receive reports on special funds budgets.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77005, (713) 529-8911.

Filed: December 2, 1985, 9:16 a.m.  
TRD-8511207

The Finance Committee of the Board of Regents will consider finance and accounting matters including the proposition II report and ADP audit; athletic reports including 1985-1986 budget, the special athletic fund report; and consider investment of funds reports including temporary investments, investment portfolio report, securities pledged, open market rate quotations of investment in C.D.s, and treasury bills.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77005, (713) 529-8911.

Filed: December 2, 1985, 9:16 a.m.  
TRD-8511208

The Personnel and Academic Affairs Committee will consider the ratification of appointments of summer school instructional personnel; academic personnel changes; the request for leaves; and enrollment projections and reports.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77005, (713) 529-8911.

Filed: December 2, 1985, 9:17 a.m.  
TRD-8511209

The Student Affairs Committee will consider status reports on enrollment, admissions, financial aid, international students, residence halls occupancy and tuition installment payment.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77005, (713) 529-8911.

Filed: December 2, 1985, 9:17 a.m.  
TRD-8511210

The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Texas Southern University, Houston. According to the agenda, the board will consider and approve minutes; receive reports from the board's standing committees-Finance, Personnel and Academic Affairs, Development and Student Affairs; and receive general reports from the presi-

dent. The board also will meet in executive session under Texas Civil Statutes, Article 6252-17, §2(e), (f), and (g).

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77005, (713) 529-8911.

Filed: December 2, 1985, 9:16 a.m.  
TRD-8511211

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### University of Texas System

Thursday and Friday, December 5 and 6, 1985, 1:30 p.m. and 9 a.m. respectively. The Board of Regents and standing committees of the University of Texas System (UT) met in the dining room area, student lounge, classroom building, U.T. Permian Basin, 4901 East University, Odessa. Items on the agenda summary included issuance of permanent university fund variable rate bonds; budgetary amendments; buildings and grounds matters including authorization for projects, approval of preliminary and final plans; award of contracts; real estate matters; the chancellor's docket submitted by system administration; amendments to the policy for filing financial disclosure statements; role and scope statements; appointments to endowed positions and to development boards or advisory councils; affiliation agreements; a fee increase for UT El Paso; land and investment matters, acceptance of gifts, bequests, and estates; establishment of endowed positions and funds; pending litigation; personnel matters, land acquisition, and negotiated contracts.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

Filed: November 26, 1985, 2:02 p.m.  
TRD-8511091

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### Texas Water Commission

Tuesday, December 10, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider water district bond issues, release from escrow, use of surplus funds, water quality proposed permits, amendments and renewals, application for extension of time, certificate of adjudication amendment, water use applications, and final decision on applications.

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

Filed: November 27, 1985, 3:47 p.m.  
TRD-8511190

**Monday, December 16, 1985, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider application of City of San Antonio for amendment to Permit 10137-08 to obtain authorization to dispose of waste-activated sludge generated at the Salado Creek sewage treatment plant by soil injection on city-owned property located adjacent to the treatment site.

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

**Filed:** November 27, 1985, 3:47 p.m.  
TRD-8511186

**Wednesday, January 15, 1986, 9 a.m.** The Texas Water Commission will meet in the Council Chambers, 2110 Fourth Street, Rosenberg. According to the agenda summary, the commission will consider the application of the City of Kendleton, P.O. Box 700, Kendleton, Texas 77451, to the Texas Water Commission for an amendment to Permit 10996-01 in order to replace its existing treatment plant with a new, larger facility. The proposed amendment would increase the authorized discharge of treated domestic wastewater effluent from a volume not to exceed 40,000 gallons per day average to 80,000 gallons per day average. The applicant proposes to construct a new facility immediately south of the existing plant. The amendment would also add provisions for disposal of sludge.

**Contact:** Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 27, 1985, 3:48 p.m.  
TRD-8511185

**Wednesday, January 15, 1986, 9 a.m.** The Texas Water Commission will meet in the Council Chambers, 2110 Fourth Street, Rosenberg. According to the agenda summary, the commission will consider the application of Eco-Resources, Inc., P.O. Box 487, Alief, Texas 77411, to the Texas Water Commission for Permit 13182-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day from a proposed wastewater treatment facility which is to service office, warehouse, and maintenance projects.

**Contact:** Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 27, 1985, 3:48 p.m.  
TRD-8511184

**Thursday, January 16, 1986, 9 a.m.** The Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application by Harry O. Hallows, Jr., 10223 McAllister Freeway, Suite 104, San Antonio, Texas 78216 to the Texas Water Commission for

Permit 12319-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000,000 gallons per day from the proposed Churchill Estates sewage treatment plant which is to service a proposed residential subdivision.

**Contact:** Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 27, 1985, 3:49 p.m.  
TRD-8511182

**Thursday, January 16, 1986, 9 a.m.** The Texas Water Commission will meet in the Neighborhood Facilities Center, 400 North Washington, Reeville. According to the agenda summary, the commission will consider the application of Intercontinental Energy Corporation, doing business as IEC Corporation in Texas, Route 1, Box 622, Three Rivers, Texas 78071, to the Texas Water Commission for 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/acre/year. No discharge of pollutants to water in the State is authorized.

**Contact:** Marcella Sellers, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

**Filed:** November 27, 1985, 3:49 p.m.  
TRD-8511183

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### Texas Woman's University

**Thursday, December 5, 1985, 2 p.m.** The Board of Regents of Texas Woman's University (TWU) met in the faculty lounge room, TWU Parkland Campus, 1810 Inwood Road, Dallas. According to the agenda, the board approved bids on the sale of constitutional appropriations bonds, Series 1985.

**Contact:** Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466.

**Filed:** November 27, 1985, 3:36 p.m.  
TRD-8511176

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### Regional Agencies Meeting Filed November 25

**The Hamilton County Appraisal District,** met at the Appraisal Office, on December 5, 1985, at 7 p.m. Information may be obtained from Doyle Roberts, P.O. Box 446, Hamilton County Courthouse, Hamilton, Texas 76531, (817) 386-8418.  
TRD-8511012

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### Meetings Filed November 26

**The Concho Valley Council of Governments, General Assembly,** met at Coke Stevenson Center, Highway 83 North, Junction, on December 4, 1985, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

**The Region VII Education Service Center, Board of Directors,** will meet at the Community Inn, Highway 259, Kilgore, on December 12, 1985, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (214) 984-3071.  
TRD-8511098

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### Meetings Filed November 27

**The Burnet County Appraisal District,** will meet at Highlander Inn, 401 Buchanan Drive, Burnet, on December 12, 1985, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

**The Region II Education Service Center, Board of Directors,** will meet at 209 North Water, Corpus Christi, on December 10, 1985, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas, (512) 883-9288.

**The Henderson County Appraisal District, Board of Directors,** will meet at 101 East Corsicana, Athens, on December 9, 1985, at 7:30 p.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

**The Houston-Galveston Area Council, General Law Cities Caucus,** met at the Marriott Hotel, 2100 South Braeswood, Houston, on December 3, 1985, at 6:30 p.m. Information may be obtained from Sallie Sosa, (713) 627-3200.

**The San Patricio County Appraisal District, Board of Directors,** will meet at the Courthouse Annex, Sinton, on December 12,

1985, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

**The South Texas Private Industry Council, Inc.**, met at the Zapata Community Center, U.S. Highway 83, Zapata, on December 5, 1985, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1757, Laredo, Texas 78044-1757, (512) 722-3973.

**The Trinity River Authority of Texas**, Board of Directors, met at 5300 South Collins, Arlington, on December 4, 1985, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

**The Wise County Appraisal District**, Board of Directors, will meet at 206 South State, Decatur, on December 12, 1985, at 9 a.m. Information may be obtained from Angela Smith, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-8511115

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## Meetings Filed December 2

**The Dallas Area Rapid Transit**, Board of Directors, met in emergency session at 601 Pacific Avenue, Dallas, on December 3, 1985, at noon. The emergency status was necessary because the DART Board of Directors needed to take immediate action in implementing the DART service plan. The South Africa Policy Task Force will meet at the same location, on the same date, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Region III Education Service Center**, Board of Directors, will meet at 1905 Leary Lane, Victoria, on December 9, 1985, at 1 p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901.

**The Region IV Education Service Center**, Board of Directors, will meet in the Boardroom, Region IV ESC, 7145 West Tidwell, Houston, on December 10, 1985, at 5 p.m. Information may be obtained from Tom Pate, Jr., P.O. Box 863, Houston, Texas 77001, (713) 462-7708.

**The Region VI Education Service Center**, Board of Directors, met at the Hilton Inn, College Station, on December 5, 1985, at 3:30 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 955-9161.

**The Garza County Appraisal District**, Board of Directors, met at the Courthouse, Post, on December 5, 1985, at 9 a.m. In-

formation may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

**The Hays County Central Appraisal District**, Board of Directors, will meet at the Courthouse Annex, 102 LBJ Drive, San Marcos, on December 10, 1985, at 6:30 p.m. Information may be obtained from Lynnel Sedlar, 102 LBJ Drive, third floor, San Marcos, Texas 78666.

**The Heart of Texas Council of Governments**, Board of Directors Annual Installation Banquet, will meet in the Convention Center, Waco, on December 10, 1985, at 6 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas, (817) 756-6631.

**The High Plains Underground Water Conservation District 1**, Board of Directors, met in the Conference Room, 2930 Avenue Q, Lubbock, on December 10, 1985, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

**The Lower Colorado River Authority**, Audit and Budget Committee, will meet in a special session at 3700 Lake Austin Boulevard, Austin, on December 6, 1985, at 1 p.m. The Energy Operations Committee will meet at the same location, on the same date, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

**The Central Appraisal District of Rockwall County**, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, on December 5, 1985, at 9 a.m. Information may be obtained from Ray Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

**The Tarrant Appraisal District**, Appraisal Review Board, will meet in Suite 505, 1701 River Run, Fort Worth, on December 11, 1985, at 8:30 a.m. Information may be obtained from Linda Danford, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-3151.

**The Central Tax Authority of Taylor County**, Board of Directors, will meet at 340 Hickory Street, Abilene, on December 11, 1985, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

**The Sabine River Authority of Texas**, Board of Directors, will meet in the Continental Room, Westin Oaks Hotel, Houston, on December 6, 1985, at 9 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 883-2531.

**The Upshur County Appraisal District**, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on December 9, 1985, at 7:30 p.m. Information may be obtained from Louise Stracener, (214) 843-3041.

TRD-8511196

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## Meetings Filed December 3

**The Bexar Appraisal District**, Appraisal Review Board, will meet at 535 South Main, San Antonio, on December 6, 1985, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Fisher County Appraisal District**, Board of Directors, will meet at the Courthouse, Roby, on December 10, 1985, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543.

**The Gillespie County Appraisal District**, Board of Directors, will meet in the Assembly Room, City Hall, Fredericksburg, on December 12, 1985, at 9 a.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624.

**The Hays County Central Appraisal District**, Appraisal Review Board will meet at the Courthouse Annex, San Marcos, on December 11, 1985, at 9 a.m. Information may be obtained from Lynnel Sedlar, 102 LBJ Drive, Courthouse Annex, San Marcos, Texas 78666.

**The Middle Rio Grande Development Council**, Criminal Justice Advisory Committee, will meet in the Council Chambers, Eagle Pass, on December 10, 1985, at 10 a.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

**The Scurry County Appraisal District**, Board of Directors, met in emergency session at 2612 College Avenue, Snyder, on December 3, 1985, at 7:30 p.m. The emergency status was necessary to approve the bills payable for November. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

**The West Central Council of Governments**, Private Industry Council, will meet at Zentner's Daughter, 4358 Sayles Boulevard, Abilene, on December 11, 1985, at 10:30 a.m. Information may be obtained from Tom K. Smith, 4358 Sayles Boulevard, Abilene, Texas, (915) 672-8544.

TRD-8511253

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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.

## Attorney General's Office Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Office of the Attorney General publishes this notice of consultant contract award. The request for proposals was published in the October 4, 1985, issue of the *Texas Register* (10 TexReg 3860).

**Description of Services.** The basic tasks that the consultant will perform include:

- (1) conversion of approximately 120 programs from Sperry COBOL to IBM ANS COBOL;
- (2) conversion of approximately 25 runstreams from Sperry ECL to IBM OS JCL;
- (3) full operations and programming documentation for all changes made for conversion.

**Name of Contractor and Value of Contract.** The contractor selected is Telos Consulting Services, 815 Brazos, Austin, Texas 78701—\$56,200.

**Effective Date of Contract.** The contract began November 19, 1985, and will end not later than January 31, 1986.

**Due Date of Reports.** No reports will be issued as a result of the completion of this contract.

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

TRD-8511038 Jim Mattox  
Attorney General

Filed: November 25, 1985  
For further information, please call (512) 475-0672.

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## State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Tuesday, January 21, 1986, at 2601 North Lamar Boulevard, Austin, on the charter application for Texas International Bank, El Paso, El Paso County.

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

Issued in Austin, Texas, on November 22, 1985.

TRD-8511035 William F. Aldridge  
Director of Corporate Activities  
Banking Department of Texas

Filed: November 25, 1985  
For further information, please call (512) 475-4451.

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## 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 <sup>(1)</sup> Agricul- tural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 12/09/85-12/15/85	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 12/01/85-12/31/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 01/01/86-03/31/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 <sup>(3)</sup> 01/01/86-03/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 01/01/86-03/31/86	14.46%	N/A
Standard Annual Rate— Article 1.04(a)(2) <sup>(2)</sup> 01/01/86-03/31/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 <sup>(3)</sup> 01/01/86-03/31/86	18.00%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 01/01/86-03/31/86	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(f).
- (3) Credit for personal, family, or household use.
- (4) Credit for business, commercial, investment, or other similar purposes.

Issued in Austin, Texas, on December 2, 1985.

TRD-8511197 Sam Kelley  
Consumer Credit  
Commissioner

# Texas Economic Development Commission

## Private Activity Bond Allocation Report

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

House Bill 690 states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of November 18-22, 1985.

Total unallocated principal amount of private activity bonds authorized to be allocated as per the Federal Deficit Reduction Act of 1984 through November 22, 1985:

\$1,333,902,510.12

Comprehensive listing of bond issues which have received a reservation date as per House Bill 690 during the week of November 18-22, 1985:

<u>Issuer</u>	<u>User</u>	<u>Amount</u>
City of San Antonio Industrial Development Corporation	Consolidated Produce Co.	\$3.7 million
Texas Small Business Industrial Development Corporation	James I Morris and Thompson Paper Products of Texas, Inc.	\$675,000
Longview Industrial Corporation	Blue Bell Creameries, Inc.	\$1.4 million
Mesquite Industrial Development Corporation	Rodeo Partners	\$4,443,397
Willis Industrial Development Corporation	Willis Plaza Venture	\$850,000
McLennan Industrial Development Authority	Blue Bell Creameries, Inc.	\$1.3 million
El Paso Industrial Development Authority	Rhino VI, a TX Partnership	\$1.3 million
Texas Small Business Industrial Development Corporation	Robert Shaw	\$750,000
Liberty County Industrial Development Corporation	Exposaic Industries, Inc.	\$1.5 million
Addison Airport Improvement Authority	Great Southwest Homes, Inc.	\$1,018,225
Addison Airport Improvement Authority	Great Southwest Homes, Inc.	\$3.1 million

Total principal amount of private activity bonds issued through November 22, 1985;

\$1,005,111,510.63

Comprehensive listing of bonds issued as per House Bill 690 during the week of November 18-22, 1985:

<u>Issuer</u>	<u>User</u>	<u>Amount</u>
Cherokee County Industrial Development Corporation	TallyHo Plastics, Inc.	\$1,534,200
Waco Health Facilities Development Corporation	L. Marc Barrett, and Mark W. Story	\$470,000
Cochran County Industrial Development Corporation	Amoco Production Co.	\$1,585,000
Hockley County Industrial Development Corporation	Amoco Production Co.	\$56.8 million
Yoakum County Industrial Development Corporation	Amoco Production Co.	\$5,640,000

Issued in Austin, Texas, on November 27, 1985.

TRD-8511129 David V. Brandon  
Executive Director  
Texas Economic Development Commission

Filed: November 27, 1985

For further information, please call (512) 472-5050.

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## Texas Department of Health

### Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 11-14256, issued to Daniel A. Williams, because the agency determined that the registrant is no longer located at Radiology Engineering G-23, University of Texas Medical Branch, Galveston, Texas 77550. The registrant has not notified the agency of a change of address and no forwarding address is available.

Attempts by the agency to contact the registrant by telephone and by certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* Part 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on November 25, 1985.

TRD-8511088 Robert A. MacLean  
Deputy Commissioner for  
Professional Services  
Texas Department of Health

Filed: November 26, 1985

For further information, please call (512) 458-7238.

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The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 12-05443, issued to Robert E. Hausmann, D.D.S., because the agency determined that the registrant is no longer located at 909 East 5th, Monahans, Texas 79756. The registrant has not notified the agency of a change of address and no forwarding address is available.

Attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* Part 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on November 25, 1985.

TRD-8511089      Robert A. MacLean  
Deputy Commissioner for  
Professional Services  
Texas Department of Health

Filed: November 26, 1985  
For further information, please call (512) 458-7236.

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 11-12829, issued to Brian M. Spear, because the agency determined that the registrant is no longer located at 13110 Kuykendahl, Houston, Texas 77090. The registrant has not notified the agency of a change of address and no forwarding address is available.

Attempts by the agency to contact the registrant by telephone and by certified mail have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* Part 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on November 25, 1985.

TRD-8511090      Robert A. MacLean  
Deputy Commissioner for  
Professional Services  
Texas Department of Health

Filed: November 26, 1985  
For further information, please call (512) 458-7236.

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## Texas Advisory Board of Occupational Therapy Examination Notice

Pursuant to §373.1(c) of the rules of the Texas Advisory Board of Occupational Therapy, public notice is given on the next scheduled examination of occupational therapist to be administered by the American Occupational Therapy Association on January 25, 1986. The scores are scaled ranging from 300-600 with 450 being the passing score.

The examination standards of performance are those used by the American Occupational Therapy Association.

The examination will be held in various locations across the state. Any eligible person interested in taking the examination should contact the: American Occupational Therapy Association, 1383 Piccard Drive, Suite 300, Rockville, Maryland 20850, (301) 948-9626.

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

TRD-8510890      Vernon H. Newman  
Legal Counsel  
Texas Rehabilitation Commission

Filed: November 21, 1985  
For further information, please call (512) 445-8368.

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## Texas Department of Public Safety Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Nuclear Waste Programs Office (NWPO) announces the award of a consultant contract. The required consultant proposal request appeared in the October 22, 1985, issue of the *Texas Register* (10 TexReg 4144-4145).

Under the terms of the contract, the consultant will provide the following services:

(1) assist the NWPO in scoping activities and developmental activities for potential formal negotiations between the State of Texas and the U.S. Department of Energy (DOE) of a high-level radioactive waste consultation and cooperation agreement under the authority of the Nuclear Waste Policy Act of 1982, §117(c). Work activities, products, and reports will be carried out and/or prepared in the following areas:

- (a) suggesting alternate approaches to structuring and carrying out the negotiating process;
- (b) identifying and analyzing issues for consideration in a consultation and cooperation agreement;
- (c) examining strategy options and phasing alternatives for consideration in a consultation and cooperation agreement;
- (d) coordinating any requested workshops and training sessions to prepare state negotiating team members to carry out negotiations with the Department of Energy;
- (e) providing procedures and alternatives for developing and reviewing draft agreement language;
- (f) providing other analyses and/or reports on the preparation, conduct, analysis, or conclusion of negotiations as may be requested by the office;
- (g) reviewing draft agreement outlines and language; and



(h) assisting the office in analyzing methods of monitoring implementation of any consultation and cooperation agreement that may be negotiated and executed;

(2) travel to Austin or other locations at the request of the office and meet with office and other state staff and officials to provide briefings, status reports, and other information regarding the work, and to seek information relevant to the work products.

The contract was awarded to David W. Stevens, Inc., 1621 South Eastside Street, Olympia, Washington 98501. The beginning date of the contract is November 22, 1985; the ending date is November 21, 1986; the total value of the contract is \$40,000.

The due dates for any written and verbal reports prepared in providing the services described will be established based on the availability of written reports and notification of plans and decisions of the U.S. Department of Energy.

Issued in Austin, Texas, on November 22, 1985.

TRD-8511107 James B. Adams  
Director  
Texas Department of Public Safety

Filed: November 26, 1985  
For further information, please call (512) 465-2345.

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Pursuant to Texas Civil Statutes, Article 6252-11c, the Nuclear Waste Programs Office (NWPO) announces the award of a consultant contract. The required consultant proposal request appeared in the October 22, 1985, issue of the *Texas Register* (10 TexReg 4144).

Under the terms of the contract the consultant will provide the following services:

(1) review and provide written comments to the NWPO on plans and reports of the U.S. Department of Energy (DOE) that have been submitted to the NWPO for review, such written comments to deal with geological considerations regarding the plans and reports including, but not limited to:

(a) environmental assessments for Permian Basin site(s), Gulf interior region site(s), Nevada test site, and Hanford reservation site (DOE);

(b) Permian Basin site characterization plan and subsequent revisions (DOE);

(c) Permian Basin site characterization analysis (U.S. Nuclear Regulatory Commission);

(d) environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive waste (U.S. Environmental Protection Agency);

(e) Nuclear Waste Policy Act mission plan (DOE); and

(f) Nuclear Waste Policy Act project decision schedule (DOE);

(2) consult with NWPO staff on geological and hydrological aspects of high-level nuclear waste management and disposal;

(3) attend and file reports on technical meetings as requested by the NWPO;

(4) assist other state agencies, as needed, in requested state reviews of DOE reports and plans, including those listed previously;

(5) conduct research and analysis and prepare reports as directed by the NWPO on special projects relative to geology and hydrology of the areas under investigation by the DOE;

(6) provide briefings on geological and hydrological investigations undertaken by the DOE Salt Repository Project Office and the Office of Civilian Radioactive Waste Management to NWPO staff, staff of selected other agencies, and public officials.

The contract was awarded to L. Edwin Garner, geologist, P.O. Box 13252, Austin, Texas 78711. The beginning date of the contract is November 22, 1985; the ending date is November 21, 1986; the total value of the contract is \$40,000.

The due dates for any written and verbal reports prepared in providing the services described will be established based on the availability of written reports and notification of plans and decisions of the U.S. Department of Energy.

Issued in Austin, Texas, on November 22, 1985.

TRD-8511108 James B. Adams  
Director  
Texas Department of Public Safety

Filed: November 26, 1985  
For further information, please call (512) 465-2345.

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In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Savings and Loan Department files the following notice of request for proposal for consulting services.

**Notice of Invitation.** Services to be provided by the consultant shall be to supervise two savings and loan associations and to monitor compliance with supervisory agreements entered into previously by the Texas Savings and Loan commissioner and the savings and loan associations in question. The duration of the contract will be indeterminate, subject to termination at the commissioner's discretion.

**Agency Contacts.** To obtain additional information please contact Russell R. Oliver, General Counsel, Texas Savings and Loan Department, 2601 North Lamar, Austin, Texas 78705 (512) 479-1250.

**Response.** To be considered, proposals must arrive at the Texas Savings and Loan Department, 2601 North Lamar, Austin, Texas 78705, before 5 p.m. on December 31, 1985. If mailing proposals, offerors should allow normal deliver time to insure timely receipt.

**Selection Criteria.** Proposals will be reviewed by the Texas Savings and Loan Department staff and evaluated based on the offeror's experience in managing savings and loan associations, and experience in acting as supervisory agent of comparable capacity for the Texas Savings and Loan Department in the past. Final selection will be based on the department evaluation of the offeror's qualifications for the job based on past savings and loan management and regulatory experience. The department has previously employed an individual who has rendered the services in question in supervising the savings and loan associations in question, and the agency intends to award a contract for the consulting services to such individual

unless a better offer is submitted by a more qualified candidate.

Issued in Austin, Texas, on November 25, 1985.

TRD-8511031      Russell R. Oliver  
General Counsel  
Texas Savings and Loan Department

Filed: November 25, 1985  
For further information, please call (512) 475-7991.



## Texas Water Commission Application for Provisionally- Issued Temporary Permits

Notice is given by the Texas Water Commission of provisionally issued temporary permits issued during the period of November 25-29, 1985.

These permits were 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 each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the applications as well as all existing water rights. It is further noted that these diversions are 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 diversions are 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 cancelled, 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 these permits may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed are the names of the permittees, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

J. D. Abrams, Inc.; from a drainage ditch near Beltway 8, approximately 12 miles north of Houston; drainage ditch, tributary Rummel Creek, tributary Buffalo Bayou, tributary San Jacinto River; 10 acre-feet, one-year period; TP-5342; November 19, 1985

Issued in Austin, Texas, on November 27, 1985.

TRD-8511192      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: November 27, 1985  
For further information, please call (512) 463-7898.



## 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 18-22, 1985.

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

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

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

### Period of November 18-22, 1985

North Austin Municipal Utility District 1, Austin; treatment system; approximately two miles east of U.S. Highway 183 and ¼ mile south of FM Road 620 in Williamson County; 13221-01; new permit

Lifetile Corporation doing business as Boral Henderson Clay Products, Inc., Henderson; plant which manufactures face bricks; approximately 250 feet southeast of the intersection of U.S. Highway 259 and State Highway 322, approximately 2¼ miles northwest of the courthouse in the City of Henderson; 01570; renewal

Texas Utilities Mining Company, Dallas; lignite mine; within 40 miles of the Martin Lake Steam Electric Station, near the towns of Tatum and Henderson; 02644; amendment

The City of Tioga, Tioga; wastewater treatment plant; approximately 0.4 mile southwest of the City of Tioga, 500 feet southwest of U.S. Highway 377, and adjacent to the Missouri Pacific Railroad in Grayston County; 13199-01; new permit

The City of New Home, New Home; wastewater treatment facilities; the plant site, playa lake, and irrigated land are located immediately northwest of New Home; 10632-01; amendment

Baker Tubular Services, Inc., Houston; plant that cleans and coats oil field tubing; 12100 West Little Road in the City of Houston; 02104; renewal

Brazos River Harbor Navigation District, Freeport; terminal facility for loading and unloading crude oil; on the north corner of Quintana Island bounded by the Intracoastal Waterway and Freeport Harbor Approach Channel in Brazoria County; 02311; renewal

Tennessee Pipeline Construction Company, Corpus Christi; facility for irrigation of nine acres of hay; at the Cuddihy Airfield, approximately 1½ miles southwest of the intersection of FM Roads 665 and 763, west of the City of Corpus Christi; 11205-01; amendment

Rio Grande Valley Sugar Growers, Inc., Santa Rosa; plant that disposes of treated wastewater by evaporation and by irrigation; approximately three miles west of the community of Santa Rosa on State Highway 107 in Hidalgo County; 01752; amendment

Harris County Municipal Utility District 1, Houston; sewage treatment plant; approximately 2,000 feet east of Kuykendahl Road, 4,000 feet south-southeast of the intersection of Hufsmith Road and Kuykendahl Road in Harris County; 11630-01; amendment

H. Muehlstein and Company, Inc., Houston; plant that reclaims plastics by washing, blending, and packaging; 13001 Alameda Road in the City of Houston; 02294; renewal

Bell Helicopter Textron, Division of Textron, Inc., Fort Worth; plant which manufactures components for the aircraft industry and assembles complete helicopters; intersection of Bellaire Drive and State Highway 10 on the northeast side of the City of Fort Worth; 00367; renewal

Will-At Development, Inc., Port O'Connor; wastewater treatment plant; approximately 320 feet north of the Intracoastal Waterway at the intersection of 13th Street and Commerce in Port O'Connor; 13179-01; new permit

Issued in Austin, Texas, on November 22, 1985.

TRD-8511082      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: November 25, 1985  
For further information, please call (512) 463-7898.

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Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of November 25-27, 1985.

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

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

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

#### Period of November 25-27, 1985

Wood Associates, Inc., Austin; treatment facility; approximately 3 1/4 miles southwest of the intersection of Ranch to Market Roads 620 and 2222, and approximately one mile north of the Colorado River in Travis County; 13222-01; new permit

Dresser Industries, Inc., Security Division, Dallas; metal working shop which manufactures oil field and mining equipment; 3400 West Illinois Avenue on the south side of West Avenue between Westmoreland Avenue and Combs Creek Drive in the City of Dallas; 01474; renewal

Hansa Manufacturing Company, Baytown; petroleum refinery; on a 48-acre tract on the east bank of Cedar Bayou fronting on FM Road 1405 approximately 2 1/2 miles south of the State Highway 146 Cedar Bayou Bridge in the City of Baytown; 02777; new permit

Lamar County Water Control and Improvement District No. 1, Roxton; wastewater treatment facilities; approximately 2,400 feet southeast of the intersection of FM Road 137 and the Atchison, Topeka, and Santa Fe Railroad, on the north side of Denton Creek, and on the south side of the City of Roxton; 10204-01; renewal

Georgia-Pacific Resins, Inc., Lufkin; phenolic and amino resins manufacturing plant; approximately 1/4 of a mile east of U.S. Highway 59 on the north side of East Lufkin Avenue in the City of Lufkin; 01737; renewal

Gibraltar Fence, Division of Merchants Metals, Inc., Houston; recycle system; 4901 Langley Road in the City of Houston; 01849; renewal

The City of Eden, Eden; wastewater treatment facilities; approximately 1/2 mile east of U.S. Highway 83, and 1/2 mile south of U.S. Highway 87, just north of Harden Ranch in Eden; 10081-01; renewal

Lake Forest Plant Advisory Council, Houston; wastewater treatment plant; south of Cypress Creek approximately 1/2 mile west of FM Road 149 and 1 1/4 miles north of Grant Road in Harris County; 11084-01; amendment

Issued in Austin, Texas, on November 27, 1985.

TRD-8511193      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: November 27, 1985  
For further information, please call (512) 463-7898.

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# 1986 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the 1986 issues of the *Texas Register*. For reference, monthly deadline schedules will also be published during the year. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A star beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that issues published on February 4, May 2, August 1, and November 4 are indexes. no other material will be published in these issues. The *Texas Register* will not be published on June 24, September 2, December 2, and December 30.

## FOR ISSUE PUBLISHED ON

Friday, January 3  
 ★ Tuesday, January 7  
 Friday, January 10  
 Tuesday, January 14  
 Friday, January 17  
 Tuesday, January 21  
 Friday, January 24  
 Tuesday, January 28  
 Friday, January 31

## ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.

Monday, December 30  
 Thursday, January 2  
 Monday, January 6  
 Wednesday, January 8  
 Monday, January 13  
 Wednesday, January 15  
 Monday, January 20  
 Wednesday, January 22  
 Monday, January 27

## ALL NOTICES OF OPEN MEETINGS BY 10 A.M.

Tuesday, December 31  
 Friday, January 3  
 Tuesday, January 7  
 Thursday, January 9  
 Tuesday, January 14  
 Thursday, January 16  
 Tuesday, January 21  
 Thursday, January 23  
 Tuesday, January 28

Tuesday, February 4  
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NO ISSUE PUBLISHED

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Friday, October 31	Monday, October 27	Tuesday, October 28

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**NO ISSUE PUBLISHED**

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Tuesday, December 23

**NO ISSUE PUBLISHED**