

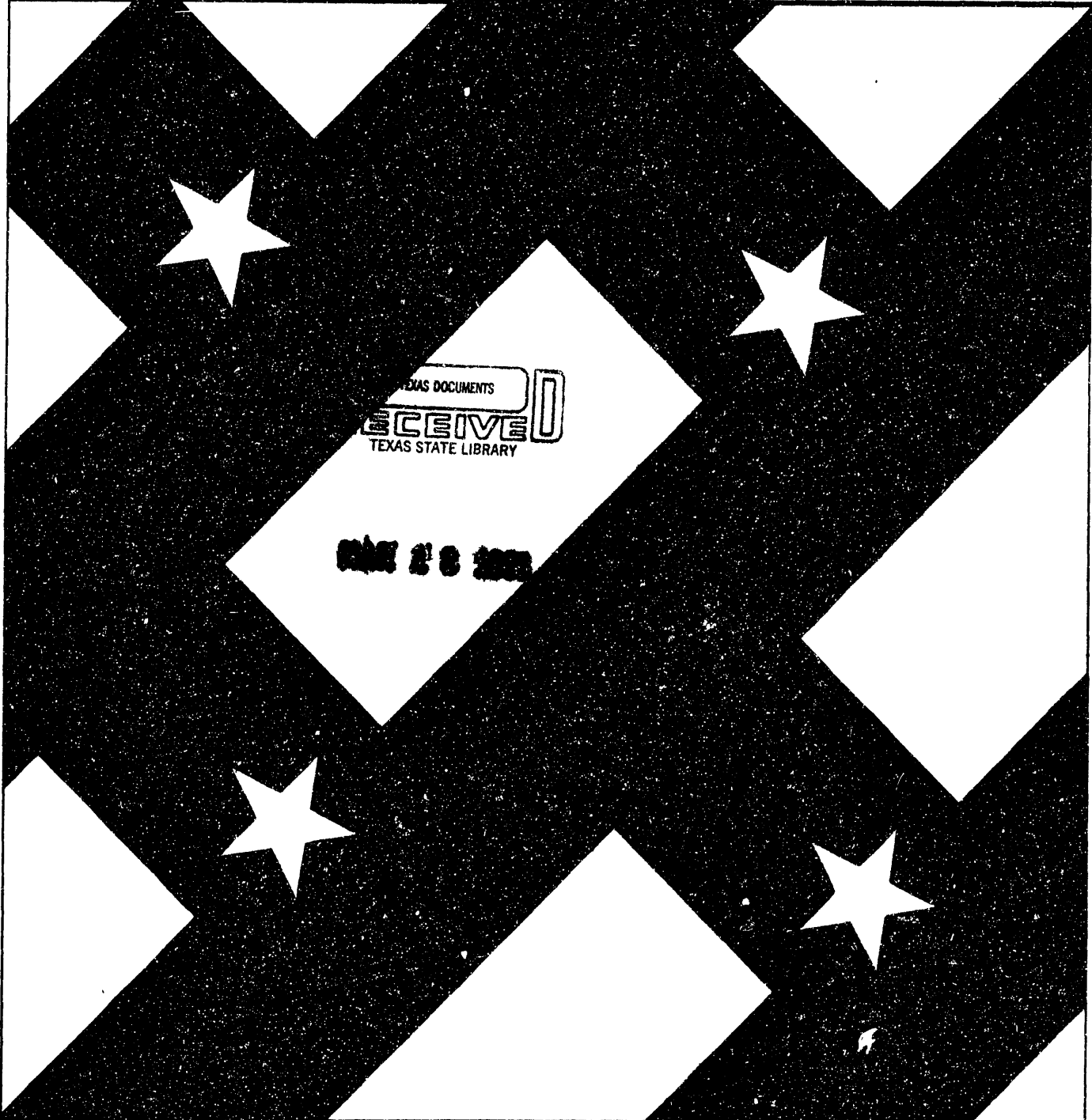
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Texas Register

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Volume 11, Number 21, March 18, 1986

Pages 1371-1406



Highlights

The Texas Water Commission adopts emergency amendments concerning the creation of water districts. Effective date - March 11.....page 1377

The Comptroller of Public Accounts adopts an

emergency new section concerning tax administration; state sales and tax use. Effective date - March 11.....page 1383

The Board of Nurse Examiners proposes a new section concerning fees. Earliest possible date of adoption - April 18.....page 1385

**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 1986 with the exception of June 24, September 2, December 2, and December 30 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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: "11 TexReg 2 Issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 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

Myra A. McDaniel
Secretary of State

Director

Dan Procter

Documents Section Coordinator
Cynthia Cooke

Document Editors

Molly Gardner

Sabra Noyes

Jane Orcutt

Document Filing

Lainie Crease

Denise Roberts

Production Editors

Jody Allen

Lisa Bauer

Typographers

Dawn VanCleave

Glynn Fluitt

Hollis Glaser

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editor
W. Craig Howell

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 March 6

State Job Training Coordinating Council

For terms to expire June 30, 1987:

Arthur B. Williams
1223 Rosewood
Wichita Falls, Texas 76301

Peter Martin Suarez
3002 Leaf Lane
Austin, Texas 78759

David Bloxum, Jr.
6520 Dakar Road West
Fort Worth, Texas 76116

Mr. Williams, Mr. Suarez, and Mr. Bloxum are being reappointed.

Bob Williams
7401 Shoal Creek
Austin, Texas 78757

Mr. Williams is replacing Valita Waits of Tyler, who was appointed to a different category on the council.

Leodoro Martinez, Jr.
105 Sanchez
Cotulla, Texas 78014

Judge Martinez is being reappointed.

Joseph D. Deshotel
1585 Cartwright
Beaumont, Texas 77701

Judge Deshotel is replacing James Bagsby of Fort Worth, whose term expired.

James Belk
Box 475
Edmondson, Texas 79032

Mr. Belk is replacing Judson W. Robinson, Jr. of Houston, whose term expired.

Conrad Garcia, Jr.
2150 West 18th Street
Suite 300
Houston, Texas 77008

Mr. Garcia is replacing Marshall Hodge of Dallas, whose term expired.

Gordon Bonfield
P.O. Box 2511
Houston, Texas 77252

Mr. Bonfield is replacing Karen Leslie Simon of Fort Worth, whose term expired.

Gonzalo Barrientos
P.O. Box 12068
Austin, Texas 78711

Senator Barrientos is replacing Froy Salinas of Lubbock, whose term expired.

Dave Cox
3819 Blossom Lane
Odessa, Texas 79762

Mr. Cox is replacing Lila May Cockrell of San Antonio, whose term expired.

Robert Thomas Stringer
P.O. Box 100851
San Antonio, Texas 78201

Mr. Stringer is being reappointed.

Valita F. Waits
1329 West Lollar
Tyler, Texas 75702

Ms. Waits is replacing Alton Ice of Austin, whose term expired.

Claude West
13207 Hunters View
San Antonio, Texas 78230

Mr. West is replacing Judith Smith of Austin, whose term expired.

William Kirby
5503 Courtyard Drive
Austin, Texas 78731

Mr. Kirby is replacing Paul Lindsey of San Marcos, whose term expired.

Issued in Austin, Texas, on March 6, 1986.

TRD-8602431

Mark White
Governor of Texas

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Appointments Made March 7

The Good Neighbor Commission

For a term to expire June 18, 1991:

Paula Montoya
5209 71st Street
Lubbock, Texas 79424

Ms. Montoya is replacing Haygood Gulley of Del Rio, whose term expired.

Sondra Sugerman
110 Sheraton Drive
San Antonio, Texas 78209

Ms. Sugerman is replacing Rosemary Cervantes of Houston, whose term expired.

Governor's Task Force on the Advancement of Labor- Management Relations

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

Thomas Fowler
1511 Yosemite Drive
Tyler, Texas 75703

Mr. Fowler is replacing Bill Gabig of Houston, who resigned.

State Property Tax Board

For a term to expire March 1, 1991:

Gerald "Buddy" Winn
Brazos County Assessor-Collector
Brazos County Courthouse
Bryan, Texas 77803

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

Issued in Austin, Texas, on March 7, 1986.

TRD-8602431

Mark White
Governor of Texas

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Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 293. Water Districts Creation of Water Districts

★31 TAC §293.11, §293.12

The Texas Water Commission adopts on an emergency basis new §293.11 and §293.12, concerning creation of water districts.

The Texas Water Commission found that an urgent need existed to adopt these new sections on an emergency basis because the emergency regulations for creation of water districts currently in effect expired March 3, 1986, and a lapse in the regulations would constitute an imminent peril to the public health, safety, and welfare. The commission will propose permanent regulations for the same subject matter in the *Texas Register* at the earliest practicable date.

Section 293.11 and §293.12 replace §311.11 and §311.12 of the emergency sections adopted by the Texas Water Commission on September 3, 1985, and are renumbered as to conform to the numbering system for the proposed permanent sections of the Texas Water Commission.

The new sections are adopted on an emergency basis under the Texas Water Code, §§5.103, 5.105, and 5.182, which provides the Texas Water Commission with the authority to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, to establish and approve all general policy of the commission, and to collect statutory fees from persons filing various applications with the commission.

§293.11. Creation of Districts.

(a) Applications to the commission for the creation of districts named in §§311.1-311.4 of this title (relating to General Provisions) are subject to and governed by Chapter 281 of this title (relating to Applications Processing) which provides procedures and schedules for processing all applications by the Texas Water Commission.

(b) All creation applications shall consist of a petition and other required material. They shall be filed with the executive direc-

tor of the commission. Each application shall contain the following, with variations as indicated for the different kinds of districts.

(1) Documents needed to file include:

(A) a petition containing the matters required by the Texas Water Code, §50.456, for regional districts for water, sanitary sewer, and wastewater drainage; the Texas Water Code, §51.013 and §51.014, for water control and improvement districts; the Texas Water Code, §54.014 and §54.015, for municipal utility districts; the Texas Water Code, §54.037(b), for regional plan implementation agencies; the Texas Water Code, §58.013 and §58.014, for irrigation districts; and the Texas Water Code, §66.014 and §66.015, for stormwater control districts. For special utility districts, a certified copy of a resolution of the board of directors of the applying water supply corporation, containing the matters required by the Texas Water Code, §65.014 and §65.015, must be filed requesting creation. All lienholders of land to be contained in the district must sign the petition or otherwise indicate consent to the petition by a separate document;

(B) plat, showing district boundaries, metes and bounds, area, physical culture, and computation sheet for survey closure;

(C) preliminary plan (22-24" x 36") showing the location of existing facilities, including highways, roads, and other improvements, together with the location of proposed utility mains and sizing, general drainage patterns, principal drainage ditches and structures, utility plant sites, recreational areas, commercial and school sites, areas within the 100-year flood plain, and any other information pertinent to the project;

(D) a preliminary engineering report, including:

(i) a description of existing area, conditions, topography, and proposed improvements;

(ii) land use plan;

(iii) 100-year flood computations or source of information;

(iv) existing and projected populations;

(v) tentative itemized cost estimates of the proposed capital improvements and itemized cost summary for anticipated bond issue requirement;

(vi) projected tax rate and water and sewer rates;

(vii) an investigation and evaluation of the availability of comparable ser-

vice from other systems, including, but not limited to, water districts, municipalities, and regional authorities;

(viii) an evaluation of the effect the district and its systems and subsequent development within the district will have on the following:

(I) land elevation;

(II) subsidence;

(III) groundwater level within the region;

(IV) recharge capability of a groundwater source;

(V) natural run-off rates and drainage;

(VI) water quality; and

(VII) total tax assessments on all land within the district; and

(ix) complete justification for creation of the district supported by evidence that the project is feasible, practicable, necessary, and will benefit all of the land to be included in the district;

(E) except for regional districts for water, sanitary sewer and wastewater drainage, special utility districts, and stormwater control districts, a certificate by the county tax assessor indicating the owners and tax valuation of land within the proposed district as reflected on the county tax rolls; if the tax rolls do not show the petitioner(s) to be the owners of the majority of value of the land within the proposed district, then the petitioner(s) will file with the executive director of the commission a certified copy of the deed(s) tracing title from the person(s) listed on the county tax rolls as owners of the land to the petitioner(s);

(F) a statement to the effect that a copy of the petition for creation of the proposed district was mailed to the city secretary or clerk of any city in whose extraterritorial jurisdiction all or part of the proposed district is located and to the county commissioners court of any county in which all or part of the proposed district is located;

(G) if applicable, showing of compliance with any code or other statutory provision requiring the consent of a municipality to the creation;

(H) a suggested form of the notice of the public hearing;

(I) a copy of the preliminary engineering report, including the preliminary plan for proposed utilities and the plat showing the proposed district boundaries and area to the appropriate commission field office

simultaneously with submission of the petition to the executive director;

(J) an independently prepared market study of the proposed district and surrounding area which shall include industry and other attractions supporting district growth projections, past growth history of the market area, housing and commercial absorption rates, magnitude of market competition, projected building schedule, and a complete justification of district growth potential. An outline for such market study report may be obtained from the commission on request;

(K) for creation of special utility districts, a certified copy of a certificate of convenience and necessity issued by the Public Utility Commission of Texas to the water supply corporation applying for creation as a special utility district;

(L) for regional districts for water, sanitary sewer, and wastewater drainage, certified copies of resolutions of municipal districts (as such districts are defined in the Texas Water Code, §50.452) authorizing the districts to petition the commission for creation; or a certificate by the county tax assessor indicating that the owners of 2,000 or more contiguous acres of land within the proposed district are the persons who have signed the petition; if the tax rolls do not show the petitioners to be the owner of 2,000 or more contiguous acres of land within the proposed district, the petitioners will file with the petition certified copies of deeds tracing title from the persons listed on the county tax rolls as owners of the land to the petitioners; or a certified copy of the resolution, order, or other official action of one or more county commissioners courts authorizing the petition for creation of the district; or a certified copy of a resolution or ordinance of a governing body of a city authorizing the petition for creation of the district within the city or its extraterritorial jurisdiction. The petition must be accompanied by evidence that the county where the proposed district is to be located has a population of at least 2.2 million, or borders a county having a population of at least 2.2 million, according to the most recent federal census;

(M) for stormwater control districts, a certified copy of the resolution, order, or other official action of the county commissioners courts authorizing the petition to be signed by county commissioners; or an affidavit or affidavits by each of at least 50 of the persons who sign the petition stating under oath that they reside within the boundaries of the proposed district. For the purpose of establishing residence, the rules for determining residence provided in the Texas Election Code, Article 5.08, shall be followed;

(N) for underground water conservation districts, the matters required by the Texas Water Code, §52.022, and §§293.21-293.24 of this title (relating to Underground Water Conservation Districts Generally);

(O) a certification by the petitioning landowners that those lienholders who signed the petition, or a separate document consenting to the petition, are the only persons holding liens on the land described in the petition;

(P) affidavits by those persons desiring appointment by the commission as temporary directors, showing compliance with applicable statutory requirements of qualifications and eligibility for temporary directors; and

(Q) other data and information as the executive director may require.

(2) Fees include a \$100 filing fee applicable to all districts. A \$250 deposit is required for creations of special utility districts and stormwater control districts. A \$600 deposit fee is required for the creation of all other types of districts.

(3) After the executive director has completed his review, he shall file the petition with the commission. The commission shall set the petition for hearing and give notice thereof. The notice shall contain a statement of the nature and purpose of the petition, the date, time, and place of hearing, a vicinity map showing the location of the proposed district in relation to roads and other major landmarks, the form of the petition, and the necessity and feasibility of the district's projects and the benefits to accrue, and shall inform all persons of their right to appear and present evidence and testify for or against the allegations in the petition. The commission shall send a copy of the notice of hearing to the petitioners or their agents, who shall cause the same to be published in a newspaper with general circulation in the county or counties in which the proposed district is located once a week for two consecutive weeks, the first publication being at least 30 days before the day of the hearing. Notice shall be sent by the commission to every city in whose extraterritorial jurisdiction any portion of the district is located, and the commissioners' court of any county in which all or part of the proposed district is located. An affidavit verifying publication of the notice must be filed with the commission on or prior to the date of hearing. For the creation of a special utility district, the notice must also be mailed to the Public Utility Commission of Texas.

(4) If the commission finds that the petition does not conform to the requirements of the applicable statutes as specified in this section or that the project is not feasible, practicable, necessary, or a benefit to the land in the district, the commission shall deny the petition. With respect to regional plan implementation agencies, the commission will consider the regional plan filed with the petition in connection with its findings. If the commission enters an order granting the petition for creation, the following action is taken.

(A) The order will contain a finding that the project is feasible, practicable,

and necessary, and would be a benefit to the land to be included in the district.

(B) If the commission finds that any of the lands to be included in the district will not be benefitted by the creation of the district, the commission shall exclude the lands not to be benefitted and shall redefine the boundaries of the proposed district to include only those lands that will receive benefits from the district.

(C) The commission appoints directors as provided in applicable statutes and in these sections, who shall serve until permanent directors are elected and qualified.

(D) A copy of the order of the commission granting or denying the petition shall be mailed by the commission to each city having extraterritorial jurisdiction.

(E) A certified copy of the order canvassing results of the confirmation election shall be recorded in the office of the county clerk of each county in which a portion of the district lies and shall be filed with the executive director.

(F) The governing board of the district shall file with the commission's executive director the information required by §311.93 of this title (relating to Additional Reports and Information Required of Certain Districts) and a certificate from the county clerk of each county in which all or part of the district is located, showing compliance with the Texas Water Code, §50.302. The certificate shall show on its face the time and date of the confirmation election, and the time and date that the information required by the Texas Water Code, §50.302, was filed with the county clerk(s).

§293.12. Conversion of Districts Into Municipal Utility Districts.

(a) Any water improvement district, water control and improvement district, fresh water supply district, levee improvement district, irrigation district, or any other conservation district and reclamation district created under the Texas Constitution, Article XVI, §59, may be converted into a municipal utility district operating under the Texas Water Code, Chapter 54.

(b) Documents needed to file include:

(1) a copy of the resolution adopted by the board of directors requesting the commission to hold a hearing on the question of conversion of the district;

(2) \$100 filing fee and \$600 deposit fee;

(3) preliminary plan (22-24" x 36") showing the location of existing facilities, including highways, roads, and other improvements together with the location of proposed utility mains and sizing, general drainage patterns, principal drainage ditches and structures, utility plant sites, recreational areas, commercial and school sites, areas within the 100-year flood plain, and any other information pertinent to the project; and

(4) a preliminary engineering report, including:

(A) a description of existing area, conditions, topography, and proposed improvements;

(B) land use plan;

(C) one hundred year flood computations or source of information;

(D) existing and projected populations;

(E) tentative itemized cost estimates of the proposed capital improvements and itemized cost summary for anticipated bond issue requirement;

(F) projected tax rate and water and sewer rates; and

(G) total tax assessments on all land within the district.

(c) Prior to the conversion hearing, the notice requirements of the Texas Water Code, §54.032, must be completed and an affidavit verifying publication of the notice must be filed with the commission. At least 30 days before the date of the hearing, the district shall send the notice of the conversion hearing by certified mail, return receipt requested, to all fee simple landowners, as reflected on the county tax rolls, whose property is located within the proposed district, unless good cause is shown why such notice by mail should not be given. Ownership of the property shall be certified by the tax assessor and collector from the tax rolls as of the date of the filing of the resolution with the Texas Water Commission.

(d) The application is subject to Chapter 281 of this title (relating to Applications Processing), which controls the processing of applications by the commission.

Issued in Austin, Texas, on March 11, 1986.

TRD-8802402 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Effective date: March 11, 1986
Expiration date: July 9, 1986
For further information, please call
(512) 463-8070.

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Underground Water Conservation Districts Generally

★ 31 TAC §§293.21-293.24

The Texas Water Commission adopts on an emergency basis §§293.21-293.24, concerning underground water conservation districts generally. These new sections provide for the designation and alteration of underground water management areas as well as the creation of underground water conservation districts as authorized by the Texas Water Code, §§52.021-52.026. Except for changes required by amendments to the Texas Water Code, Chapter 52, effective in November, 1985, the emergency sections are substantively the same as the permanent sections of the former Texas Department of Water Resources and former emergency sections

of the Texas Water Commission, §§311.21-311.23 governing this topic.

Section 293.21 limits the application of these sections to the designation of underground water management areas and creation of underground water conservation districts as authorized by the Texas Water Code, §§52.021-52.026.

Section 293.22 provides that designation of an underground water management area is a separate proceeding from that for creation of an underground water conservation district, and outlines the procedure and basic considerations of the commission in a proceeding on designation of a management area.

Section 293.23 provides for the alteration of boundaries of underground water management areas.

Section 293.24 provides for the creation of an underground water conservation district only for one or more underground water management areas previously designated by the commission.

The commission finds that adoption of these new sections on an emergency basis is necessary to prevent imminent peril to the public health, safety, and welfare inasmuch as existing rules relating to this subject matter have expired; the adoption of these sections on an emergency basis would preserve the status quo as much as possible while integrating the requirements of the new amendments to the Texas Water Code, Chapter 52; and, the continuation of regulations governing underground water conservation districts generally is preferable to an absence of regulations governing this topic because the sections provide necessary guidance to the public in relation to the designation of underground water management areas and the creation of underground water conservation districts, especially since petitions and applications under the Texas Water Code, §§52.021-52.026, are pending before the commission.

The new sections are adopted on an emergency basis under the Texas Water Code, §§5.103, 5.105, and 5.182, which provides the Texas Water Commission with the authority to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, to establish and approve all general policy of the commission, and to collect statutory fees from persons filing various applications with the commission.

§293.21. *Application of Sections.* These sections apply to only the designation of underground water management areas and the creation of underground water conservation districts as authorized by the Texas Water Code, §§52.021-52.026.

§293.22. *Designation of Underground Water Management Area.*

(a) Designation of an underground water management area is a separate pro-

ceeding from that for creation of an underground water conservation district.

(b) In accordance with the Texas Water Code, §52.024, on its own motion or on receiving a petition, the commission, after notice and hearing, will determine whether to designate an underground water management area. The commission will determine the boundaries of such a management area with the objective of providing the most suitable area for the management of the underground water resources of the part of the state where an underground water conservation district is or may be located. To the extent feasible, the management area will coincide with the boundaries of an underground water reservoir or a subdivision thereof. The commission may also consider other factors in determining the boundaries of the management area, such as the boundaries of other political subdivisions and the appropriateness of the size and configuration of the management area to an underground water conservation district's performance of its duties under the Texas Water Code, §§52.151-52.173.

(c) Upon the request of the commission or any person interested in a petition to designate an underground water management area, the executive director will prepare available evidence relating to the configuration of an underground water management area. The executive director's evidence will include information concerning the existence, configuration, and characteristics of an underground water reservoir or subdivision thereof.

(d) The commission will consider the evidence prepared by the executive director and all other evidence admitted in the proceeding in deciding whether to designate an underground water management area as well as the boundaries of such a management area.

(e) A petition for designation of an underground water management area must be filed with the executive director and be accompanied by a \$100 filing fee and petition recording fee of \$1.00 per page.

§293.23. *Alteration of Underground Water Management Area.* In accordance with the Texas Water Code, §52.024, on its own motion or on receiving a petition, the commission, after notice and hearing, may alter the boundaries of a designated management area as required by changed or future conditions and as justified by factual data. A petition for alteration of management area boundaries must allege in detail the facts and circumstances making alteration necessary and be accompanied by a \$100 filing fee and petition recording fee of \$1.00 per page.

§293.24. *Creation of Underground Water Conservation District.*

(a) The commission will consider creation of an underground water conservation district to serve the purposes of the Texas Water Code, §52.021, for one or more under-

ground water management areas previously designated by the commission.

(b) A petition for creation of an underground water conservation district must be filed with the executive director and be accompanied by a \$100 filing fee and petition recording fee of \$1.00 per page.

Issued in Austin, Texas, on March 11, 1986.

TRD-8602401

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

Effective date: March 11, 1986
Expiration date: July 9, 1986
For further information, please call
(512) 463-8070.

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Chapter 337. Enforcement

The Texas Water Commission adopts on an emergency basis new §§337.1-337.5, 337.31-337.40, and 337.51-337.54, concerning enforcement. The sections currently in effect concerning enforcement were adopted on an emergency basis by the commission on September 3, 1985, extended on January 2, 1986, and will expire at 12 a.m., March 3, 1986. The Texas Water Commission proposed permanent sections for the same subject matter by publication in the *Texas Register* on January 10, 1986. The commission decided to delay adoption of all of its currently proposed permanent sections to facilitate public comment. The Texas Water Commission finds that an urgent need exists to adopt these emergency sections to maintain uninterrupted regulation and otherwise alleviate an immediate peril to the public health, safety, and welfare which would result from a lapse in the regulations.

The emergency sections are proposed under the authority of the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state and to establish and approve all general policy to the commission.

Subchapter A. Enforcement Generally

★31 TAC §§337.1-337.5

§337.1. Enforcement Orders. The commission, upon the recommendation of the executive director, may issue appropriate orders enforcing and directing compliance with the provisions of the Texas Water Code or the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, administered by the commission, the provisions of a permit or license, the rules, and other orders of the commission. A copy of every such order shall be sent by certified mail to the person to whom it is directed. However, when the time factor is critical, the order may be

delivered in person, transmitted by telephone or by telegraph, or delivered by any other satisfactory method, but it shall be promptly followed by the written order sent by certified mail as aforesaid. When the person to whom the order is directed receives it, regardless of how he initially receives it, he shall immediately comply with the order according to its terms.

§337.2. Hearings on Violations. The commission may, upon the request of the executive director, order a public hearing with respect to violations of the provisions of the Texas Water Code or the Texas Solid Waste Disposal Act administered by the commission or of any permit or license, section, or other order of the commission. The commission may receive pertinent and relevant evidence from any party who appears at the hearing, may compel the attendance of witnesses, shall make findings of fact and conclusions of law, and is authorized to issue orders and make determinations necessary to effectuate the purposes of the Texas Water Code and the Texas Solid Waste Disposal Act.

§337.3. Legal Proceedings. The executive director, upon approval of the commission, is authorized to institute or cause to be instituted, in courts of competent jurisdiction, legal proceedings to enforce and compel compliance with the provisions of the Texas Water Code or the Texas Solid Waste Disposal Act administered by the commission, and the permits or licenses, rules, decisions, determinations, and other orders of the commission.

§337.4. Complaint File.

(a) The executive director shall keep an information file concerning each complaint filed with the commission relating to an entity regulated by the commission.

(b) If a written complaint is filed with the commission relating to a regulated entity, the executive director at least as frequently as quarterly and until final disposition of the complaint shall notify the parties to the complaint of the status of the complaint unless notice would jeopardize an undercover investigation.

§337.5. Confidentiality of Enforcement Information. All records, reports, documents, data, and other information collected by the executive director and staff in the performance of enforcement duties are the property of the state. Unless the executive director considers information to be confidential and not subject to disclosure in accordance with the Texas Water Code, §5.175, the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, or the Texas Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, all such records, reports, documents, data, and other information collected by the executive director shall be made available to the public during regular office hours.

Issued in Austin, Texas, on February 25, 1986.

TRD-8601943

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

Effective date: March 3, 1986
Expiration date: July 1, 1986
For further information, please call
(512) 463-8070.

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Subchapter B. Enforcement Hearings

★31 TAC §§337.31-337.40

§337.31. Purpose. The purpose of this subchapter is to provide a procedural system governing enforcement hearings before the commission. Practices and procedures provided for in the Texas Water Code and the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which are not specifically included in these sections shall be applicable to the proceedings of the commission and to all practices and appearances before the commission regarding enforcement matters. If any of the provisions of this subchapter should conflict with any provisions of the above-referenced acts, the statutory provisions of law shall control.

§337.32. Remedies. Remedies available to the commission in enforcement proceedings conducted pursuant to these sections include all those found in the Texas Water Code, the Solid Waste Disposal Act, and the Administrative Procedure and Texas Register Act. Nothing herein shall be construed so as to preclude the executive director from seeking any remedy in law or equity not specifically mentioned in these sections.

§337.33. Definitions. All terms used in this chapter bear the same definitions ascribed by the Texas Water Code, the Solid Waste Disposal Act, the Administrative Procedure and Texas Register Act, the Rules of Procedure of the Texas Water Commission, and the substantive regulations promulgated by the Texas Water Commission.

§337.34. Substantial Noncompliance and Emergency Conditions.

(a) The executive director shall monitor compliance with all permits and licenses issued by the commission. If the evidence available to the executive director through the monitoring process indicates that a permittee or licensee is in substantial noncompliance for a period of four consecutive months, or for a shorter period of time if the executive director considers an emergency to exist, the executive director shall report this fact to the commission together with the information relating to the noncompliance.

(b) Situations in which noncompliance with permit or license limitations and con-

ditions will be considered substantial so as to require a mandatory enforcement hearing under Texas Water Code, §5.117, depend upon the magnitude and frequency of the noncompliance.

(1) A substantial permit or license violation is one which causes or has the potential to cause a significant water quality problem in, or impairment of the uses of a receiving stream, groundwater, or other water in the state, infringes upon the water rights of diverters or appropriators of water of the state, or results in a release or threat of release of hazardous waste to the environment, or any other set of circumstances which present a threat to public health or safety or the environment. This set of circumstances includes, but is not limited to, a failure to monitor operations or report information required by a permit or license regarding the operation of a facility without which the operator and/or the commission may be unable to adequately assess the performance of the facility and thereby assure that environmental harm or threats to public health have not occurred and will not occur. In addition, "substantial" will be assessed in terms of the degree of deviation from any requirement of a permit or license, independently of the harm or potential harm to the environment or to public health.

(2) For purposes of this subsection, an emergency involves an unforeseen set of circumstances which calls for immediate commission action due to an actual or potential hazard to public health and safety, or severe adverse impact on or to the uses of a receiving stream, groundwater, or other water in the state.

§337.35. Emergencies.

(a) If, through the monitoring process conducted pursuant to Texas Water Code, §5.117(a), the executive director finds that an emergency exists, he shall report the emergency to the commission in accordance with §337.36 of this title (relating to Enforcement Report); and notice shall issue in accordance with §337.37 of this title (relating to Notice); and the commission shall call and hold an enforcement hearing.

(b) If the emergency is of sufficient gravity, the executive director shall report the emergency to the commission together with the information relating to the noncompliance and shall advise the commission of the necessity of seeking a temporary restraining order, temporary injunction, or any other remedy in equity or law necessary for the abatement of the condition or conditions causing or contributing to the emergency, if such remedy is authorized by statute.

§337.36. Enforcement Report.

(a) Any enforcement action brought under these sections shall be initiated by an enforcement report filed by the executive director with the commission.

(b) If the enforcement action is brought pursuant to Texas Water Code, §5.117, the enforcement report shall include information

relating to the noncompliance and a brief statement or summary of the facts supporting the executive director's finding:

(1) of substantial noncompliance by the permittee or licensee for a period of four consecutive months; or

(2) that an emergency exists.

(c) If the enforcement action is brought pursuant to Texas Water Code, §§26.136, 27.105, or 28.067, the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §8(b), or any other statute authorizing the commission to assess an administrative penalty, the preliminary enforcement report shall include a brief statement of the nature of the violation, the statute or statutes violated, the facts relied upon by the executive director in concluding that a violation has occurred, a recommendation that an administrative penalty be assessed, the amount of the recommended penalty, and an analysis of the following factors upon which the proposed penalty shall be based:

(1) the nature, circumstances, extent, duration, and gravity of the prohibited acts with special emphasis on the hazard or potential hazard created to the health or safety of the public;

(2) the impact of the violation on a receiving stream or groundwater, on the property owners along a receiving stream or aquifer, and on water users of a receiving stream or groundwater;

(3) with respect to the alleged violator:

(A) the history and extent of previous violations and enforcement actions, if any;

(B) the degree of culpability, including whether the violation was attributable to mechanical or electrical failures and whether the violation could have been reasonably anticipated and avoided;

(C) the demonstrated good faith, including actions taken by the alleged violator to rectify the cause of the violation and actions taken to mitigate any environmental damage;

(D) any economic benefit gained through the violations; and

(E) the amount necessary to deter future violations; and

(4) any other matters that justice may require.

§337.37. Notice.

(a) The executive director shall notify the alleged violator by certified mail, return receipt requested, of the issuance of the executive director's enforcement report to the commission concerning a violation or noncompliance and the recommendation, if any, that an administrative penalty be assessed. The notice shall include the enforcement report, a statement of the time and place of the initial hearing before the commission and, if a penalty is recommended, the right of the person charged to an evidentiary hearing on the occurrence of the violation or the amount of the penalty, or both. The notice shall be sent not later than the 10th day after

the date on which the enforcement report is issued.

(b) If the person charged requests an evidentiary hearing or the commission sets an evidentiary hearing on its own motion, the chief clerk shall notify the person charged not less than 10 days prior to the evidentiary hearing by certified mail, return receipt requested, of the time and place of the hearing. If this notice is sent to a person who has failed to respond to the previous notice of the initial hearing before the commission, a copy of the enforcement report shall be included.

(c) The chief clerk shall transmit to any person assessed an administrative penalty by the commission written notice of any decision and order by the commission in assessing the penalty. The notice shall include a copy of the decision and order, the amount of the penalty and a statement that the person assessed has a right to judicial review of the order. The chief clerk shall file notice of the commission's decision and order in the *Texas Register* not later than the 10 days after the date on which the decision is adopted.

§337.38. Answer.

(a) If the executive director has recommended in the enforcement report that a penalty be assessed, not later than 20 days after the date on which notice of the initial hearing before the commission is received, the person charged must submit to the commission a sworn answer containing either written consent to the executive director's enforcement report, including the recommended penalty, or a written request for an evidentiary hearing. A person charged with a violation or noncompliance may file, at any time following issuance of the executive director's enforcement report, a written request for a formal conference with the executive director for purposes of effecting a settlement of the matters raised in an enforcement report.

(b) If the person charged consents to the enforcement report, including the recommended penalty, the answer shall affirmatively so state.

(c) If the person charged requests an evidentiary hearing to contest either the occurrence of the violation, the recommended penalty, or both, the answer shall:

(1) admit or deny all factual matters; and

(2) affirmatively allege any and all claims, defenses, or mitigating factors the person charged may have and the reasoning in support thereof.

(d) Except for good cause shown:

(1) factual matters not controverted shall be presumed admitted;

(2) failure to raise a claim, defense, or mitigating factor shall be presumed to be a waiver of such claim, defense, or mitigating factor; and

(3) new matters alleged in the answer shall be presumed to be denied by the executive director unless admitted in subse-

quent pleading or stipulation by the executive director.

(e) Nothing shall preclude the person charged from amending his or her answer at any time so as to consent to the executive director's enforcement report and recommended penalty. Further, the executive director and person charged may reach an agreement such that an agreed order is entered wherein the person charged admits to any or all of the violations alleged in the executive director's enforcement report and consents to the assessment of a specific administrative penalty. Such settlement of the matters raised by the executive director's enforcement report is subject to the approval of the commission.

(f) If a person charged with a violation fails to timely file an answer as required by this section, the commission shall either assess the recommended penalty or remand the cause for an evidentiary hearing on the findings and recommendations contained in the executive director's enforcement report.

§337.39. Commission Action.

(a) Not less than 20 days after the date on which the notice is received by the person charged with a violation or noncompliance the commission shall meet to consider any of the following:

(1) whether there has been a violation of any provision of the Texas Water Code or the Solid Waste Disposal Act, or any section, permit, license, or order of the commission;

(2) whether the permittee or licensee has been in substantial noncompliance with his or her permit or license;

(3) any answer or other response from the permittee, licensee, or person charged;

(4) the assessment of a penalty because of consent or failure to respond;

(5) the setting of an evidentiary enforcement hearing; and

(6) any other matters regarding the executive director's enforcement report.

(b) If an enforcement action is brought pursuant to §337.36(b) of this title (relating to Enforcement Report), the commission shall call and hold a hearing to determine whether the permittee or licensee who is the subject of the executive director's enforcement report has been in substantial noncompliance with his or her permit or license. At the conclusion of the hearing, the commission shall issue one of the following orders stating that:

(1) no violation of the permit or license has occurred;

(2) a violation of the permit or license has occurred but has been corrected and no further action is necessary to protect the public interest;

(3) the executive director is authorized to enter into a compliance agreement;

(4) a violation of the permit or license has occurred and an administrative

penalty is assessed as provided by the Texas Water Code; or

(5) a violation of the permit or license has occurred, and the executive director is directed to have enforcement proceedings instituted against the permittee or licensee through the office of the attorney general.

(c) If an enforcement action is brought pursuant to §337.36(c) of this title (relating to Enforcement Report), the commission may call, and shall call if the person charged requests, a hearing to determine whether there has been a violation of any provision of the Texas Water Code or the Solid Waste Disposal Act, or any section, permit, or order of the commission. By order, the commission may find that:

(1) a violation has occurred and may assess a penalty;

(2) a violation has occurred but that no penalty should be assessed; or

(3) no violation has occurred.

(d) When assessing an administrative penalty, the commission shall consider each factor listed in §337.36(c)(1)-(4) of this subsection (relating to Enforcement Report) in determining the amount of the penalty.

(e) Whenever the commission determines to set a matter for hearing under subsection (a)(5) of this section, subsection (b) of this section or subsection (c) of this section, the commission may remand such matter for hearing through the office of hearings examiners for the purpose of developing an evidentiary record and recommendations prior to hearing before the commission.

§337.40. Appeals of Administrative Penalties.

(a) Within the 30-day period immediately following the day on which the commission's order is final, the person charged with a penalty shall pay the penalty in full.

(b) The person assessed a penalty by the commission may suspend enforcement of the penalty while seeking judicial review by forwarding the amount of the penalty to the commission for placement in an escrow account or posting with the commission a supersedeas bond payable to the Texas Water Commission for the amount of the penalty, within the 30-day period immediately following the day on which the commission's order is final.

(c) Failure to pay the penalty in full, or failure to forward the amount of the penalty for placement in an escrow account or post a supersedeas bond within the 30-day period immediately following the day on which the commission's order is final, shall result in a waiver of all legal rights to judicial review. In the event the person assessed fails to do any of the above, the executive director upon approval of the commission may forward the matter to the attorney general for enforcement.

(d) In the event that the final appellate determination is against the person assessed

a penalty, he or she shall pay the commission the full amount of the penalty, and the commission shall deposit the amount of the penalty in the state treasury to the credit of the general revenue fund.

(e) In the event that the final appellate determination is in favor of the person assessed, he or she shall be absolved of all liability for payment of the amount of the penalty, and the commission shall return the amount of the penalty assessed with a certificate of its return.

(f) Any supersedeas bond or escrow account filed with the commission for the purpose of appeal of the final decision of the commission shall be drawn according to a form on file in the office of the chief clerk. Upon request, the chief clerk shall certify the receipt of the amount of any penalty received by the commission for the purpose of appeal.

Issued in Austin, Texas, on February 25, 1986.

TRD-8601946

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

Effective date: March 3, 1986

Expiration date: July 1, 1986

For further information, please call
(512) 463-8070.

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Subchapter C. Water Rights Enforcement

★31 TAC §§337.51-337.54

These new sections are adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of this state, and to establish and approve all general policy of the commission.

§337.51. *Show-Cause Enforcement Procedures.* When there is an alleged violation of any statute of the State of Texas concerning a water right, or of a commission section or order regarding a water right, the executive director may seek remedial action on his own initiative or a complainant may seek relief from the commission by filing a complaint setting forth the name and address of the particular problem. The executive director may file his complaint directly with the commission; all others must file their complaints with the executive director and after his review he may file the complaint with the commission. Complaints which are to be filed with the commission must be sworn complaints. The executive director will send a notice of such complaint to the person accused and will request from him a statement regarding the merits of the complaint. If the executive director files a complaint with the commission, a hearing may be called and a show-cause order may be sent by certified mail to the party against whom the complaint is brought.

§337.52. Notice. Notice of hearing will be sent by first class mail to all interested persons of record with the commission. The notice shall be mailed at least 10 days prior to the hearing and shall include the nature of the violation, the time, the date, and place the commission shall consider the matter, and other information deemed appropriate.

§337.53 Enforcement of Commission Orders. If action before the commission on the complaint results in the issuance by the commission of an appropriate order, the executive director, upon commission approval, may refer any subsequent violation of that order to the attorney general for appropriate action in a court of competent jurisdiction.

§337.54. Enforcement. Upon commission approval, the executive director may seek enforcement for a violation of any statute of the State of Texas concerning a water right, or a commission section or order concerning a water right, by injunction or any other appropriate remedy in a court of competent jurisdiction.

Issued in Austin, Texas, on February 25, 1986.

TRD-8901949 James K. Rcurke, Jr.
General Counsel
Texas Water Commission

Effective date: March 3, 1986
Expiration date: July 1, 1986
For further information, please call
(512) 463-8070.

★ ★ ★

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter O. State Sales And Use Tax

★34 TAC §3.353

The Comptroller of Public Accounts adopts on an emergency basis new §3.353, concerning cancellation of sales tax permits held by permit-holders who reported no taxable sales, no gross sales, and no taxable purchases in calendar year 1985. The comptroller has determined that sales tax permits on which there has been no business activity reported have been abandoned. However, maintenance of these permits continues to cost the taxpayers a substantial amount.

This section is adopted on an emergency basis because, in this time of sharply declining revenues into the state treasury due to the precipitate decline in the price of oil, and the resulting projected decline in state revenues, the comptroller finds that the public welfare demands immediate relief from the burden of carrying the aforesaid accounts. They produce no revenue for the state, but, rather, cost the

state approximately \$250,000 annually to maintain.

Nothing in this emergency adoption prohibits a permit holder from receiving a new permit upon request, provided the comptroller is not prohibited from issuing the new permit to an applicant who owes delinquent state taxes, administered by him, or who does not currently hold a permit or license for a different tax or activity administered by the comptroller.

The new section 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 provisions of Texas Tax Code, Title 2.

§3.353. Cancellation of Sales Tax Permits Held by Permit Holders Who Reported No Taxable Sales, No Gross Sales, and No Taxable Purchases in Calendar Year 1985.

(a) Definition of no business activity. No business activity means zero gross sales, zero taxable sales, and zero taxable purchases.

(b) Permit cancellation due to abandonment. Any holder of a sales tax permit who reported on business activity in calendar year 1985 is hereby deemed to have abandoned said permit and said permit is hereby cancelled by the comptroller.

(c) Reapplication. Nothing herein shall prohibit any applicant from receiving a new sales tax permit upon request provided said issuance is not prohibited by §3.286(k)(1) or (2) of this title (relating to Seller's Responsibilities), or by the Texas Tax Code, §111.0046.

Issued in Austin, Texas, on March 11, 1986.

TRD-8802418 Bob Bullock
Comptroller of Public Accounts

Effective date: March 11, 1986
Expiration date: July 9, 1986
For further information, please call
(512) 463-4806.

★ ★ ★

Chapter 5. Funds Management (Fiscal Affairs) Claims Processing—Purchase Vouchers

★34 TAC §5.52

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §5.52, concerning requirements of purchase vouchers. The amendment prescribes specific information required for vouchers seeking reimbursement from state funds to revolving accounts. Agencies submitting vouchers for this type of reimbursement transaction will be required to provide specific information concerning the payments for which reimbursement is sought.

The amendment is adopted on an emergency basis as an exercise of the comptroller's duty and authority, under Texas Civil Statutes, Article 4344, to superintend and manage the fiscal affairs of the state. The fiscal emergency confronting the state brings with it the immediate need for detailed expenditure information. This amendment will insure that agencies follow appropriate procedures and submit information necessary to insure that each request for this type of expenditure of state funds is proper.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4344, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.52. Requirements of Purchase Vouchers.

(a) Purchase vouchers submitted to the Comptroller of Public Accounts for payment from appropriated funds must meet the following minimum requirements for voucher content and supporting documentation:

(1)-(8) (No change.)
(9) a certification signed by agency personnel that the account is true, correct, and unpaid; and

(10) (No change.)
(b) Vouchers seeking reimbursement from state funds to revolving accounts, in addition to meeting the minimum requirements for voucher content and supporting documentation for other claims against the state, must:

(1) submit a batch cover voucher using Transaction Code 092;

(2) submit a multi-vendor detail sheet; and

(3) include the 14 digit vendor number of each vendor paid from local funds on all detail lines.

(c)[(11)] Vouchers must also reflect such [Any] other information as may be deemed necessary by the Comptroller of Public Accounts to justify disbursements of public funds.

Issued in Austin, Texas, on March 10, 1986.

TRD-8802377 Bob Bullock
Comptroller of Public Accounts

Effective date: March 10, 1986
Expiration date: July 8, 1986
For further information, please call
(512) 463-4806.

★ ★ ★

★34 TAC §5.53

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §5.53, concerning special voucher requirements. The amendment adds a new provision concerning interagency transactions for purchases of goods or services. Agencies must comply with the provisions of the Interagency Cooperation Act, Texas Civil Statutes, Article 4413(32).

The amendment is adopted on an emergency basis as an exercise of the comptroller's duty and authority, under Texas Civil Statutes, Article 4344, to superintend and manage the fiscal affairs of the state. The fiscal emergency confronting the state brings with it the immediate need for detailed expenditure information. This amendment will insure that agencies follow appropriate procedures and submit information necessary to insure that each request for this type of expenditure of state funds is proper.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4344, which provide that the comptroller may prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.53. Special Voucher Requirements.

(a)-(h) (No change.)

(i) Purchases of goods or services between state agencies must comply with the provisions of the Interagency Cooperation Act, Texas Civil Statutes, Article 4413(32).

(j)(i) For intra-agency and interagency payments, the paying agency must determine the warrant disposition and make the appropriate statement on the voucher. The voucher must state either:

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

(k)(j) Advance payment of magazine and newspaper subscriptions is authorized not earlier than six weeks prior to the starting date of the subscription.

(l)(k) Fiscal year selection process is governed by the following rules.

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

(m)(l) In addition to the previous listed requirements, purchase vouchers must adhere to all provisions of the current legislative appropriations act.

Issued in Austin, Texas, on March 10, 1986.

TRD-9602378

Bob Bullock
Comptroller of Public
Accounts

Effective date: March 10, 1986
Expiration date: July 8, 1986
For further information, please call
(512) 463-4606.

★ ★ ★

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 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 223. Fees

★22 TAC §223.1

The Board of Nurse Examiners proposes an amendment to §223.1, concerning fees. The amendment raises certain fees to cover the expense of the services offered and to provide additional funds for the operation of the agency. Fees for endorsement, examination, renewal, and permits are higher in three fourths of the states than in Texas. The renewal fee includes the one dollar fee as provided for in House Bill 900, 69th Legislature, 1985, for a Peer Assistance Program.

Margaret Rowland, executive secretary, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section.

The effect on state government is estimated to be none in 1986; and an estimated increase in revenue of \$365,000 in 1987; \$367,000 in 1988; \$369,000 in 1989; and \$371,000 in 1990.

Ms. Rowland also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. The possible economic cost to individuals who are required to comply with the rule as proposed will be an increase in fees: reregistration, \$6.00 every two years; endorsement, \$15; examination, \$10; and permit \$5.00.

Comments on the proposal may be submitted to Margaret Rowland, R.N., Executive Secretary, Board of Nurse Examiners, 1300 East Anderson Lane C-225; Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4514, §1 and Article, 4527, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional con-

duct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law. The Board of Nurse Examiners shall establish reasonable and necessary fees for the administration of its functions.

§223.1. Fees. The Board of Nurse Examiners shall establish reasonable and necessary fees for the administration of its functions in amounts not to exceed;

- (1) admission fee to examinations—\$60 [\$50];
- (2)-(4) (No change.)
- (5) endorsement—\$60 [\$45];
- (6) reregistration (each biennium—\$16 [\$10];
- (7) issuance of a temporary permit under Article 4523—\$15 [\$10];
- (8)-(12) (No change.)
- (13) late fee for reregistration:
 - (A) less than 90 days—\$30 [\$25];
 - (B) more than 90 days—\$60 [\$50].

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 March 11, 1986.

TRD-8602429

Margaret L. Rowland
Executive Secretary
Board of Nurse
Examiners

Earliest possible date of adoption:

April 18, 1986
For further information, please call
(512) 835-4880.

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Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Experience Requirements

★22 TAC §511.122

The Texas State Board of Public Accountancy proposes the repeal of §511.122, con-

cerning acceptable experience. New §511.122, which changes the hours of experience per year required to gain approval of experience for purposes of certification as a CPA, is simultaneously proposed in this issue.

Bob E. Bradley, executive director, has determined that for the first five-year period the proposed repeal 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 repeal.

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the uniformity of various jurisdictions as to the hour requirements for each year of experience and that a position of experience for each individual applicant is provided. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary and advisable for the approval of experience requirements necessary for certification as a CPA.

§511.122. Acceptable Experience.

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 March 11, 1986.

TRD-8602413

Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:

April 11, 1986
For further information, please call
(512) 451-0241.

★ ★ ★

★ 22 TAC §511.122

The Texas State Board of Public Accountancy proposes new §511.122, concerning experience requirements. The proposed new section changes the hours of experience per year required to gain approval of experience for purposes of certification as a CPA.

Bob E. Bradley, executive 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. Bradley 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 the change provides uniformity with the various jurisdictions as to the hour requirements for each year of experience and provides a position of experience for each individual applicant. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1. §6(a) which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary and advisable for the approval of experience requirements necessary for certification as a CPA.

§511.122. *Acceptable Experience.*

(a) A normal work year is defined as 2,080 hours. Part-time employment should qualify if it is at least 20 hours per week and at least three days per week. Part-time experience that falls below the foregoing criterion shall not be regarded as acceptable.

(b) Experience in the practice of public accountancy under the supervision of a certified public accountant or public accountant shall be acceptable upon certification of the experience by the supervising certified public accountant or public accountant.

(c) The experience requirements of the Act may be satisfied by accounting experience of a nonroutine nature which continually requires independent thought and judgment on important accounting matters and which is comparable to accounting experience in the public practice under the supervision of a certified public accountant or public accountant if approved by the board. The nonpublic accounting experience obtained after the effective date of this section must be under the direct supervision of a person licensed by a state board of accountancy.

(d) The experience requirement of the Act and these sections may be satisfied by experience in the activities prescribed in subsections (b) or (c) of this section or in a com-

bination of the two, except as noted in subsection (e) of this section.

(e) If an applicant does not have a baccalaureate or masters degree, but has made application for the examination based upon a high school diploma and subsequent college study, experience must be of a non-routine accounting nature and under the supervision of a certified public accountant but not necessarily one who is in public practice. An applicant with such experience must be continually and directly under the supervision of the certified public accountant.

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 March 11, 1986.

TRD-8602410 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:
April 11, 1986
For further information, please call
(512) 451-0241.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part 1. Texas Department of Human Services
Chapter 23. Nursing Facility Administration
Subchapter UUUU. Support Documents

★ 40 TAC §23.9801

The Texas Department of Human Services proposes an amendment to §23.9801, concerning the reimbursement methodology for rates for skilled nursing facilities and intermediate care facilities. The amendment allows for a supplemental reimbursement rate for skilled recipients whose needs require a significantly greater than normal amount of care as indicated by six criteria on the level-of-care assessment form (3652). The amendment specifies the methodology used to determine the supplemental reimbursement rate.

Clifton Martin, associate commissioner for programs, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect will be an estimated additional cost of \$1,090,773 in fiscal year 1986; \$1,609,060 in fiscal year 1987; \$1,506,215 in fiscal year 1988; \$1,542,208 in fiscal year 1989; and \$1,582,735 in fiscal year 1990. There is no effect on local government for the first five-year period the section will be in ef-

fect. There is no effect on small business.

Mr. Martin also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be a more adequate rate of reimbursement to nursing home providers for the cost of caring for high need, skilled patients. There are no possible economic costs to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-105, Department of Human Services 153-E, P.O. Box 2980, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§23.9801. *Reimbursement Methodology for Rates for Skilled Nursing Facilities and Intermediate Care Facilities.*

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

(d) Rate-setting methodology. Reimbursement rates for each class of service are determined by selecting the median provider's projected per diem expense times 1.07 from each cost area within each class of service. The resulting cost area amounts are totaled to determine the per diem reimbursement rate.

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

(5) Supplemental reimbursement rate determination. The reimbursement rate for skilled recipient/patients whose needs require a significantly greater than normal amount of care will be supplemented when the appropriate score is indicated for all of the following six criteria on the level-of-care assessment form (3652):

Conditions/Procedures	Qualifying Score
Mobility/Ambulation	4
Bathing	4
Dressing/Grooming	4
Eating	4
Incontinence	3 or 4
Non-oral Nourishment	1-4

(A) To determine the delivery cost for the supplemental skilled rate, the estimated time required by the class of direct care personnel is calculated using the results of time/motion studies conducted by the state of Maryland. These studies have been found to have nation-wide validity. Each time estimate is multiplied by a projected hourly wage rate, by class of personnel, including a factor for payroll, taxes and benefit expenses. The employee compensation costs are estimated from TDHS Medicaid provider cost reports and Wage-and-hour Survey data.

(B) A determination is made of the portion of the skilled nursing class rate

which covers employee compensation costs for direct care personnel.

(C) The amount of the skilled supplemental reimbursement rate is the difference between the amounts resulting from computations in subparagraphs (A) and (B) of this paragraph.

(e) (No change.)

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

Issued in Austin, Texas, on March 11, 1986.

TRD-8602405 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

April 18, 1986

For further information, please call
(512) 450-3786.

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Chapter 27. ICF-MR

Subchapter AA. Standards for Compliance of Intermediate Care MR Facilities with Title VII of the Civil Rights Act of 1964

The Texas Department of Human Services proposes the repeal of §§27.2601-27.2603 and new §§27.2601-27.2604, concerning Intermediate Care Facility for Mentally Retarded. Also, the title of Subchapter AA is changed. Sections 27.2601-27.2603 currently address the ICF-MR's compliance with certain federal laws: §504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964, and Age Discrimination Act of 1975. Title VI of the Civil Rights Act of 1964 is addressed in all these sections. These sections are repealed and proposed new so that only §27.2601 addresses compliance with Title VI. The remaining sections, address compliance with other federal laws.

Clifton Martin, associate commissioner for programs, 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. Martin 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 will be ensured facility compliance with federal laws that prohibit discrimination against clients or employees. There are no economic costs to individuals required to comply with the repeals or new rules as proposed.

Comments on the proposal may be sent to Cathy Rossberg, Administrator, Policy

Development Support Division-081, Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

★ 40 TAC §§27.2601-27.2603

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

§27.2601. *Legal Base.*

§27.2602. *Nondiscrimination.*

§27.2603. *Compliance Guidelines.*

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

Issued in Austin, Texas, on March 11, 1986.

TRD-8602408 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

April 18, 1986

For further information, please call
(512) 450-3786.

★ ★ ★

★ 40 TAC §§27.2601-27.2604

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

§27.2601. *Title VI of the Civil Rights Act of 1964.* Each ICF-MR must comply with all applicable federal laws, including Title VI of the Civil Rights Act of 1964. Compliance with Title VI includes the following.

(1) A facility must announce an open admissions policy and take additional steps, if necessary, to desegregate. This is particularly true if the facility has excluded or primarily served residents of one race, color, or national origin. A facility that serves residents of one race exclusively must take corrective action unless it can show that this pattern has not been caused by discriminatory practices.

(2) A facility owned or operated by a private organization may restrict its services to members of the organization without losing its eligibility. The facility must not, however, deny membership in the organization or admission to the facility because of a person's race, color, or national origin.

(3) A facility must house residents without regard to race, color, or national origin.

(4) A facility must not ask residents if they are willing to share a room with a person of another race, color, or national origin. The facility must not transfer residents to evade compliance with Title VI.

(5) All facility staff (medical, non-medical, and volunteer) must provide services to residents without regard to race, color, or national origin.

(6) A facility must permit attending physicians to provide services without regard to the physician's or the resident's race, color, or national origin. The facility must select and employ other medical, paramedical, or nonmedical persons, whether engaged in a contractual/consultant capacity or not, without regard to race, color, or national origin. The facility must provide the same opportunities to all qualified persons. The facility must not dismiss persons on the basis of race, color, or national origin.

(7) A facility must ensure that services rendered by employees, vendors, or others in the facility are provided without regard to race, color, or national origin. These include, but are not limited to:

(A) administrative services (admission requirements, medical records, fiscal referral systems, and deposits);

(B) residents' privileges and care services (nursing, medical, and physical or occupational-recreational therapy; social services; waiting lists; courtesy titles; visiting hours; dietary; dental; pharmacy; diagnostic and laboratory services; and trainee and volunteer programs); and

(C) facilities (laundry; maintenance; gift shops; lounges; cafeterias; beauty salons and barber shops; dining rooms; lavatories; and ambulances).

(8) A facility must adopt and implement effective written policies for compliance with Title VI of the Civil Rights Act. The facility must provide written notification of its policies to employees, physicians, and paramedical personnel who provide resident care services.

(9) A facility must include written assurance in its contracts with providers or subcontractors of resident services that services are provided without discrimination. This includes transfer agreements.

(10) A facility must notify the community that it operates its admission policies, resident care services, and other activities without regard to race, color, or national origin. The facility may notify the community through letters to and meetings with physicians, local health and welfare agencies, paramedical personnel, and public and private organizations which have an interest in equal opportunity. The facility may also use notices in newspapers and signs in the facility to inform the public.

(11) A facility must allow residents to use facilities and services without regard to race, color, or national origin. Facilities that have had dual accommodations to effect racial segregation must end this practice.

§27.2602. *Section 504 of the Rehabilitation Act of 1973.* Each ICF-MR must comply with §504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination on the

basis of handicap in programs or activities receiving federal financial assistance.

§27.2603. *Age Discrimination Act of 1975.* Each ICF-MR must comply with the Age Discrimination Act of 1975. This act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

§27.2604. *Title VII of the Civil Rights Act of 1964.* Each ICF-MR must comply with Title VII of the Civil Rights Act of 1964. Title VII prohibits discrimination on the basis of race, color, religion, sex, or national origin in all employment practices.

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 March 11, 1986.

TRD-8602407

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

April 18, 1986

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



Withdrawn

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

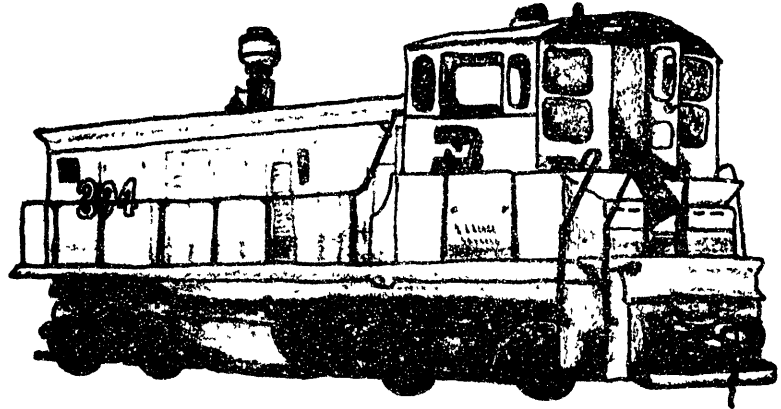
**TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission
of Texas
Chapter 5. Transportation
Division
Subchapter L. Insurance
Requirements**

★16 TAC §5.183

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §5.183, submitted by the Railroad Commission of Texas, have been automatically withdrawn, effective March 11, 1986. The amendments as proposed appeared in the September 10, 1985, issue of the *Texas Register* (10 TexReg 3418).

TRD-8602451
Filed: March 11, 1986

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**Subchapter M. Motor Bus
Companies**

★16 TAC §5.217

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §5.217, submitted by the Railroad Commission of Texas,

have been automatically withdrawn, effective March 11, 1986. The amendments as proposed appeared in the September 10, 1985, issue of the *Texas Register* (10 TexReg 3418).

TRD-8602452
Filed: March 11, 1986

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Adopted

Rules An agency may take final action on a rule 30 days after a proposal has been published in the *Texas Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the rule with 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 10. COMMUNITY DEVELOPMENT Part I. Texas Department of Community Affairs Chapter 5. Job Training ★10 TAC §5.501

The Texas Department of Community Affairs adopts new §5.501, without changes to the proposed text published in the January 8, 1986, issue of the *Texas Register* (11 TexReg 87).

The new section concerns the administration of the Texas Job Training Partnership Act (JTPA) by the adoption by reference of JTPA Policy Issuance 86-8, "Organization and Role of the Monitoring Function at the Contractor Level." JTPA Policy Issuance 86-8 sets forth policies and procedures on the monitoring function and guidance in implementing monitoring activities at the contractor level to ensure adequate compliance with the requirements set forth in the Federal Job Training Partnership Act, Public Law 97-30, and with the requirements set forth in Texas Civil Statutes, Article 4413(52), the Texas Job Training Partnership Act.

No comments were received regarding adoption of the new section.

The new section is adopted under the federal Job Training Partnership Act, Public Law 97-300, §164, and Texas Civil Statutes, Article 4413(52), §8(c)(10), which provide the Texas Department of Community Affairs with the authority to develop and formally issue monitoring procedure to ensure proper accounting for federal funds paid to the state under the Job Training Partnership Act, Titles I and II.

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 March 10, 1986.

TRD-8602352 Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Effective date: March 31, 1986
Proposal publication date: January 7, 1986
For further information, please call
(512) 834-8060.

Chapter 13. Housing Services Subchapter B. Texas Rental Rehabilitation Program ★10 TAC §13.40

The Texas Department of Community Affairs adopts an amendment to §13.40, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (10 TexReg 688).

The amendment concerns variations from the Uniform Grant Contract Management Standards (UGCMS) adopted by the Office of the Governor, §§5.147-5.167. The variations pertain to units of general local government that apply for or receive funding under the Texas Rental Rehabilitation Program (TRRP).

The amendment supersedes Office of Management and Budget Circular A-87, as adopted in the UGCMS, §5.150, with Office of Management and Budget Circular A-122, which corrects an error and provides clarification. The variations are required by federal Rental Rehabilitation Grant Program regulations in 24 Code of Federal Regulations, §511.11(c).

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(32g), which provide the TDCA with the authority to establish variations from the UGCMS through rule making if such variations are required or specifically authorized by federal statute or regulation or state statute.

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 March 10, 1986.

TRD-8602351 Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Effective date: March 31, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 834-8060.

TITLE 22. EXAMINING BOARDS Part IX. State Board of Medical Examiners Chapter 163. Licensure ★22 TAC §§163.3, 163.4, 163.9

The Texas State Board of Medical Examiners adopts amendments to §§163.3, 163.4, and 163.9, without changes to the proposed text published in the January 21, 1986, issue of the *Texas Register* (11 TexReg 363).

Adoption of the amendments is necessary to address a name change in training programs, and to clarify the postgraduate training necessary after failure of the FLEX examination.

The amendments enable the agency to clarify procedural rules for all licensure applicants, including training after exam failures.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the 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 the Act.

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

Issued in Austin, Texas, on March 6, 1986.

TRD-8602385 G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Effective date: April 1, 1986
Proposal publication date: January 21, 1986
For further information, please call
(512) 452-1078.

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**Part XXII. Texas State
Board of Public
Accountancy
Chapter 511. Certification as
CPA
Examination Sites and Board
Policy on Documentation**

★22 TAC §511.89

The Texas State Board of Public Accountancy adopts new §511.89, with changes to the proposed text published in the October 22, 1985, issue of the *Texas Register* (10 TexReg 4117).

The new section insures that exam applicants applying to sit at out-of-state sites for the Uniform CPA Examinations are bona fide Texas applicants.

A candidate who is out of the state of Texas temporarily as a student, on military assignment, or on a temporary job assignment, may sit for the Uniform CPA Examination in the state of the temporary location.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to issue sections with appropriate grammatical wording.

§511.89. Examination Sites and Board Policy on Documentation.

(a) The board shall select examination sites in Texas suitable for conducting the examination. The board will assign candidates to an examination site. Consideration will be given to a candidate's first and second preference if at all possible. However, all candidates will be required to sit at a Texas site unless an exception is granted. Exceptions will be considered only in the following instances:

(1) the candidate is currently out of Texas on military assignment or who is a military dependent accompanying a military sponsor on a military assignment outside the state of Texas;

(2) the candidate is currently out of Texas attending college or a university in some other state;

(3) the candidate is currently out of Texas on temporary job assignment in some other state.

(b) Each candidate desiring to be considered in one of the above mentioned exceptions must provide documentation of Texas residents status, as well as documentation of meeting the excepted criteria.

(c) A candidate on military assignment or who is a military dependent accompanying a military sponsor on a military assignment outside the state of Texas must provide the following documentation to insure the candidate is a resident of Texas:

Texas driver's license, or Texas voter's registration, and certification by the Unit Commander or military personnel office, or other evidence acceptable to the board.

(d) A candidate attending college or a university in some other state must provide the following documentation to insure the candidate is a resident of Texas: Texas driver's license, or Texas voter's registration and proof the candidate is attending college outside of this state, such as a letter from the registrar's office attesting to the fact that the candidate is attending college during the current semester, or other evidence acceptable to the board.

(e) A candidate on temporary job assignment in some other state must provide the following documentation to insure the candidate is a resident of Texas: Texas driver's license or Texas voter's registration, and a letter from the Texas employer indicating the place of business in Texas where the candidate is regularly employed, the beginning and ending date of the temporary assignment, and that the temporary assignment precludes the candidate from returning to Texas to take the exam, or other evidence acceptable to the board.

(f) All documentation must be received before a request can be processed and sent to the proctoring state board.

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 March 11, 1986.

TRD-8602412 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: April 1, 1986
Proposal publication date: October 22, 1985
For further information, please call
(512) 451-0241.

★ ★ ★

Certification

★22 TAC §511.161

The Texas State Board of Public Accountancy adopts an amendment to §511.161, without changes to the proposed text published in the January 7, 1986, issue of the *Texas Register* (11 TexReg 89).

The amendment is a grammatical change.

The section now conveys proper grammatical wording, in reference to the application to take the Uniform CPA Examination.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with authority to promulgate rules concerning examination applications.

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 March 11, 1986

TRD-8602411 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: April 1, 1986
Proposal publication date: January 7, 1986
For further information, please call
(512) 451-0241.

★ ★ ★
**Chapter 515. Licenses
Initial License**

★22 TAC §515.2

The Texas State Board of Public Accountancy adopts an amendment to §515.2, without changes to the proposed text published in the January 7, 1986, issue of the *Texas Register* (11 TexReg 89).

The amendment insures that all partners, officers, directors, or shareholders of a new firm and who reside in Texas are certified or registered as current licensees.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to issue rules relating to the licensing of firms to offer public accounting services.

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

Issued in Austin, Texas, on March 11, 1986.

TRD-8602414 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: April 1, 1986
Proposal publication date: January 7, 1986
For further information, please call
(512) 451-0241.

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**TITLE 31. NATURAL
RESOURCES AND
CONSERVATION
Part IV. School Land Board
Chapter 154. Land Sales,
Acquisitions, and Trades**

★31 TAC §§154.1, 154.11, 154.21

The School Land Board adopts new §§154.1, 154.11, and 154.21, without changes to the proposed text published in the December 17, 1985, issue of the *Texas Register* (10 TexReg 4841).

These new sections set forth certain procedures and fees through which the Asset Management Division of the General Land Office may conduct its daily business.

Section 154.1 defines the procedures by which the School Land Board may convey small tracts of land; §154.11 sets an acquisition fee to be charged to the sellers of property; and §154.21 sets a trade fee to be charged to trade participants.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Natural Resources Code, §32.062, which provides the School Land Board with the authority to adopt rules for the sale of permanent school land. Section 154.1 is also adopted under the Natural Resources Code, §51.052(f), which provides the School Land Board with the authority to adopt rules for the sale of permanent school fund land.

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 March 12, 1986.

TRD-8602428 Garry Mauro
Commissioner
General Land Office

Effective date: April 2, 1986
Proposal publication date: December 17, 1985
For further information, please call
(512) 463-5009.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 11. Commodity Program

Support Documents

★ 40 TAC §11.9804

The Texas Department of Human Services (DHS) adopts the repeal of §11.9804, concerning Summer Food Program regulations. DHS adopts the repeal without changes to the proposed text published in the January 14, 1986, issue of the *Texas Register* (11 TexReg 219).

The repeal enables the DHS to adopt new sections governing the Summer Food Service Program. In this issue of the *Texas Register*, DHS is adopting new sections in Chapter 12.

The repeal deletes obsolete material concerning the Summer Food Service Program. The new sections in Chapter 12 replace the repealed section.

No comments were received regarding adoption of the repeal.

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

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

Issued in Austin, Texas, on March 11, 1986

TRD-8602403 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 1, 1986
Proposal publication date: January 14, 1986
For further information, please call
(512) 450-3766.

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Chapter 12. Child Nutrition Programs

Summer Food Service Program

★ 40 TAC §§12.101-12.123

The Texas Department of Human Services (DHS) adopts new §§12.101-12.123. New §12.115 is adopted with changes to the proposed text published in the January 14, 1986, issue of the *Texas Register* (11 TexReg 220).

The rest are adopted without changes, and will not be republished. DHS has deleted §12.115(f) because 7 Code of Federal Regulations §225.11(c)(4) has been amended to rescind the state option to consider as an allowable program cost the cost of disallowed meals.

The justification for adopting the new sections is to ensure that during school vacations children are able to receive the same high quality meals provided during the school year through the National School Lunch and Breakfast Programs. The new sections replace §11.9804, in DHS' Commodity Program chapter, which is repealed in this issue of the *Texas Register*. Section 11 9804 was based on an adoption by reference of the federal regulations for the National Program (7 Code of Federal Regulations Part 225).

The new sections will function as DHS' requirements for the Summer Food Service Program, including selection of sponsors, participation, meal service, eligibility for meals, payment, audits, program sanctions, and appeals. The new sections will facilitate administration of the program by clarifying the rules governing the program.

No comments were received regarding adoption of the new sections.

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

§12.115. Reimbursement Methodology.

(a) Sponsors must comply with, and DHS reimburses sponsors according to the provisions of 7 Code of Federal Regulations §225.11.

(b) Sponsors are reimbursed according to the rates of reimbursement stipulated in 7 Code of Federal Regulations §225.11.

(c) To be eligible for reimbursement, sponsors must ensure that claims for reimbursement are postmarked or received by DHS no later than 30 days after the end of the claim month. Persons who sign the DHS certificate of authority form as the authorized representative of the sponsor must sign claims. The DHS may approve payment of a claim postmarked or received by DHS later than 30 days after the end of the claim month provided that:

(1) a sponsor submits a written request for payment of a claim submitted late for good cause beyond the control of the sponsor; and

(2) the late claim and written request for payment are postmarked or received by DHS no later than 60 days after the end of the claim month.

(d) DHS combines the claims for the first and next subsequent month of operation when sponsors operate fewer than 10 days in the first month of operation. Sponsors that operate fewer than 10 days in the last month of operation must submit a final combined claim which includes the last and next preceding month of operation.

(e) DHS elects to exercise the state option to consider the cost of meals served to adults performing labor necessary for the operation of the SFSP to be an allowable program cost according to 7 Code of Federal Regulations §225.11 (c)(4).

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 March 11, 1986

TRD-8602404 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 1, 1986
Proposal publication date: January 14, 1986
For further information, please call
(512) 450-3766.

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Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Texas Antiquities Committee

Friday, March 14, 1986, 9:30 a.m. The Texas Antiquities Committee made an emergency addition to the agenda for the meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned budget reductions and consideration for fiscal years 1986-1987 and 1988-1989. The emergency status was necessary because of budget reductions.

Contact: Dr. William G. Reeder, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: March 12, 1986, 3 p.m.
TRD-8602444

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Credit Union Department

Thursday, March 20, 1986, 10 a.m. The Credit Union Commission of the Credit Union Department made an emergency addition to the agenda for the meeting to be held at the Credit Union Department, 914 East Anderson Lane, Austin. The addition concerns an adoption of proposed amendments to §§95.301-95.306, 95.308-95.312, and 95.314 (Operation of Texas Share Guaranty Credit Union). The emergency status was necessary to preclude having to reschedule the meeting of the Credit Union Commission previously set for March 20, 1986.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

Filed: March 12, 1986, 8:31 a.m.
TRD-8602428

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Texas Commission on Economy and Efficiency in State Government

Thursday, March 20, 1986, 9 a.m. The Committee on Administration of the Texas Commission on Economy and Efficiency in State Government will meet in Room 107, John

H. Reagan Building, Austin. According to the agenda summary, the committee will consider reports from the Texas Department of Corrections; the State Department of Highways and Public Transportation; the Texas Education Agency; the Select Committee on Higher Education; the Texas Department of Human Services; and the Texas Youth Commission.

Contact: Dr. George Beto, Criminal Justice Institute, Sam Houston State University, Huntsville, Texas 77340, (409) 294-1111.

Filed: March 12, 1986, 8:43 a.m.
TRD-8602427

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Texas Education Agency

Thursday, March 20, 1986, 9 a.m. The Accountable Costs Advisory Committee of the Texas Education Agency will meet in Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review the progress report on the accountable costs committee studies.

Contact: Tom Krueck, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9709.

Filed: March 11, 1986, 1:11 p.m.
TRD-8602392

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Texas Commission on Human Rights

Friday and Saturday, March 21 and 22, 2:30 p.m. and 9 a.m. respectively. The Texas Commission on Human Rights (TCHR) will meet in Room 105, E.O. Thompson Building, 911 Colorado Street, Austin. According to the agenda summary, the commission will approve minutes; discuss administrative reports; the meeting with the representative from LBB and the comptroller's office; the response to Governor White's executive order; the report on FEP/EEOC annual

conference; training for private employers on compliance with EEO law; the status of TCHR EEO conference; compliance with recommendations of the state auditor's office; TCHR committee reports; and commissioner issues and unfinished business.

Contact: William M. Hale, 7215 Cameron Road, Austin, Texas 78752, (512) 459-0944.

Filed: March 11, 1986, 4:18 p.m.
TRD-8602419

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Texas Industrial Accident Board

Monday, March 17, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board discussed review of board files. This portion of the meeting was closed pursuant to workers' compensation statute.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: March 12, 1986, 3:44 p.m.
TRD-8602440

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State Board of Insurance

Tuesday, March 18, 1986, 10 a.m. The State Board of Insurance made an emergency revision to the agenda for a meeting held in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. The revision concerned the consideration of the adoption for emergency rules, the proposal of permanent rules for cancellation, and non-renewals of general liability insurance policies. The emergency status was necessary because the serious constriction of the general liability market is causing increased occurrences of short-term notice on cancellations and non-renewals of general liability policies leaving insureds inadequate time to secure insurance without gaps in coverage.

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

Filed: March 13, 1986, 9:52 a.m.
TRD-8602457

Friday, March 21, 1986, 5 p.m. The Title Insurance Division of the State Board of Insurance will meet in Room 105, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will consider public comments on title insurance rate matters.

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

Filed: March 11, 1986, 1:41 p.m.
TRD-8602393

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Texas Advisory Commission on Intergovernmental Relations

Friday, March 21, 1986, 8:30 a.m. The Special Committee on Operations and Funding of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the committee will review the status of fiscal year 1986 finances; potential new grants and contracts; and state data center contracts.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas, 78711, (512) 463-1812.

Filed: March 11, 1986, 4:01 p.m.
TRD-8602422

Friday, March 21, 1986, 9:30 a.m. The State-Local Issues Committee of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the committee will consider the revised "Handbook for Board Members of Utility Districts;" and progress reports on other projects including risk management for police department, population study for University of Texas at Dallas, and 911 emergency telephone study.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas, 78711, (512) 463-1812.

Filed: March 11, 1986, 4:01 p.m.
TRD-8602425

Friday, March 21, 1986, 9:30 a.m. The New Federalism Committee of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the committee will consider progress reports on projects including the state data center, high-level radioactive waste issues, and management and productivity.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas, 78711, (512) 463-1812.

Filed: March 11, 1986, 4:01 p.m.
TRD-8602424

Friday, March 21, 1986, 10:30 a.m. The Texas Advisory Commission on Intergovernmental Relations will meet in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the commission will consider the executive director's report; committee reports including Operations and funding Committee, New Federalism Committee, and State-Local Issues Committee; action on a "Handbook for Board Members of Utility Districts;" and comments from a representative of the United States Advisory Commission on Intergovernmental Relations, Washington D.C.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas, 78711, (512) 463-1812.

Filed: March 11, 1986, 4:01 p.m.
TRD-8602423

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Texas Municipal Retirement System

Friday, March 28, 1986, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at the Embassy Suites, 300 South Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the December 7, 1985 meeting; discuss investment policy; service retirements; disability retirements; William E. Gibson disability claim on remand; supplemental death benefits payments; extended supplemental death benefits; financial statements; investment reports; other reports of the actuary, legal counsel, and director; and consider any other business to come before the board.

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

Filed: March 11, 1986, 11:57 a.m.
TRD-8602390

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North Texas State University/Texas College of Osteopathic Medicine

Friday, March 14, 1986, 11:45 a.m. The Board of Regents of the North Texas State University (NTSU) and Texas College of Osteopathic Medicine (TCOM) met in emergency session in the boardroom, Administration Building, North Texas State University, Denton. According to the agenda, the board discussed budget cuts for the 1985-1987 biennium; and reviewed facilities projects for TCOM. The board also discussed the budget cut for the 1985-1987 biennium for TCOM. The emergency status was necessary because a special meeting had to be called to consider the budget cuts mandated by the governor.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198.

Filed: March 11, 1986, 12:37 p.m.
TRD-8602391

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Texas Board of Pardons and Paroles

Wednesday, March 19, 1986, 9:30 a.m. The Texas Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will conduct full board interviews and consider case 234810 subject to the board's jurisdiction.

Contact: Daniel R. Guerra, P.O. Box 13401, Austin, Texas 78711, (512) 459-2700.

Filed: March 11, 1986, 3:53 p.m.
TRD-8602416

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Texas Public Building Authority

Wednesday, March 12, 1986, 9 a.m. The Texas Public Building Authority met in emergency session in Room 107, Reagan Building, Austin. According to the agenda, the authority approved minutes from the March 5, 1986 board meeting; discussed the refund of series 1985A bonds; and set the time and place for the next board meeting. The authority also met in executive session and reconvened to discuss any decisions made. The emergency status was necessary because of the condition of the bond market and the necessity to develop refunding issue.

Contact: Gayle Colby, 907 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: March 11, 1986, 3:36 p.m.
TRD-8602415

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Public Utility Commission of Texas

Tuesday, March 25, 1986, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 6555—application of Southwestern Bell Telephone Company to introduce customer specific pricing plan for Shell Oil Company.

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

Filed: March 11, 1986, 3:04 p.m.
TRD-8602420

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School Land Board

Tuesday, March 18, 1986, 10 a.m. The School Land Board made an emergency revision to the agenda for a meeting to be held in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerns the excess acreage application. The emergency status is necessary because of pending litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: March 12, 1986, 3:13 p.m.
TRD-8602436

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State Securities Board

Tuesday, April 1, 1986, 1 p.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will discuss whether the application of Blinder, Robinson & Co., Inc. as a securities dealer should be granted or denied. The meeting was rescheduled from March 25, 1986 (11 TexReg 733).

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: March 12, 1986, 3:40 p.m.
TRD-8602439

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Texas Sesquicentennial Commission

Tuesday, March 18, 1986, 8:30 a.m. The Media Subcommittee of the Texas Sesquicentennial Commission will meet in emergency session in Room 513, Employees Retirement System Building, Austin. According to the agenda, the subcommittee will review applications for media events including the script for Sons of Confederate Veterans; the Summitt County; Reverse Runaway; the Alex Harvey Benefit; and other business. The emergency status was necessary because of the review of media broadcasting.

Contact: Karen Mosman, Suite 116, 510 South Congress Avenue, Austin, Texas 78704, (512) 463-1986.

Filed: March 11, 1986, 2:58 p.m.
TRD-8602409

Tuesday, March 25, 1986, 10 a.m. The First Quarterly Commission of the Texas Sesquicentennial Commission will meet in the Paramount Room, Driskill Hotel, Sixth and Brazos Streets, Austin. According to the agenda, the commission will approve minutes of the February 21, 1986, executive committee meeting; consider applications for sanctioning communities/counties and associations; the director's report; and other business. The commission also will meet in executive session if necessary.

Contact: Patrick Terry, Suite 116, 510 South Congress Avenue, Austin, Texas 78704, (512) 463-1986.

Filed: March 11, 1986, 2:58 p.m.
TRD-8602408

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Texas State Soil and Water Conservation Board

Thursday, March 27, 1986, 8 a.m. The Texas State Soil and Water Conservation Board (SWCD) will meet in the Conference Room, 311 North Fifth Street, Temple. According to the agenda, the board will review minutes of the February 24, 1986 meeting; district director appointments; division of the Central Colorado SWCD, Lower Clear Fork of the Brazos SWCD; Brown-Mills SWCD; Karnes-Goliad SWCD; new subdivision boundaries for the Bee SWCD; proposed 1987 conservation awards program; technical assistance grant program guidelines; agency travel expense; 1988-1989 budget request; 1986-1987 operating budget; public comment and adoption of 31 TAC §§521.1-521.11 agricultural water conservation; allocation of agriculture soil and water conservation fund monies; farmland protection policy act referrals; future annual meeting sites; comments from agencies and guests; and the next regular board meeting to be held May 15, 1986.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: March 12, 1986, 1:55 p.m.
TRD-8602447

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Sunset Advisory Commission

Friday and Saturday, March 14 and 15, 1986, 10 a.m. and 9 a.m. respectively. The Sunset Advisory Commission made an emergency addition to the agenda for the meeting held in the Senate Chamber, Capitol Building, Austin. The addition concerns the status on organization and diversion alternatives. The emergency status was necessary because a new item was added to the agenda.

Contact: Jeri Kramer, Room 305, John H. Reagan Building, Austin, Texas 78701, (512) 463-1300.

Filed: March 12, 1986, 12:01 p.m.
TRD-8602435

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Advisory Council for Technical-Vocational Education in Texas

Thursday, March 20, 1986, 6:30 p.m. The Planning Committee of the Advisory Council for Technical-Vocational Education in Texas will meet at the Marriott Hotel, 6121 IH 35 North at U.S. 290, Austin. According

to the agenda, the committee will review a draft of its report on the master plan for vocational education; and begin reviewing rules for post-secondary education.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

Filed: March 11, 1986, 1:27 p.m.
TRD-8602394

Thursday, March 20, 1986, 6:30 p.m. The Evaluation Committee of the Advisory Council for Technical-Vocational Education in Texas will meet at the Marriott Hotel, 6121 IH 35 North at U.S. 290, Austin. According to the agenda, the committee will review a draft of a report concerning the relationship of vocational education and current and future labor market needs.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

Filed: March 11, 1986, 1:28 p.m.
TRD-8602395

Friday, March 21, 1986, 8 a.m. The Advisory Council for Technical-Vocational Education in Texas will meet in Salon D, Marriott Hotel, 6121 IH 35 North at U.S. 290, Austin. According to the agenda summary, the council will review a report on the vocational education accountable cost study by the Texas Education Agency (TEA); presentations from TEA vocational program directors; a presentation by the coordinating board on postsecondary occupational education; committee report; vocational improvement projects; plan for the April 25 council public hearing; and conduct other business.

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 463-5490.

Filed: March 11, 1986, 1:29 p.m.
TRD-8602396

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The Texas A&M University System

Friday, March 14, 1986, 9:30 a.m. The Committee to Develop Budget Policy Guideline of the Board of Regents of the Texas A&M University System met in emergency session in the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee reviewed the feasibility of the Texas A&M University System permanent university fund bond refunding. The emergency status was necessary because the meeting was called at a time that a quorum of the committee and the financial advisory could be present.

Contact: Vickie Burt, The Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: March 12, 1986, 10:55 a.m.
TRD-8602432

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University Interscholastic League

Thursday, March 13, 1986, 1 p.m. The State Executive Committee of the University Interscholastic League met in emergency session in Room 2.120, Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda summary, the committee discussed hearings on alleged violations. The emergency status was necessary because the parties involved in the hearings requested this scheduling on short notice.

Contact: Bonnie Northcutt, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: March 11, 1986, 10:54 a.m.
TRD-8602389

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Texas Water Commission

Monday, April 28, 1986, 10 a.m. The Office of Hearings Examiners will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the examiners will consider Docket 6700—complaint of Dieter and Heidemarie Nippert against Sharyland Water Supply Corporation.

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

Filed: March 11, 1986, 2:42 p.m.
TRD-8602421

Thursday, May 15, 1986, 10 a.m. The Office of Hearings Examiners will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the examiners will consider Docket 6691—application of Cotton Terrace Water System, Inc. for a rate increase.

Contact: Charmaine J. Rhodes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1986, 1:59 p.m.
TRD-8602445

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Texas Water Development Board

Thursday, March 20, 1986, 1:30 p.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider minutes of the February 20, 1986 meeting; development fund manager's report; extension of loan commitments; cities of Burnet and Jewett; annual budget of San Jacinto River Authority as per master agreement; City of Glenn Heights to convert from ground to surface water: Red River Authority for sponsorship designation/Red River Chloride Control Project; proposed amendments to 31 TAC Chapter 355; new rules 31 TAC Chapter 367; proposal to develop a reconnaissance level plan for water supply and sewer services to Colonias in the Rio Grand Valley counties; organization and

membership of bays and estuaries data collection and fresh water inflow studies technical advisory committee; allocating \$2,000,000 from water assistance fund to research and planning fund; and a brief on research and flood protection planning projects.

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

Filed: March 12, 1986, 1:28 p.m.
TRD-8602446

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Regional Agencies Meetings Filed March 11

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knickerbocker Road, on March 19, 1986, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906 (915) 944-9666.

The Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio Street, Boerne, on March 19, 1986, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas, 78006, (512) 249-8012.. TRD-8602380

Meetings Filed March 12

The Ark-Tex Council of Governments, Board of Directors, will meet at City Hall, on March 20, 1986, at 7 p.m. Information may be obtained from Susan J. Rice, Secretary Regional Development, City Hall, 135 South East First, Paris, Texas 75460, (214) 832-8636.

The Atascosa County Appraisal District, Appraisal Review Board, will meet at 1010 Zanderson, Jourdanton, on April 1, 1986, at 8 a.m. Information may be obtained from Vernon A. Warren (512) 769-2730.

The Austin Travis County Mental Health, Mental Retardation, Development Committee, met at 1800 Houston Street, Austin, on March 17, 1986, at noon. Information may be obtained from Thomas P. Hyland, Director of Development—Austin-Travis County MHMR, 1800 Houston Street, Austin, Texas 78756.

The Central Counties Center for MHMR Services, Board of Trustees, will meet at Shenanagan's Restaurant, 415 East Avenue A, Killeen, on March 18, 1986, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Executive Director, P.O. Box 518, Temple, Texas 76503.

The Central Plains MHMR Center, Board of Trustees, will meet at 2601 Dimmitt Road, Plainview, on March 20, 1986, at 7 p.m. Information may be obtained from Rick Van Hersh, Executive Director, 2700 Yonkers, Plainview, Texas 79072. (806) 296-2726.

The Cherokee County Appraisal District, Board of Directors, will meet at 107 East Sixth Street, Rusk, on March 20, 1986, at 2:30 p.m. Information may be obtained from S.R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

The Deep East Texas Council of Governments, Board of Directors, will meet at Coldspring Community Center, Courthouse Square, Coldspring, on March 27 at 1:30 p.m. Information may be obtained from Betty Snowden, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

The Grand Parkway Association, met at 5757 Woodway, 140 East Wing, Houston, on March 14 at 9 a.m. Information may be obtained from Larry W. Nettles, 3300 First City Tower, 1001 Fannin, Houston, Texas 77002, (713) 654-4586.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at the Authority's offices, 933 East Court Street, Seguin, on March 20, 1986, at 10 a.m. Information may be obtained from John H. Specht, General Manager, Guadalupe-Blanco River Authority, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Hale County Appraisal District, Board of Directors, will meet at the Hale County Appraisal District, 302 West 8th Street, Plainview on March 20, 1986, at 7 p.m. Information may be obtained from Linda Jaynes, R.P.A., Chief Appraiser—302 West 8th, Plainview, Texas 79072.

The Houston-Galveston Area Council, Houston-Galveston Board of Directors, will meet at H-GAC, 3555 Timmons, Houston, fourth floor conference room, on March 18, 1986, at 9:30 a.m. information may be obtained from Sallie Sosa, H-GAC, 3555 Timmons, Houston, Texas 77027, (713) 627-3200.

The Lamb County Appraisal District, Appraisal Review Board, will meet at 330 Phelps Avenue, Board Meeting Room, Littlefield, on March 27, 1986, at 4 p.m. Information may be obtained from Murlene J. Bilbrey, Chief Appraiser, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339, (806) 385-6474.

The Limestone County Appraisal District, Board of Directors, will meet at the Appraisal District office, Limestone County Courthouse, Groesbeck, on March 19, 1986, at 5 p.m. Information may be obtained from Clydene Hyden, Chief Appraiser, Appraisal

District office, Limestone County Courthouse, Groesbeck, Texas.

The Lower Colorado River Authority, Planning and Public Policy Committee, will meet at 3700 Lake Austin Boulevard, Austin, on March 18, 1986, at 3:30 p.m. Information may be obtained from Elof Soderberg, General Manager, 3700 Lake Austin Boulevard, P.O. Box 220, Austin, Texas 78703 (512) 473-3200.

The Lower Colorado River Authority, Audit and Budget Committee, will meet at 3700 Lake Austin Boulevard, Austin, on March 19, 1986, at 8 a.m. The Board of Directors will meet at the same location on the same date at 9 a.m. Information may be obtained from Elof Soderberg, General Manager, 3700 Lake Austin Boulevard, P.O. Box 220, Austin, Texas 78703 (512) 473-3200.

The Lower Neches Valley Authority, Board of Directors, will meet at LNVA Office

Building, 7850 Eastex Freeway, Beaumont, on March 18, 1986, at 10:30 a.m. Information may be obtained from Lower Neches Valley Authority, P.O. Drawer 3464, Beaumont, Texas 77704 (409) 892-4011.

The Mason County Appraisal District, will meet at 206 Ft. McKavitt Street, Mason, on March 19, 1986, at 5:15 p.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856.

The Nolan County Central Appraisal District, Board of Directors, will meet at the Holiday Inn Restaurant, Sweetwater, on March 18, 1986, at 7 a.m. Information may be obtained from Patricia Davis, Chief Appraiser, P.O. Box 1256, Sweetwater, Texas 79556.

The Swisher County Appraisal District, Board of Directors, will meet at 130 North Armstrong, Tulia, on March 20, 1986, at 7 p.m. Information may be obtained from

Rose Lee Powell, Box 8, Tulia, Texas 79088 (806) 995-4118.

The West Texas Council of Governments, Board of Directors, will meet at Two Civic Center Plaza, eighth floor conference room, El Paso, on March 21, 1986, at 9:30 a.m. (M.S.T.). Information may be obtained from Cecile C. Gamez, Executive Secretary, West Texas Council of Governments, Two Civic Center Plaza, El Paso, Texas 79999 (915) 541-4681.

The Wood County Appraisal District, Board of Directors, will meet at 217 North Main, conference room, Wood County Appraisal District, Quitman, on March 20, 1986, at 1:30 p.m. Information may be obtained from W. Carson Wages or Teresa Poston, 217 N. Main, Wood County Appraisal District, Quitman, Texas 75783.

TRD-8602430

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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Notice of Contested Case Hearings

Pursuant to the Texas Clean Air Act (the Act), §§3.15-3.17, 3.27, and 3.271 of Texas Civil Statutes, Article 4477-5, §§103.31, 103.41, and 103.81 of the procedural rules of the Texas Air Control Board (TACB), an examiner for the TACB will conduct a hearing on the application by Holigan Concrete, Inc., for a standard exemption, (No. 93) to construct a concrete batch plant to be located along County Road 276, ¼ mile north from its intersection with Bagdad Road in Williamson County.

Said company is directed to appear at the time and place shown following and demonstrate by a preponderance of evidence that the facility will comply with all requirements of TACB Regulation VI, §116.6.

The record of this hearing will be used by the TACB in determining whether or not to approve the issuance of Standard Exemption No. 93 to the company.

Information regarding the application for the exemption and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723, the regional office of this agency located at 900 West State Highway 6, Waco, Texas 76710-3775, and the Leander High School, Lecture Hall A, 2901 South Bagdad, Leander, Texas 78641.

The examiner has set the hearing to begin at 7 p.m., April 14, 1986, at the Leander High School, Lecture Hall A, Leander, Texas 78641. Prospective parties to the hearing will be the TACB staff and the company. Any other persons desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner Paul M. Shinkawa, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previously listed address by 5 p.m., March 21, 1986. Previous correspondence with the TACB is not effective for this purpose. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party may call the Legal Division of the TACB at (512) 451-5711, ext. 350, to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin at (512) 451-5711, ext. 350, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on March 7, 1986.

TRD-8602382 Bill Steward, P.E.
Executive Director
Texas Air Control Board

Filed: March 11, 1986

For further information, please call (512) 451-5711, ext. 354.

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Pursuant to the Texas Clean Air Act (the Act), §§3.15-3.17, 3.27, and 3.271 of Texas Civil Statutes, Article 4477-5, §§103.31, 103.41, and 103.81 of the procedural rules of the Texas Air Control Board (TACB), an examiner for the TACB will conduct a contested case hearing to consider whether a permit should be issued to Wichita Falls Energy Investments, Inc., (hereinafter referred to as the company) for the construction of a natural gas fired cogeneration facility to be located at 4515 Allendale Road, north of the intersection of FM Road 369 and the Fort Worth and Denver Railroad right-of-way near Wichita Falls, Wichita Falls County, Texas.

Said company is directed to appear at the time and place shown following and demonstrate by a preponderance of evidence why the TACB should issue a permit to construct the proposed facility as authorized by the Act, §3.27, and Regulation VI of the rules and regulations of the TACB.

The record of this hearing will be used by the TACB in determining whether to issue a permit to construct the proposed facility pursuant to the Act, §3.27, and Regulation VI of the TACB.

Information regarding this application and copies of the board's rules and regulations are available at the regional office of this agency, located at Commerce Plaza Office Building, 1290 South Willis, Suite 205, Abilene, Texas 79605; the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723, and at the Wichita Falls Public School, Administration Building, 1104 Broad, Wichita Falls, Texas 76307.

The examiner has set the hearing to begin at 6 p.m., May 13, 1986, at the Wichita Falls Public High School, Administration Building, School Board Meeting Room, 1104 Broad, Wichita Falls, Texas. Prospective parties to the hearing will be the TACB staff and the company. Any other persons desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner Bill Ehret, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previously listed address by 5 p.m., March 21, 1986. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the

date set out following. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party may call the Legal Division of the TACB at (512) 451-5711, ext. 350, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to §103.46 of the procedural rules of the TACB, the examiner has scheduled a prehearing conference on March 31, 1986, 9 a.m., at the Wichita Falls Public School, Administration Building, School Board Meeting Room, 1104 Broad, Wichita Falls, Texas. All persons wishing to be admitted as parties must attend this conference. Proposed written disputed issues for consideration at the hearing on the merits and written request for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference, a specific date prior to the hearing on the merits will be established for the filing of written direct testimony and copies of written and documentary evidence pursuant to board rule 103.46(2). Prehearing orders setting out discovery periods and other prehearing requirements may also be issued following this prehearing conference.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin at (512) 451-5711, ext. 350, a day or two prior to the hearing date in order to confirm the setting, since continuances are granted from time to time.

Issued in Austin, Texas, on March 7, 1986.

TRD-8602383 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: March 11, 1986
For further information, please call (512) 451-5711, ext. 354.

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Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On March 10, 1986, the banking commissioner received an application to acquire control of Huffman Bank, Huffman by Roy A. Seaberg, Sr., Dayton; Roy A. Seaberg, Jr., Huffman; and Curtis A. Seaberg, Dayton.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 10, 1986.

TRD-8602397 William F. Aldridge
Director of Corporate
Activities
Banking Department of
Texas

Filed: March 11, 1986
For further information, please call (512) 479-1200.

Comptroller of Public Accounts Edited Decision 17,359

For copies of the following opinion selected and summarized by the Administrative Law Judges, contact the Administrative Law Judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Comptroller's Administrative Decision 17,359 (Sales)—The petitioner contends that certain sales were exempt sales for resale and should be deleted from the audit. Held, tax due. A blanket certificate of exemption shows a tax permit number not issued by the comptroller, and is therefore invalid. Also, a resale certificate with an invalid permit number makes the resale certificate itself invalid. Lastly, copies of sales tax permits do not meet the requirements of a resale certificate and are unacceptable proof of sale for resale. Comptroller's Decision issued on August 28, 1985.

Issued in Austin, Texas, on March 7, 1986

TRD-862357 Bob Bullock
Comptroller of Public Accounts

Filed: March 10, 1986
For further information, please call (512) 463-4606.

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Edited Decision 17,387

For copies of the following opinion selected and summarized by the Administrative Law Judges, contact the Administrative Law Judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Comptroller's Administrative Decision 17,387 (Sales Tax)—The petitioner asserts that a certain exemption certificate should be accepted and the sales deleted from the audit. Held, tax due. The comptroller has the authority to go behind or verify certificates acquired after the start of an audit. In this case, the fact that the purchaser had for years verbally provided petitioner false or misleading information concerning the taxable or exempt nature of its purchases does not excuse petitioner if it failed to acquire the proper certificate at the time of sale.

Issued in Austin, Texas, on February 28, 1986

TRD-8602356 Bob Bullock
Comptroller of Public Accounts

Filed: March 10, 1986
For further information, please call (512) 463-4606.

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 03/10/86-03/16/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 03/01/86-03/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/86-06/30/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 04/01/86-06/30/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 04/01/86-06/30/86	14.58%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 04/01/86-06/30/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 04/01/86-06/30/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/86-06/30/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 04/01/86-04/30/86	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 purpose.

Issued in Austin, Texas, on March 10, 1986.

TRD-8602388 Al Endsley
Consumer Credit
Commissioner

Filed: March 11, 1986
For further information, please call (512) 479-1280.

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Texas Commission for the Deaf Notice of Public Hearing

The Texas Commission for the Deaf will hold a hearing from 1 p.m.-3 p.m., April 19, 1986, at the McLennan Community College, Health and Physical Education Building, Room 103, 1400 College Drive, Waco. The purpose of the public hearing is to give citizens an opportunity to inform the commission what services and programs should be improved or offered in the future. Consideration and input received at the hearing will help the commission to determine priorities for funding under its operating budget for the 1987 fiscal year and legislative appropriations request for the 1988-1989 biennium.

Public and private sector representatives, including deaf and hearing impaired associations, clients, service providers, agencies, and other interested parties are invited to testify.

Comments may be submitted in writing by May 1, 1986, to the Texas Commission for the Deaf, P.O. Box 12904, 510 South Congress Avenue, Suite 300, Austin, Texas 78711. Contact William F. Eckstein, coordinator of administrative procedures/services.

Issued in Austin, Texas, on March 10, 1986.

TRD-8602387 Larry D. Evans
Executive Director
Texas Commission for the Deaf

Filed: March 11, 1986
For further information, please call (512) 460-9801.

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Texas Department of Health Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 11-12089, issued to QSI Services, because the agency determined that the registrant is no longer located at Hooks Memorial Airport, 20803 Stuebner-Airline, Spring, Texas 77373. The registrant has not notified the agency of a change of address and no forwarding address is available.

All 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 March 6, 1986.

TRD-8602374 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 10, 1986
For further information, please call (512) 458-7236.

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Intent to Revoke Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following, pursuant to Texas Regulations for Control of Radiation (TRCR) 13.8. The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such

radioactive materials, and order the licensees to divest themselves of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. The complaints are shown following this notice.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint 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 radioactive material licenses will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8 a.m.-5 p.m., Monday-Friday (except holidays).

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against RT Systems, Inc., 1880 Dairy Ash Ford #207, Houston, Texas, 77077, (the licensee), holder of Radioactive Material License 11-3527.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On May 3, 1985, RT Systems, Inc., was billed \$1,750 for fees due on Radioactive Material License 11-3527 covering the period from April 1984 through December 1985. In correspondence dated November 25, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Woodward-Clyde Consultants, P.O. Box 55869, Houston, Texas 77055, (the licensee), holder of Radioactive Material License 11-827.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee

shall be received each year on or before the last day of the month of issuance of the license. On March 19, 1985, Woodward-Clyde Consultants was billed \$750 for fees due on Radioactive Material License 11-827 covering the period from April 1984 through September 1985. In correspondence dated November 12, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Maurer Tools, Inc., 4713 Randon, Houston, Texas 77801, (the licensee), holder of Radioactive Material License 11-3040.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On May 6, 1985, Maurer Tools, Inc., was billed \$625 for fees due on Radioactive Material License 11-3040 covering the period from April 1984 through June 1985. In correspondence dated November 6, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Commercial Resins Company, Route 20, Box 1314 A, Conroe, Texas 77301, (the licensee), holder of Radioactive Material License 11-3064.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On March 13, 1985, Commercial Resins Company was billed \$227 for fees due on Radioactive Material License 11-3064 covering the period from April 1984 through July 1985. In correspondence dated November 12, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Aqua Chem Laboratories, P.O. Box 70, Deer Park, Texas 77536, (the licensee), holder of Radioactive Material License 11-2104.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On March 27, 1985, Aqua Chem Laboratories was billed \$241 for fees due on Radioactive Material License 11-2104 covering the period from April 1984 through August 1985. In correspondence dated November 12, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the

following complaint against International X-Ray, Inc., 13333 Stuebner Airline, Building F, Suite A and B, Houston, Texas 77014, (the licensee), holder of Radioactive Material License 11-3011.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On January 28, 1985, the licensee was billed \$1,167 for fees due on Radioactive Material License 11-3011 covering the period from April 1984 through May 1985. In correspondence dated September 25, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Acme Inspection Services, 4522 Sunburst, Bellaire, Texas 77401, (the licensee), holder of Radioactive Material License 11-3098.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On April 3, 1985, Acme Inspection Services was billed \$1,583 for fees due on Radioactive Material License 11-3098 covering the period from April 1984 through October 1985. In correspondence dated November 27, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against El Paso Engineering and Testing, Inc., 2525 Porter Avenue, El Paso, Texas 77901, (the licensee), holder of Radioactive Material License 3-1567.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On May 13, 1986, the licensee was billed \$1,917 for fees due on Radioactive Material License 3-1567 covering the period from April 1984 through February 1986. In correspondence dated November 25, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Smith Wireline Services, Inc., P.O. Box 1383, Snyder, Texas 79540, (the licensee), holder of Radioactive Material License 4-3178.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On May 13, 1986, the licensee was billed \$958 for fees due on Radioactive Material License 4-3178 covering the period from April 1984 through February 1986. In correspondence dated December 2, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Murmur Corporation, P.O. Box 224566, Dallas, Texas 75222-4566, (the licensee), holder of Radioactive Material License 5-2655.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On May 13, 1986, the licensee was billed \$326 for fees due on Radioactive Material License 5-2655 covering the period from April 1984 through February 1986. In correspondence dated December 3, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Dwight L. Bates, DPM, 5510 Abrams Road, Suite 108, Dallas, Texas 75214, (the licensee), holder of Radioactive Material License 5-3494.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On March 19, 1985, Dwight L. Bates, DPM, was billed \$255 for fees due on Radioactive Material License 4-3494 covering the period from April 1984 through September 1985. In correspondence dated November 12, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfac-

tory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Medical Plaza Hospital, 1111 Gallagher Road, Sherman, Texas 75090, (the licensee), holder of Radioactive Material License 5-2372.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On March 13, 1985, Medical Plaza Hospital was billed \$440 for fees due on Radioactive Material License 5-2372 covering the period from April 1984 through July 1985. In correspondence dated November 6, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Prairie View A&M College, Department of Physics, Prairie View, Texas 77445, (the licensee), holder of Radioactive Material License 11-1510.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the license. On March 27, 1985, Prairie View A&M College was billed \$241 for fees due on Radioactive Material License 11-1510 covering the period from April 1984 through August 1985. In correspondence dated November 12, 1985, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee,

in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)* and *41.1(a)*, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

Issued in Austin, Texas, on March 5, 1986.

TRD-8602375 Dan LaFleur
Texas Department of Health

Filed: March 10, 1986

For further information, please call (512) 458-7238.

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Texas Judicial Council Announcement of Meeting

The Texas Judicial Council will have a meeting on Friday, March 21, 1986, 10 a.m., Texas Law Center, 1414 Colorado, Austin.

Agenda items include report on staff activities; report on reapportionment of Courts of Appeals districts; report on Task Force on the Court Administration Act; and discussion of laws passed by the 69th Legislature.

For further information, contact C. Raymond Judice, Executive Director, Texas Judicial Council, 1414 Colorado, Austin, Texas 78701.

Issued in Austin, Texas, on March 10, 1986.

TRD-8602388 Jim Hutcheson
General Counsel
Texas Judicial Council

Filed: March 11, 1986

For further information, please call (512) 463-1625.

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Texas Parks and Wildlife Department Gulf States Marine Fisheries Commission Meeting

The Gulf States Marine Fisheries Commission (GSMFC) will hold its 36th Annual Spring Meeting March 17-20, 1986. Texas is the host state and arrangements have been made to convene at the Fort Brown Motor Hotel, 1900 East Elizabeth Street, Brownsville, Texas. Clyde Richbourg of Milton, Florida will be the presiding chairman.

The general session, Current Marine Fisheries Issues Affecting Enforcement, will be held on Thursday, March 20, sponsored by the GSMFC Law Enforcement Committee. There will be no charge to attend, and all registered participants and the general public are invited to attend.

All persons interested in the Gulf States Marine Fisheries Commission are invited to attend. For additional information, please call Ginny Herring, (601) 875-5912.

Issued in Austin, Texas, on March 11, 1986.

TRD-8602399 Charles D. Travis
Executive Director
Texas Parks and Wildlife Department

Filed: March 11, 1986

For further information, please call (512) 479-4805.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 3-7, 1986.

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 March 3-7, 1986

Jet Research Center, Inc., Arlington; wastewater treatment facilities; approximately one mile south-southwest of the Bennett-Lawson Road and Rendon-Bloodworth Road (FM Road 1187) intersection in Tarrant County; 12186-01; renewal

Dubrook, Inc., Spring; ready mix concrete plant; approximately $\frac{3}{4}$ mile west of IH 45 on Spring Stuebner Road in Harris County; 02819; new permit

J. M. Huber Corporation, Calcium Carbonate Division, Marble Falls; a limestone mine and quarry; adjacent to U.S. Highway 281, approximately 1.3 miles south of the City of Marble Falls, Burnet County; 02411; renewal

Jetco Chemicals, Inc., Corsicana; chemical manufacturing plant; south side of State Highway 31, approximately 1.2 miles east of the intersection of State Highway 31 with IH 45 in the City of Corsicana, Navarro County; 01667; renewal

Pat G. Chapman, Sr., Crosby; wastewater treatment plant; approximately three miles north of the intersection of U.S. Highway 90 and FM Road 2100 in Harris County; 13184-01; new permit

U.S. Department of Agriculture—Forest Service, Hemphill; wastewater treatment plant; approximately nine miles east of Hemphill in the Indian Mounds recreational area of the Sabine National Forest in Sabine County; 12269-02; amendment

B & B Sewer Company, Willis; wastewater treatment plant; approximately 300 feet south of Lake Conroe at a point $\frac{1}{3}$ mile west of the intersection of a county road and Longstreet Road an five miles west of the City of Willis in Montgomery County; 11419-01; renewal

City of Brownsville Public Utilities Board, Brownsville; surface water treatment plant; approximately $\frac{1}{2}$ mile north of the intersection of State Highways 4 and 48 in northeast Brownsville, Cameron County; 109397-02; renewal

CNP Utility District; wastewater treatment facility; on the south bank of Cypress Creek approximately 2,700 feet west of IH 45 in Harris County; 11239-01; renewal

City of Rising Star, Rising Star; wastewater treatment facility; approximately 500 feet north of State Highway 36, one mile east of the intersection of State Highway 36 and U.S. Highway 183 in Eastland County; 10702-01; renewal

Carroll Independent School District, Southlake; wastewater treatment facility; south of Dove Creek and east of Carroll Avenue approximately 1,200 feet north of the intersection of Highland Street & Carroll Avenue in Tarrant County; 11131-02; renewal

City of Aubrey, Aubrey; wastewater treatment facilities; southwest of Aubrey, immediately south of Aubrey Branch, about 2,000 feet due west of the intersection on U.S. Highway 377 and FM Road 428 in Denton County; 10064-01; renewal

City of Emory, Emory; water treatment plant; about eight miles west of Emory at Lake Tawakoni, approximately one mile south of FM Road 35 and 2,000 feet west of FM Road 47 in Rains County; 10082-02; renewal

Phillips Pipe Line Company, Subsidiary of Phillips Petroleum Company, Phillips; crude oil storage facilities; south of the Phillips Refinery in the Town of Phillips, Hutchinson County; 02447; renewal

Chevron Chemical Company, Orange; a facility that produces high and low density polyethylene; on the south side of FM Road 1006 at a point approximately 1.7 miles east of the intersection of FM Road 1006 with State Highway 87 in Orange County; 00359; amendment

Coastal Bend Youth City, Inc., Driscoll; wastewater treatment plant; adjacent to U.S. Highway 77 at a point approximately two miles northeast of the City of Driscoll in Nueces County; 11689-01; renewal

Bell County WCID No. 1, Killeen; water treatment plant; three miles west northwest of Lake Belton Dam, north of FM Road 439 and approximately one mile southeast of Westcliff Park in Bell County; 10351-01; renewal

U.S. Department of Agriculture—Forest Service, Broaddus; wastewater treatment plant; approximately 5.5 miles southwest of the intersection of FM Road 2390 and FM Road 83, and approximately 6.5 miles south of the community of Broaddus in San Augustine, County

United States Department of the Air Force, San Antonio; industrial wastewater treatment facility; Kelly Air Force Base in the City of San Antonio, Bexar County; 02356; amendment

Pennzoil Moroco Company Doing Business As Penreco Morco, Dickinson; plant manufacturing mineral oil and sulfonated hydrocarbons; approximately 700 feet southeast of the intersection of FM Road 517 and Nichols Street in the City of Dickinson, Galveston County; 00377; renewal

The City of Houston, Houston; wastewater treatment plants; Permit 10495-01 is on the north bank of Buf-

falo Bayou at 100 Japhet Street in the City of Houston,
Harris County; Permit 10495-90 is north bank of Buf-
falo Bayou at 6000 Armour Drive in the City of Hous-
ton, Harris County; 10495-01 and 10495-90; renewal

Issued in Austin, Texas, on March 7, 1986.

TRD-8602380 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: March 10, 1986
For further information, please call (512) 463-7898.

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