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Volume 6, Number 94, December 18, 1981  
Pages 4699 - 4740

# TEXAS REGISTER

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Office of the Secretary of State

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DEC 18 1981

TEXAS DOCUMENTS

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 19, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)  
TAC is the *Texas Administrative Code*  
§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 6, July 81

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**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 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

*Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

# TEXAS REGISTER

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**David A. Dean**  
Secretary of State

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## Appointments

December 3, 1981

### Battleship Texas Commission

*Pursuant to Senate Bill 514, 67th Legislature, Regular Session, for a term to expire February 1, 1983:*

Raye White  
2015 Bethlehem  
Houston, Texas 77018

*Pursuant to Senate Bill 514, 67th Legislature, Regular Session, for a term to expire February 1, 1985:*

Floyd Keith  
P.O. Box 289  
Trinity, Texas 75862

### State Board of Canvassers

*For a two-year term to expire August 23, 1983:*

Jonathan Frank Dechard, M.D.  
801 West 34th Street  
Austin, Texas 78705

Dr. Dechard is replacing Robert Rowland of Austin, Travis County, whose term expired.

### Special Committee on Diabetes Services in Texas

*Pursuant to Senate Concurrent Resolution 35, 67th Legislature, Regular Session, to be a representative of the Juvenile Diabetes Foundation:*

Jacqueline Colvill  
11922 Arbordale  
Houston, Texas 77024

### Family Practice Residency Advisory Committee

*For a term to expire August 29, 1983:*

R. W. Baird, M.D.  
Route 4, Box 150  
Marble Falls, Texas 78654

Dr. Baird will be filling the unexpired term of Dan Martinez of San Antonio, Bexar County, who resigned.

### Texas Health Facilities Commission

*To serve as chairman for a term to expire August 31, 1983:*

Betty Himmelblau  
P.O. Box 1088  
Austin, Texas 78767

*To serve as vice chairman for a term to expire August 31, 1983:*

Sloan L. Kirk  
P.O. Box 187  
San Saba, Texas 76877

### Lamar University

*To serve on the Board of Regents for six-year terms to expire October 4, 1987:*

Merlin Breaux  
Box 51  
Sour Lake, Texas 77659

George Dishman, Jr.  
1085 IH 10 North  
Beaumont, Texas 77706

Hubert Oxford III  
2477 Long  
Beaumont, Texas 77704

Mr. Breaux and Mr. Dishman are replacing Ocie R. Jackson of Anahuac, Chambers County, and Tolbert T. Crowder of Port Arthur, Jefferson County, whose terms expired. Mr. Oxford is being reappointed.

### Occupational Safety Board

*For a two-year term to expire July 17, 1983:*

Howard L. Kusnetz  
5718 Braesheather  
Houston, Texas 77096

Mr. Kusnetz is replacing George Smith of Houston, Harris County, whose term expired.

### Texas Board of Physical Therapy Examiners

*For a six-year term to expire January 31, 1987:*

Barbara Barton  
13300 Onion Creek Drive  
Manchaca, Texas 78652

Ms. Barton is replacing Dr. Nathan Pepper of Galveston, Galveston County, whose term expired.

### Texas Real Estate Commission

*For a six-year term to expire January 31, 1987:*

Gene Stimmel  
1721 Louella Court  
Hurst, Texas 76053

Mr. Stimmel is replacing Franklin A. Jeffers of Amarillo, Potter County, whose term expired.

## Texas Sesquicentennial Museum Board

*Pursuant to House Bill 1986, 67th Legislature, Regular Session, for a term to expire January 31, 1987:*

Joe Hiram Moore  
414 Sunfish  
Austin, Texas 78734

Issued in Austin, Texas, on December 3, 1981.

Doc. No. 818990 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

## December 4, 1981

### West Texas State University

*To serve on the Board of Regents for six-year terms to expire August 31, 1987:*

Tom Christian  
Figure 3 Ranch  
Claude, Texas 79019

T. Boone Pickens, Jr.  
P.O. Box 2009  
Amarillo, Texas 79189

Jerome Robert Walsh, Jr.  
P.O. Box 248  
Borger, Texas 79007

Mr. Christian, Mr. Pickens, and Mr. Walsh are replacing John M. Shelton III, of Amarillo, Potter County; Mrs. B. M. Sims of Wellington, Collingsworth County; and James R. Lovell of Dumas, Moore County, respectively, whose terms expired.

Issued in Austin, Texas, on December 4, 1981.

Doc. No. 818991 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

## Executive Order WPC-31A

Executive Order WPC-31 is amended as follows and shall be known as WPC-31 as Amended December 7, 1981.

*Creating and Establishing the Governor's Task Force on Work-Related Accidents*

WHEREAS, the State of Texas has established a policy to protect the health and welfare of its citizens and to eliminate the disability of its working men and women by promoting the adoption, application, and implementation of safety measures in industry; and

WHEREAS, in the past several years, the State of Texas has experienced many work-related injuries and fatalities; and

WHEREAS, all Texans are deeply concerned over the human suffering of those afflicted by work-related injuries and fatalities.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby create and establish the Governor's Task Force on Work-Related Accidents, hereinafter referred to as task force.

The task force shall consist of not more than 20 members appointed by the governor, including two members of the Texas Senate and two members of the Texas House of Representatives who shall serve for two-year terms and at the pleasure of the governor. The governor shall designate a chairman and vice chairman from the membership who shall serve in those positions at the pleasure of the governor.

The task force is charged with the following responsibilities:

(a) coordinate and work closely with the Occupational Safety Board;

(b) provide specific recommendations to the governor, legislature, and others that will educate the general public concerning the need for and benefits of work safety programs;

(c) develop specific goals and objectives that government and industry could use in their efforts to reduce instances of death and disability in the work place;

(d) recommend legislation and executive action to foster the development and maintenance of effective safety measures in industry and enterprise;

(e) encourage private sector participation in work safety programs; and

(f) perform other duties as may be requested by the governor.

On or before January 1, 1983, the task force shall make a complete written report of its activities and recommendations to the governor, lieutenant governor, the speaker of the Texas House of Representatives, and the Occupational Safety Board.

The task force shall meet at least semiannually and at the call of the chairman. A majority of the membership shall constitute a quorum. The chairman shall, with the consultation of the governor, establish the agenda for task force meetings.

The Texas Department of Health shall serve as coordinating staff to the task force.

The members of the task force shall serve without compensation and shall be responsible for their expenses.

All agencies of state and local governments are hereby directed to cooperate with and assist the task force in the performance of its duties.

This amendment of WPC-31 shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas, on December 7, 1981

Doc. No. 818989 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

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## CODIFIED

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### TITLE 13. CULTURAL RESOURCES

#### Part III. Texas Commission on the Arts

#### Chapter 35. Texas Arts Plan

The Texas Commission on the Arts adopted, on an emergency basis, an amendment to §35.1 (353.03.00.001), which adopts by reference the Texas Arts Plan, as amended November 1981. The amendment revised the deadlines for applying for financial assistance in the Major Institutions Program and the Networks Program by allowing media and literature organizations to apply for such assistance at the February 1, 1982, deadline. This amendment was adopted on an emergency basis due to the omission in the Texas Arts Plan of the authority of media and literature organizations to apply for assistance at the February 1, 1982, deadline. The commission finds that this condition creates imminent peril to the public welfare for the reason that essential funding and continuity in current programs will not be provided unless this emergency rule was adopted.

The amendment to §35.1 (353.03.00.001) was adopted under the authority of Texas Civil Statutes, Article 6144g.

§35.1 (353.03.00.001). *Texas Arts Plan*. The commission adopts by reference the Texas Arts Plan as amended *November* [August] 1981. This document is published and available from the Texas Commission on the Arts, P.O. Box 13406, Capitol Station, Austin, Texas 78711.

Issued in Austin, Texas, on December 9, 1981.

Doc. No. 819022      Allan Longacre  
Executive Director  
Texas Commission on the Arts

Effective Date: December 11, 1981  
Expiration Date: April 10, 1982  
For further information, please call (512) 475-6593.

### TITLE 25. HEALTH SERVICES

#### Part I. Texas Department of Health

#### Chapter 89. Preventive Health and Health Services

#### Rape Prevention and Crisis Services

The Texas Department of Health adopts on an emergency basis new §§89.1-89.9, rules on rape prevention and crisis services. The emergency adoption will enable the department to award funds to grantees who will provide immediate services to rape victims and initiate or maintain programs for rape prevention, thereby alleviating or reducing an imminent peril to public health, safety, and welfare.

These sections are adopted under authority of Texas Civil Statutes, Articles 4418a and 6252-13a.

#### §89.1. *Introduction and Scope.*

(a) Statement of need. The department recognizes the statewide need for coordinated development of rape crisis centers to standardize availability of service, reporting and data collection, public information and education, and prevention.

(b) Goals. The goal of this department in the funding of rape crisis centers is to provide services to rape victims and for rape prevention in the state through maintenance and upgrading of existing local services and by providing money for the development of such services.

(c) Objectives. The objectives of these rules are:

- (1) to establish an environment for the development of coordinated victim services;
- (2) to encourage local financial commitment for the maintenance of centers;
- (3) to promote prevention of rape;
- (4) to increase public awareness of the problems of rape.

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

Department—Texas Department of Health.

RFA—Request for application.

§89.3. *Potential Applicants.* Rape crisis centers which are either public or private nonprofit entities and provide direct service are potential applicants.

**§89.4. Procedure To Apply for Funds (General Information for the Applicant).**

(a) **Issuing office.** The RFA is issued by the Texas Department of Health, Emergency Medical Services Division, and applicants should submit applications to the commissioner of health, Attention: program administrator, Emergency Medical Services Division, (512) 458-7259, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(b) **Purpose.** The RFA provides the applicants with essential information to enable them to prepare and submit proposals to assist in providing sexual assault services.

(c) **Summary work statement.** The applicant will be responsible for planning and implementing a program relating to sexual assault which will be designed to provide one or more of the following services:

- (1) direct crisis intervention to victims of sexual attack;
- (2) support services to victims of sexual attack by trained volunteers during the hospital examination, police investigation, and court proceedings;
- (3) referral of victims of sexual attack to public and private agencies offering the services desired by the victims;
- (4) the establishment of volunteer counseling groups for the victims of sexual attack;
- (5) the development of training programs and the standardization of procedures for law enforcement, hospital, legal, and social service personnel to enable them to respond appropriately to the needs of the victim;
- (6) the coordination of services which are being provided by existing agencies;
- (7) education of the public about the nature and scope of sexual assault and the services which are available;
- (8) development of services to meet the needs of special populations; for example, the child, racial minorities, the mentally or physically disabled, and the elderly.

(d) **Project funding.**

(1) This program will be financed with funds made available through the Preventive Health and Health Services Block Grant as designated for rape crisis. A total of \$184,540 will be available for rape crisis services for fiscal year 1982 beginning January 1, 1982. The majority of these funds will be utilized to fund centers eligible for continuation of rape crisis funds based on population and need, and for those developing rape crisis centers based on population and need.

(2) Successful applicants will be expected to abide by the policies and procedures of the Texas Department of Health including evaluation requirements in §89.6 of this title (relating to Evaluation Requirements of the Program); Texas Department of Health audit and requirements of an affirmative action program as required by the Preventive Health and Health Services Block Grant (Title VI of Civil Rights Act of 1964 (42 United States Code 2000d et seq) and its implementing regulation, 45 Code of Federal Regulations Part 80 (prohibiting discrimination in federally assisted programs on the grounds of race, color, or national origin.); §504 of the Rehabilitation Act of 1973 (29 United States Code 794) and its implementing regulation, 45 Code of Federal Regulations Part 84 (prohibiting discrimination in federally assisted programs on the basis of handicap).

(e) **Eligibility.** Rape crisis centers are eligible for funds based on population and need and developing rape crisis centers based on population and need.

(f) **Response date.** Completed application must arrive at the department's Emergency Medical Services Division on or before 5 p.m., January 12, 1982. Those mailing applications should allow

ample mail delivery time to insure timely receipt of their applications.

(g) **Incurring costs.** The department is not liable for costs incurred by applicants prior to issuance of a contract.

(h) **Application assistance.** All interested applicants may call the issuing office for more details at (512) 458-7259.

(i) **Application submission.** To be considered, applicants must submit a brief but complete response to this RFA, using the format provided. Each application should be submitted in two copies to the issuing office. All applications received in response to this RFA will be retained.

(j) **Economy of preparation.** Proposals should be prepared simply and economically providing a straightforward, concise description of the contractor's ability to meet the requirements of the RFA. Emphasis should be placed on completeness and clarity of content.

(k) **Rejection of proposals.** This RFA is made for information and planning purposes only. The department does not intend to award a contract solely on the basis of any response made to this request or pay for information solicited or obtained.

(l) **Acceptance of proposal content.** Applications will be subject to a review process. The contents of the proposal made by the successful bidder may become contractual obligations, if a contract ensues.

(m) **Contract term.** The term of the contract shall be for approximately nine months (from date of execution of contract through September 30, 1982) but will be determined during any negotiations resulting from this RFA.

(n) **Special conditions.** The department will include in the grant agreement special conditions relating to hiring of staff, other sources of funds, and any other aspect of the applicant's proposal deemed necessary to successfully implement the project as required by the Preventive Health and Health Services Block Grant.

**§89.5. Criteria for Applications (Information Required for Applications).** Applicant proposals must be brief and submitted to the issuing office typed in the format outlined below.

(1) **Business organization.**

(A) State the full name and address of your organization.

(B) Indicate whether you operate as a public or private nonprofit entity.

(C) Identify the contact person submitting the application and give phone number.

(2) **Background.**

(A) Give historical description of program.

(B) Give population and geographic area served.

(C) Indicate the medical and criminal justice support availability.

(D) Describe the need for the services your proposal would provide.

(E) Explain who has participated in the development of this proposal and the ways in which support and cooperation has been solicited from potentially interested and/or relevant community agencies or groups on the development of this proposal—criminal justice, medical, women's groups, county attorney's offices, social service departments, minorities, etc.

(F) Include a brief statement concerning the recent experience of persons (can be volunteer or staff) from your organization who will actively be engaged in the proposed effort and emphasize recent experience directly applicable to sexual assault.

(3) **Type of program.**

(A) Is the program public or private nonprofit?

(B) If private nonprofit, give proof of incorporation with the secretary of state's office.

(C) Describe the structure of your board of directors and include names and occupations (or your plan for board).

(D) Include bylaws and personnel policies.

(4) Program description and services offered (Refer to subsection (c) of §89.4 of this title (relating to Procedure To Apply for Funds (General Information for the Applicant))).

(A) Describe in full what services your program has offered and what service needs to be provided which is not available or complete without this funding.

(B) Indicate the number of years of operation and give amounts and sources of funding for each year of operation.

(5) Objectives.

(A) State the major objectives you propose to accomplish this year.

(B) Indicate which objectives are to be accomplished with this funding.

(C) Give the indicators you will use for measuring your objectives.

(6) Work program.

(A) Provide a work plan for implementing the proposed project.

(B) The work program should identify the task necessary to achieve each of the objectives, provide a timetable for completion of each task, and identify the staff positions or volunteers to be assigned to each task.

(7) Budget.

(A) Proposed budget. Give fiscal year dates under which your agency or program operates. Please submit a detailed budget (rape program only) for each of the following categories:

Budget/Category Allowable Cost	Total Budget FY 82 (not including funds requested in this application)	Source	Total Proposed Budget FY 82 (including funds requested in this application)
Personnel			
Fringe Benefits			
Travel			
Rent			
Supplies			
Telephone and Utilities			
Postage, Copy Costs			
List other costs which are included in the total Budget and give source of funds			

(B) Budget narrative.

(i) List the items and amounts from above budget categories to be funded by this application.

(ii) Explain in detail each budget item requested and its relationship to the programmatic needs.

(iii) The information requested in this section is required to support the reasonableness of your quotation and is for internal use only. This information will be held in confidence and will not be revealed to or discussed with any other applicant.

**§89.6. Evaluation Requirements of the Program.**

(a) The funded applicant will be required to furnish to the department an annual fiscal report and annual program report.

(b) The annual program report will include:

(1) the number of reports received;

(2) the number of persons counseled and number of counseling hours;

(3) the number of persons referred for other definitive health care;

(4) the number of cases entered into criminal justice system and/or prosecuted; and

(5) the annual percent increase in number of cases entered into criminal justice system and/or prosecuted.

**§89.7. Application Review Criteria.** The department will review the application using the following review criteria.

(1) Applicants business organization:

(A) name;

(B) address;

(C) contact person;

(D) telephone number; and

(E) public or private nonprofit entity.

(2) Applicants background:

(A) population and geographic area identified;

(B) medical and criminal justice support;

(C) resumes of paid persons actively involved in the organization;

(D) community cooperation;

(E) bylaws;

(F) personnel; and

(G) board of directors.

(3) Program description and services offered by applicant:

(A) Services offered and services needed:

(i) Hotline capability. Is there hotline capability 24 hours a day, seven days a week, for counseling of sexual assault emergencies, emotional emergencies related to sexual assault, and for information concerning the crimes of rape and other sexual assault or sexual abuses?

(ii) Counseling. Is there in-person counseling and/or advocacy and accompaniment 24 hours a day, seven days a week, to assist sexual assault victims with the initial trauma or with later effects of the crime? Is there accompaniment, including transportation where needed, to all phases of process the victim must confront to obtain closure? Also, is there counseling for family members and/or identified significant others of the victim?

(iii) Liaison. Is there a liaison with other community agencies the victims may need to approach during recovery process? Are direct referrals made to professional therapist for treatment of psychological trauma on a long-term basis, where needed?

(iv) Public education.

(I) Is there a public education service available to educate any adult, youth, or children group on the aspects of sexual assault including the availability of the rape crisis center service, the rights of the victim, and rape prevention?

(II) Is the applicant able to conduct classes or seminars for groups desiring more indepth knowledge?

(III) Does the applicant have available public service announcements concerning the scope of service and rape prevention information.

(v) Outside professionals. Is the applicant able to train outside agency professionals who are providing direct services to victims of sexual assault including doctors, police, nurses, therapists, emergency medical services, school personnel, and others?

(B) Applicant must give number of years in operation and sources of funds.

(i) The applicant should indicate if source was community support (city/county supplement, United Way, donations, and fund raisers).



(ii) The applicant should indicate funding support from Law Enforcement Administration Act, foundations, corporations, and others.

(4) Objectives. The applicant should have objectives clearly stated and indicators given for measuring accomplishment. (Example—Do objectives support program description, services offered, and services proposed?)

(5) Work program. The applicant should have:

- (A) tasks identified for achieving objectives;
- (B) timetable for tasks; and
- (C) staff or volunteers to be assigned to tasks identified.

(6) Budget. The applicant must give its total current budget and its total proposed budget. Each of the requested categories in the budget should correspond to identified program needs.

§89.8. *Future Participation.* Continuation in this program by an applicant will be based on results of fiscal and programmatic audits and annual reports. In addition, this decision presupposes continued federal appropriations.

§89.9. *Administrative Review.* Any applicant who is denied funds under this program may file a written request for an administrative review and redetermination of the denial. The request shall be mailed to the Bureau of Emergency Management. Upon receipt of this request, the staff shall conduct an administrative review and this decision will be final. A written notice of the decision, either upholding or overruling the denial, will be mailed to the applicant.

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819052     Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective Date: December 14, 1981  
Expiration Date: April 6, 1982  
For further information, please call (512) 458-7259.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 57. Fisheries Fish Farmers

The Texas Parks and Wildlife Department is renewing the effectiveness of the emergency adoption of new §§57.361-57.365, effective December 31, 1981. The text of the new sections was originally published in the August 25, 1981, issue of the *Texas Register* (6 TexReg 3127).

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819056     Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Effective Date: December 31, 1981  
Expiration Date: February 28, 1982  
For further information, please call (512) 479-4806.

#### Imported Redfish and Speckled Sea Trout

The Texas Parks and Wildlife Department is renewing the effectiveness of the emergency adoption of new §§57.371-57.375 effective December 31, 1981. The text of the new sections was originally published in the August 21, 1981, issue of the *Texas Register* (6 TexReg 3055).

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819057     Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Effective Date: December 31, 1981  
Expiration Date: February 28, 1982  
For further information, please call (512) 479-4806.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

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## CODIFIED

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### TITLE 13. CULTURAL RESOURCES

#### Part III. Texas Commission on the Arts

#### Chapter 35. Texas Arts Plan

(Editor's note: The Texas Commission on the Arts proposes for permanent adoption the amendment to §35.1, which the commission adopts on an emergency basis in this issue. The text of the section appears in the Emergency Rules section of this issue.)

The Texas Commission on the Arts proposes to amend §35.1 (353.03.00.001). This section adopts by reference the Texas Arts Plan, which outlines the activities of the commission. The amendment would revise a requirement that all commission grantees provide acknowledgement of commission and National Endowment

for the Arts (NEA) funding in all published materials and announcements. This provision, as amended, requests rather than requires grantees to make the acknowledgement. This change will make the commission acknowledgement policy consistent with that of the NEA.

Allan Longacre, executive director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be that commission policies will be more consistent with federal guidelines concerning acknowledgement of funding.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Margaret L. Dahl, Texas Commission on the Arts, P.O. Box 13406, Austin, Texas 78711.

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

Jack Nolan  
December 12, 1981

The amendment is proposed under Texas Civil Statutes, Article 6144g, §4, which provides the Texas Commission on the Arts with the authority to make rules and regulations for its government and that of its officers and committees.

Issued in Austin, Texas, on December 9, 1981.

Doc. No. 819023      Allan Longacre  
Executive Director  
Texas Commission on the Arts

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 475-6593.

### TITLE 22. EXAMINING BOARDS

#### Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

#### Chapter 141. Definitions and Procedures

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids proposes new §141.35, concerning Texas Civil Statutes, Article 4566, §9(e). The new section will implement a legislative mandate created in Senate Bill 604, 67th Legislature, 1981. The mandate concerns establishing educational guidelines, both formal and practical, for the training of temporary permit holders. Guidelines include directions to the training supervisor about subject matter to be taught, length of the training period, extent of trainee contact with the public, and responsibility of the training supervisor for direct supervision of all aspects of the training period.

R. B. Hall, executive director, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) The effect on state government will be an estimated additional cost of \$1,000 in 1982, \$500 in 1983, and \$200 for each year in 1984, 1985, and 1986. No reduction in cost or loss or increase in revenue are anticipated.

(B) There will be no effect on local government.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be more qualified service from those licensed, due to the increased training requirements set forth by the board through these guidelines.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed. The board feels that the cost of the rule to individuals will be in the time and study required for licensure.

Comments on the proposal may be submitted to R. B. Hall, executive director, Penthouse Apartments, Suite 105, 1212 Guadalupe, Austin, Texas 78701, (512) 475-3429.

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

R. B. Hall  
December 10, 1981

The new section is proposed under Senate Bill 604, §9(e) which provides the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to establish educational guidelines, both formal and practical, for the training of temporary permit holders.

§141.35. *Training Guidelines for Temporary Training Permittees.*

(a) Supervision of temporary licensees. Supervisors of temporary licensees must be competent professional workers who hold a current, valid license from the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids. The supervision of the temporary licensee(s) must entail the personal and direct involvement of the supervisor in any and all ways that will permit the supervisor to attest to the adequacy of the supervisee's performance in the training experience. Knowledge of the temporary licensee's work may be obtained in a variety of ways "to coordinate, direct, and inspect continuously, and at first hand, the accomplishment of" the training experience, such as conferences, audio and video tape recordings, written reports, staffings, discussions with other persons who have participated in the training of the temporary licensee, and must include direct observation of the temporary licensee performing pure tone air and bone conduction and speech audiometric evaluations, interpretation of audiograms, trouble-shooting hearing aids and sound-field testing of subjects, as well as taking case history information and performing such other activities considered important to the preparation for licensure.

(b) Training requirements.

(1) The trainee will be required to have a minimum of 150 clock hours of supervised practicum which must include:

(A) 25 hours—puretone air-conduction, bone-conduction, and speech audiometry;

(B) 25 hours—hearing aid evaluations including sound-field measurements with taped and live voice;

(C) 20 hours—hearing aid fittings with actual clients;

(D) 20 hours—earmold orientation - types, uses, and terminology;

(E) 15 hours—earmold impressions and otoscopic examinations of the ear;

(F) 15 hours—trouble shooting of defective hearing aids;

(G) 10 hours—case history with actual clients;

(H) 10 hours—Texas Civil Statutes, Article 4566 - the laws governing the licensing of persons fitting and dispensing hearing aids and FDA and FTC regulations;

(I) 10 hours—supplemental work in any of the above areas.

(2) The training experience is construed to mean direct fitting and dispensing activities with actual clients.

(c) Length of training period. The length of the training period shall be a minimum of 100 days from the date of the issuance of the temporary permit.

(d) Verification. Verification of satisfactory completion of the above requirements by the sponsor and trainee will be necessary for any individual to take the examination.

(e) Responsibility of sponsor:

(1) shall be responsible for the day-to-day supervision of the trainee;

(2) shall provide the trainee with materials and equipment necessary for appropriate audiometric and hearing aid evaluation and fitting procedures;

(3) shall supplement the trainees' background information through reading lists and other references;

(4) shall be responsible for conducting in-service training for trainees;

(5) shall act as consultant to the trainee; i.e.,

(A) shall provide time for conferences for the trainee, and

(B) shall be able to provide a variety of resource materials, approaches, and techniques which are based on sound theory, successful practice, and/or documented research;

(6) shall establish goals with the trainee which are realistic, easily understandable, and directed toward the successful completion of trainee requirements; and

(A) observe the trainee during the practicum,

(B) confer with the trainee following trainee contact with client, and

(C) provide opportunity for the trainees to give feedback on their practicum experiences both during and after the practicum experience, either in writing or through conferences;

(7) shall establish that the responsibility for the trainees practicum is solely that of the sponsor and that the daily supervision of the trainee is also the responsibility of the sponsor;

(8) shall assist and encourage the trainee to utilize supportive professional sources;

(9) shall be aware of and adhere to state and federal laws relating to hearing aid fitting and dispensing;

(10) shall be aware of and assist the trainee in fulfilling licensing requirements of the State of Texas;

(11) shall notify the board within 10 days following termination of trainee sponsorship; and

(12) shall be responsible to the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids for disseminating all material and information to the trainee and for returning to the board all forms relating to the training period for licensure.

(f) Forms to be used.

(1) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids hereby adopts by reference the following forms:

(A) signature page;

(B) Puretone Air-Conduction, Bone-Conduction, and Speech Audiometry;

(C) Hearing Aid Evaluations including Sound-field Measurements with Taped and Live Voice;

(D) Hearing Aid Fittings with Actual Clients;

(E) Earmold Orientation—Types, Uses and Terminology;

(F) Earmold Impressions and Otosopic Examination of the Ear and Trouble Shooting of Defective Hearing Aids;

(G) Case History with Actual Clients, Texas Civil Statutes, Article 4566—The Laws Governing the Licensing of Persons Fitting and Dispensing Hearing Aids and FDA and FTS Regulations, and Supplemental Work in any of the Above Areas.

(2) Copies of these forms may be obtained by contacting: R. B. Hall, executive director, Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids, Penthouse Apartments, Suite 105, 1212 Guadalupe, Austin, Texas 78701.

Issued in Austin, Texas, on December 10, 1981.

Doc. No. 818995 R. B. Hall  
Executive Director  
Texas Board of Examiners in the Fitting  
and Dispensing of Hearing Aids

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 475-3429.

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids proposes new §141.36 concerning Texas Civil Statutes, Article 4566, §6(b), to clarify information showing that the applicant has met the requirements for examination application.

R. B. Hall, executive director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be assurance that those who will be serving the consuming public will have proven their ability educationally and, from a practical standpoint, to test, fit, and dispense hearing aids.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to R. B. Hall, executive director, Penthouse Apartments, 1212 Guadalupe, Suite 105, Austin, Texas 78701, (512) 475-3429.

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

R. B. Hall  
December 10, 1981

The new section is proposed under Texas Civil Statutes, Article 4566, §6(b) and §9(e), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to request such other information as the board may deem necessary for the enforcement of the Act.

#### §141.36. *Requirements for Licensure.*

(a) Licenses to individuals.

(1) The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids issues licenses to individuals:

(A) who present satisfactory evidence of their ability to provide independent hearing aid evaluation, fitting and dispens-

ing services to persons who present disorders of hearing requiring amplification assistance, and

(B) who pass the examination administered by the board.

(2) An individual who meets these requirements may be issued a license in the State of Texas to fit and dispense hearing aids.

(b) Minimum requirements.

(1) The individual seeking licensure to fit and dispense hearing aids in the State of Texas must furnish the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids affirmation of completion of the following minimum practicum experience requirements.

(A) 150 clock hours of supervised practicum experience which must include:

(B) 25 hours of pure tone air-conduction, bone-conduction, and speech audiometry measurement of hearing;

(C) 25 hours of hearing aid evaluations, including sound field measurements with taped and live voice stimuli;

(D) 20 hours of hearing aid fittings with actual clients;

(E) 20 hours of earmold orientation, which includes knowledge of terminology and uses of varied types of earmolds and the fitting of earmolds with actual clients;

(F) 15 hours of earmold impressions and otoscopic examination of the ear(s) of clients;

(G) 15 hours of trouble-shooting of defective hearing aids;

(H) 10 hours of case history information with actual clients;

(I) 10 hours of study of Texas Civil Statutes, Article 4566, the laws governing the licensing of persons fitting and dispensing hearing aids, and FDA and FTC regulations regarding same; and

(J) 10 hours of supplemental work in any of the above indicated requirements.

(2) The supervised practicum is construed to mean direct fitting and dispensing activities with actual clients, where applicable.

(c) Verification. Verification of satisfactory completion of the foregoing requirements will be necessary for any individual to take the examination for licensure.

Issued in Austin, Texas, on December 10, 1981.

Doc. No. 818996 R. B. Hall  
Executive Director  
Texas Board of Examiners in the Fitting  
and Dispensing of Hearing Aids

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 475-3429.

## Chapter 143. Consumer Information and Complaints

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids proposes new §143.1, concerning Texas Civil Statutes, Article 4566, §12B(c), which implements a legislative mandate created in Senate Bill 604, 67th Legislature, 1981. The mandate concerns the board establishing guidelines for a 30-day trial period on every hearing aid purchased from a licensed hearing aid fitter and dispenser. Guidelines concern refundable, nonrefundable, and usage charges.

R. B. Hall, executive director, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) The effect on state government will be an estimated addi-

tional cost of \$300 in 1982; \$200 in 1983; and \$100 each year in 1984, 1985, and 1986. No reduction in cost or loss or increase in revenue are anticipated.

(B) There will be no effect on local government.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be allowing public consumers ample time to make certain aids fit satisfactorily and allowing enough time for the dispenser to properly adjust the aid.

(B) The economic cost to the licensed dispenser will depend on how many aids are returned for refund during the 30-day trial period. A cost figure will depend on the individual dispenser sales volume in a given year.

Comments on the proposal may be submitted to R. B. Hall, executive director, Penthouse Apartments, Suite 105, 1212 Guadalupe, Austin, Texas 78701, (512) 475-3429.

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

R. B. Hall  
December 10, 1981

The new section is proposed under Senate Bill 604, §12B, which provides the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to establish guidelines for a 30-day trial period on every hearing aid purchased from a licensed hearing aid fitter and dispenser.

*§143.1. Proposed Guidelines for a 30-Day Trial Period.*

(a) Any purchaser of a hearing aid or aids is entitled to a refund of the full purchase price advanced by purchaser for such aid or aids (less a nominal usage charge as hereinafter described) upon the return by purchaser to licensee in good working order, normal wear and tear excepted within the 30-day period ending 30 days from the date of delivery of such aid or aids.

(b) Prior to delivery to purchaser by licensee of any aid or aids, the per day usage charge to which licensee may be entitled upon the return of such aid or aids within the 30-day period shall be fixed by written agreement. In the absence of such agreement, licensee shall be entitled to no more than \$2.00 per day per aid for each day the aid or aids may be held by purchaser.

(c) Purchaser shall be entitled to receive a copy of any written agreement as described in subsection (b) of this section, which agreement shall include the name, address, and phone number of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

(d) No refund shall be due purchaser for charges attributable to earmolds, batteries, hearing tests, or hearing evaluations and other related procedures as special modifications such as needed for Cros or Bi-Cros hearing aids, or any other type of fittings and testing.

Issued in Austin, Texas, on December 10, 1981.

Doc. No. 818997 R. B. Hall  
Executive Director  
Texas Board of Examiners in the Fitting  
and Dispensing of Hearing Aids

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 475-3429.

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 89. Preventive Health and Health Services

#### Rape Prevention and Crisis Services

(Editor's note: The Texas Department of Health proposes for permanent adoption the following rules which the department adopts on an emergency basis in this issue. The text of the rules appears in the Emergency Rules section.)

The Texas Department of Health proposes new §§89.1-89.9, concerning rape prevention and crisis services. The purpose of the new rules is to establish an environment for the development of coordinated victim services, encourage local financial commitment for the maintenance of centers, promote prevention of rape, and increase public awareness of the problems of rape.

Stephen Seale, chief accountant III, Program Budgetary Services Division, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) The effect on state government will be an estimated additional cost of \$185,540 for each year in 1982, 1983, 1984, 1985, and 1986. The estimated increase in revenue will be \$185,540 each year in 1982, 1983, 1984, 1985, and 1986. No reduction in cost is expected.

(B) There will be no effect on local government.

Mr. Seale has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be providing services to rape victims and for rape prevention in the state through maintenance and upgrading of existing local services and providing money for the development of such services.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be \$88.70 for preparation of an application each year for 1982, 1983, 1984, 1985, and 1986.

Comments on the proposal may be submitted to Charles H. Gregory, M.D., Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7259. Comments will be received for 30 days following publication.

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

Robert A. MacLean, M.D.  
December 11, 1981

The new sections are proposed under Texas Civil Statutes, Article 4418a, §3, which provides the Texas Board of Health with the authority to adopt rules governing its programs.

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819053 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption: February 7, 1982  
For further information, please call (512) 458-7259.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 57. Fisheries Fish Farmers

The Texas Parks and Wildlife Commission proposes to adopt §§57.361-57.367, concerning the raising, identification, sale, transportation, and possession of redfish (*Sciaenops ocellata*) and speckled sea trout (*Cynoscion nebulosus*) by a fish farmer licensee. These sections are proposed for adoption to comply with the provisions of House Bill 1000, passed by the 67th Legislature. Briefly stated, these sections provide or require the following:

- (A) inspection of the fish farmer's facility;
- (B) an invoice for each shipment and stipulations of the content of that invoice; and
- (C) a content's identifier on each package or container of fish containing certain information.

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

The director of finance has also determined that for each year of the first five years the rules as proposed are in effect:

(A) The public benefits anticipated as a result of enforcing the rules as proposed will be an availability of high quality redfish and speckled sea trout for public consumption.

(B) There will be no economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Gary Matlock, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4862 or 1-(800) 792-1112.

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

Boyd M. Johnson  
December 11, 1981

New §§57.361-57.367 are proposed under the Texas Parks and Wildlife Code, §48.0101, which provides the Texas Parks and Wildlife Commission with the authority to regulate the raising, sale, transportation, possession, and identification of redfish and speckled sea trout raised by a licensed fish farmer.

**§57.361. Inspection:** The facilities of a fish farmer licensee are subject to inspection by employees of the department during all reasonable hours.

**§57.362. Possession and Size Limits.**

(a) Redfish and speckled sea trout raised by a fish farmer licensee may be possessed by the licensee or his agent in any size and quantity.

(b) No redfish or speckled sea trout may be taken or obtained from the public waters of this state for fish farming purposes without a permit issued by the Texas Parks and Wildlife Department.

**§57.363. Invoices.**

(a) A fish farmer licensee shall prepare or cause to be prepared an interstate Texas finfish import invoice or an intrastate

Texas finfish import invoice for all shipments of redfish or speckled sea trout shipped to or from or sold at his place of business.

(b) An interstate Texas finfish import invoice shall:

(1) contain all of the following information, correctly stated and legibly written:

- (A) Texas finfish import invoice number,
- (B) date of shipment,
- (C) name and address of shipper,
- (D) name and address of receiver,
- (E) shipper's fish farmer's license number,
- (F) number and weight of whole fish or fillets by species, contained in the shipment, and
- (G) state (or country, if outside the United States) of origin;

(2) be submitted in the following form, with a check placed in the interstate box for shipments originating outside Texas:

(Editor's note: See page 4714 for the form mentioned above.)

(3) be sequentially numbered during the license period. No invoice number may be used twice during any one license period by an individual licensee.

(c) An intrastate Texas finfish import invoice shall

(1) accompany all shipments of redfish and speckled sea trout shipped from within the state to a destination within the state;

(2) contain all of the following information, correctly stated and legibly written:

- (A) Texas finfish import invoice number,
- (B) date of shipment,
- (C) name and address of shipper,
- (D) name and address of receiver,
- (E) shipper's Texas finfish import license number, and
- (F) number and weight of whole fish or fillets, by species, contained in the shipment.

(3) be submitted in the following form, with a check placed in the Intrastate box for shipments originating outside Texas:

(Editor's note: See page 4715 for the form mentioned above.)

(4) be sequentially numbered during the license period. No invoice number may be used twice during any one license period by an individual licensee.

(d) Each Texas Finfish Import Invoice shall be duplicated by the licensee.

(1) One copy shall be submitted to the Texas Parks and Wildlife Department by the licensee by the 10th day of the month following the month of receipt of each interstate shipment or of shipping of each intrastate shipment.

(2) One copy shall be retained by the licensee for a period of one year from the date of receipt of each imported shipment or from the date of shipping of each intrastate shipment. Final consumers are exempt from this requirement.

**§57.364. Transported Fish.**

(a) All redfish and speckled sea trout shipped dead by a licensed farmer shall be packaged, one species per package.

(b) A package is defined as a container (and such invoices and identifying documents as are required by these rules) whose volume is no greater than three cubic feet. Each container must be independent of any other container and of any trailer, vehicle, or other type of conveyance.

(c) Each packaged shipment of redfish and speckled sea trout by a licensee shall be accompanied by an interstate Texas finfish import or an intrastate Texas finfish import invoice.

**§57.365. Package Contents' Identification.**

(a) Each package of dead redfish or speckled sea trout and

each container of live redfish or speckled sea trout shall be identified as to its contents.

(b) The package or container contents' identifier shall be placed on the outside of each package and shall contain all of the following information, correctly stated and legibly written:

(1) Texas finfish interstate or intrastate invoice number of the shipment of which the package is a part;

(2) number and weight of whole fish or fillets by species contained in each package;

(3) fish farmer license number of the shipper and the receiver (if the receiver is required to possess a fish farmer license);

(4) name and address of each shipper and identification of each receiver; provided, however, that any code used to identify a receiver must also be placed on the invoice that accompanies the shipment; and

(5) date of shipment.

**§57.366. Delegation of Authority.** Authority is hereby delegated to the executive director to change or prescribe the format in which invoice and identifier information is to be submitted to the department, and to require additional information.

**§57.367. Penalty for Violation.** Failure to comply with any provision of these rules shall be a misdemeanor, as provided in Texas Parks and Wildlife Code, §48.012.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819058      Maurine Ray  
   Administrative Assistant  
   Texas Parks and Wildlife Department

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 479-4806.

TEXAS FINFISH IMPORT INVOICE

INVOICE NO. \_\_\_\_\_

DATE OF SHIPMENT \_\_\_\_\_  
 Fish Farmer License Number \_\_\_\_\_

From	
Street Address	
City	State
	Zip Code

To	
Street Address	
City	State
	Zip Code

TYPE OF SHIPMENT (Check ONE box only):

INTERSTATE (Point of origin not in Texas and destination in Texas)

INTRASTATE (Point of origin and destination both in Texas)

DO NOT USE (Redfish or Spotted Seatrout)	WHOLE FISH		FILLETS		STATE OR COUNTRY OF ORIGIN
	NO. OF FISH	NET SHIPPING WEIGHT (lbs.)	NO. OF FILLETS	NET SHIPPING WEIGHT (lbs.)	



DATE OF SHIPMENT \_\_\_\_\_  
 Fish Farmer License Number \_\_\_\_\_

TEXAS FINFISH IMPORT INVOICE

INVOICE NO. \_\_\_\_\_

From	
Street Address	
City	State
	Zip Code

To	
Street Address	
City	State
	Zip Code

TYPE OF SHIPMENT (Check ONE box only):

INTERSTATE (Point of origin not in Texas and destination in Texas)

INTRASTATE (Point of origin and destination both in Texas)

DO NOT USE	DESCRIPTION OF SHIPMENT (Redfish or Spotted Seatrout)	WHOLE FISH		FILETS		STATE OR COUNTRY OF ORIGIN
		NO. OF FISH	NET SHIPPING WEIGHT (lbs.)	NO. OF FILETS	NET SHIPPING WEIGHT (lbs.)	

## Imported Redfish and Speckled Sea Trout

The Texas Parks and Wildlife Commission proposes to adopt §§57.371-57.375 concerning the packaging of imported redfish (*Sciaenops ocellata*) and speckled sea trout (*Cynoscion nebulosus*). These sections are being proposed for adoption to comply with the provisions of House Bill 1000, passed by the 67th Texas Legislature. Briefly stated, these sections provide for the following:

- (A) description of license; and
- (B) requiring packaging accompanied by invoices and package contents' identification which contain certain information.

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

The director of finance has also determined that for each year of the first five years the rules as proposed are in effect:

(A) The public benefits anticipated as a result of enforcing the rules as proposed will be an availability of high quality redfish and speckled sea trout for public consumption.

(B) There will be no economic cost to individuals who are required to comply with the rules as proposed, except for those importing redfish and speckled sea trout from Mexico. The economic cost to those individuals is estimated at \$10,000 each year for 1982, 1983, 1984, 1985, and 1986.

Comments on the proposal may be submitted to Gary Matlock, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4862, or 1-(800) 792-1112.

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

Boyd M. Johnson  
December 11, 1981

New §§57.371-57.375 are proposed under the Texas Parks and Wildlife Code, §66.201, which provides the Texas Parks and Wildlife Commission with the authority to regulate the importation of redfish and speckled sea trout into Texas.

**§57.371. Finfish Import License.** A Texas finfish import license is required of any person importing for sale, transporting for sale, or selling for resale, dead redfish or speckled sea trout taken, caught, or raised in any other state or country.

### §57.372. Packaging Requirements.

(a) All redfish and speckled sea trout entering this state for sale, or being transported intrastate for sale, shall be packaged, one species per package.

(b) A package is defined as a container (and such invoices and identifying documents as are required by these rules) whose volume is no greater than three cubic feet. Each container must be independent of any other container and of any trailer, vehicle, or other type of conveyance.

(c) Each packaged shipment of redfish and speckled sea trout shall be accompanied by an interstate Texas finfish import invoice or an intrastate Texas finfish import invoice.

(d) An interstate Texas finfish import invoice shall:

(1) accompany all shipments of redfish and speckled sea trout entering the state for distribution within the state;

(2) contain all of the following information, correctly stated and legibly written:

- (A) Texas finfish import invoice number,
- (B) date of shipment,
- (C) name and address of shipper,
- (D) name and address of receiver,
- (E) receiver's Texas finfish import license number,
- (F) number and weight of whole fish or fillets, by species, contained in the shipment, and
- (G) state (or country, if outside the United States) of origin.

(3) be submitted in the following form, with an "X" placed in the interstate box for shipments originating outside Texas:

(Editor's note: See page 4718 for the form mentioned above.)

(4) be sequentially numbered during the license period. No invoice number may be used twice during any one license period by an individual licensee.

(e) An intrastate Texas finfish import invoice shall:

(1) accompany all shipments of redfish and speckled sea trout shipped from within the state to a destination within the state;

(2) contain all of the following information, correctly stated and legibly written:

- (A) Texas finfish import invoice number,
- (B) date of shipment,
- (C) name and address of shipper,
- (D) name and address of receiver,
- (E) shipper's Texas finfish import license number, and
- (F) number and weight of whole fish or fillets, by species, contained in the shipment;

(3) be submitted in the following form, with an "X" placed in the intrastate box for shipments originating outside Texas:

(Editor's note: See page 4719 for the form mentioned above.)

### §57.373. Package Contents' Identification.

(a) Each package of redfish or speckled sea trout shall be identified as to its contents.

(b) The package contents' identifier shall be placed on the outside of each package and shall contain all of the following information, correctly stated and legibly written:

(1) Texas finfish interstate or intrastate invoice number of the shipment of which the package is a part;

(2) number and weight of whole fish or fillets by species contained in each package;

(3) Texas finfish import license number of the shipper and

(4) be sequentially numbered during the license period. No invoice number may be used twice during any one license period by an individual licensee.

(f) Each Texas finfish import invoice shall be duplicated by the licensee.

(1) One copy shall be submitted to the Texas Parks and Wildlife Department by the licensee by the 10th day of the month following the month of receipt of each interstate shipment or of shipping of each intrastate shipment.

(2) One copy shall be retained by the licensee for a period of one year from the date of receipt of each imported shipment or from the date of shipping of each intrastate shipment.

the receiver (if the receiver is required to possess a Texas finfish import license);

(4) name and address of each shipper and identification of each receiver; provided, however, that any code used to identify a receiver must also be placed on the invoice that accompanies the shipment; and

(5) date of shipment.

**§57.374. Delegation of Authority.** Authority is hereby delegated to the executive director to change or prescribe the format in which invoice and identifier information is to be submitted to the department, and to require additional information.

**§57.375. Penalty for Violation.** Failure to comply with any provision of these rules shall be a Class A misdemeanor, as provided in Texas Parks and Wildlife Code, §66.201(h).

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819059      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 479-4973.

TEXAS FINFISH IMPORT INVOICE

INVOICE NO. \_\_\_\_\_

DATE OF SHIPMENT \_\_\_\_\_

From

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

To

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

TYPE OF SHIPMENT (check ONE box only):

INTERSTATE (Point of origin not in Texas and destination in Texas) Receiver's Texas Finfish Import License No. \_\_\_\_\_

INTRASTATE (Point of origin and destination both in Texas) Shipper's Texas Finfish Import License No. \_\_\_\_\_

DO NOT USE (Redfish or Spotted Seatrout)	WHOLE FISH		FILLETS		STATE OR COUNTRY OF ORIGIN
	NO. OF FISH	NET SHIPPING WEIGHT (lbs.)	NO. OF FILLETS	NET SHIPPING WEIGHT (lbs.)	

TEXAS FINFISH IMPORT INVOICE

DATE OF SHIPMENT \_\_\_\_\_

INVOICE NO. \_\_\_\_\_

From \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

To \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

TYPE OF SHIPMENT (check ONE box only):

INTERSTATE (Point of origin not in Texas and destination in Texas) Receiver's Texas Finfish Import License No. \_\_\_\_\_

INTRASTATE (Point of origin and destination both in Texas) Shipper's Texas Finfish Import License No. \_\_\_\_\_

DO NOT USE (Redfish or Spotted Seatrout)	DESCRIPTION OF SHIPMENT	WHOLE FISH		FILLETS		STATE OR COUNTRY OF ORIGIN
		NO. OF FISH	NET SHIPPING WEIGHT (lbs.)	NO. OF FILLETS	NET SHIPPING WEIGHT (lbs.)	

## Chapter 65. Wildlife

### Subchapter A. Statewide Hunting and Fishing

The Texas Parks and Wildlife Commission proposes to amend §65.62 concerning bag, possession, and size limits of freshwater fish which is part of the Statewide Hunting and Fishing Proclamation. The proposed amendments liberalize the striped bass daily bag limit in Lake Texoma from five to 15, but prohibits the retention of more than five striped bass over 20 inches in length. Department surveys indicate exceptionally high survival of 1979-81 year classes of striped bass. Fishermen now catch many small stripers, but may retain only five per day. The release of small stripers causes waste since most hooked and released striped bass die. The Lake Texoma striper fishery can support additional harvest without damaging the resource. The liberal striped bass bag and possession limits as proposed will become effective in Oklahoma on January 1, 1982.

Jim Dickinson, director of finance, has determined that for the first five-year period the amendment will be in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rule.

The director of finance has also determined that for each year of the first five years the amendment as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the amendment as proposed will be better utilization of fishery resources.

(B) There will not be any possible economic cost to individuals who are required to comply with the amendment as proposed.

Comments on the proposal may be submitted to Bob Bounds, inland fisheries coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4858 or 1 (800) 792-1112.

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

Boyd M. Johnson  
November 24, 1981

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with the authority to provide wildlife resource regulations in counties to which the Uniform Wildlife Regulatory Act applies.

#### §65.62 Freshwater Fish: Bag, Possession, and Size Limits.

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

(d) Provisions relating to striped bass shall be as follows:

(1) The daily bag limit on striped bass is five and the possession limit is 10, and in the Toledo Bend Reservoir, no more than two striped bass over 30 inches in length may be retained per day.

(2) In Lake Texoma the daily bag limit on striped bass is 15, the possession limit is 30, and no more than five per day may be over 20 inches in length.

(3) There is no daily bag or possession limit on hybrids of striped bass except in Calaveras Lake in Bexar County and Squaw Creek (Comanche Peak) Reservoir in Hood and Somervell

Counties, where the daily bag limit is five and the possession limit is 10.

(e)-(p) (No change.)

Issued in Austin, Texas, on December 8, 1981.

Doc. No. 818983      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 479-4858, or 1 (800) 792-1112.

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Parks and Wildlife Commission proposes the repeal of §65.75, concerning commercial harvest reporting requirements on saltwater fish which is within the Statewide Hunting and Fishing Proclamation. Section 65.75 is being proposed for repeal because §14 of House Bill 1000, which was passed by the 67th Legislature, repealed Subchapter C-1 of Chapter 61, the Uniform Wildlife Regulatory Act, Texas Parks and Wildlife Code. Subchapter C-1 required the department to gather economic and statistical data concerning finfish. Similar data will continue to be collected under the authority of Texas Parks and Wildlife Code, §66.209.

Jim Dickinson, director of finance, has determined that for the first five-year period the repeal will be in effect, there will not be fiscal implications to state or local government as a result of the repeal.

The director of finance has also determined that for each year of the first five years the repeal is in effect:

(A) The public benefits anticipated as a result of repealing the section as proposed will be a reduction in the number of reports required by the Texas Parks and Wildlife Department from commercial saltwater fishermen.

(B) There will be no economic cost to individuals who are required to comply with the repealed section as proposed.

Comments on the proposal may be submitted to Gary Matlock, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4862, or 1-(800) 792-1112.

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

Boyd M. Johnson  
November 24, 1981

The repeal of §65.75 is proposed under Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with the authority to provide regulations to deal with

changing conditions to prevent depletion and waste of wildlife resources.

**§65.75. Saltwater Fish: Commercial Harvest Reporting Requirements.**

Issued in Austin, Texas, on December 8, 1981.

Doc. No. 818984     Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 479-4862, or  
1-(800) 792-1112.

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## NONCODIFIED

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### Texas Department of Human Resources AFDC

The Texas Department of Human Resources proposes the following amendments to its rules on the Aid to Families with Dependent Children (AFDC) Program. These rules were adopted on an emergency basis, effective October 1, 1981, as a result of the Omnibus Budget Reconciliation Act of 1981. This Act changed the AFDC and Medicaid portions of the Social Security Act. The amendments affect the rules on age, deductions for work-related expenses, child care expenses, and medical assistance.

Because the law no longer allows states to provide AFDC to 19- and 20-year-old children and allows the states an option to cover certain 18-year-old children, the department amended the rules which define a dependent child. As amended, the rules define a dependent child as someone under the age of 18 or under 19, if a full-time student in a secondary school (or the equivalent level of technical or vocational training), if reasonably expected to graduate or complete training before reaching age 19. College students age 18 and over are no longer eligible as dependent children.

The department also amended the rules regarding the deduction allowed for work-related expenses if the client is employed part time. Under the new law, states are given the option of allowing a maximum deduction of \$75. The amended rules allow a deduction of the actual amount up to a maximum of \$70 for part-time work. These rules are also amended as required by law, to define part-time employment as less than 40 hours per week.

The department's amended rules about child care expenses that can be deducted from earnings in part-time employment situations provide that the maximum deduction allowed is \$150. The law gave states the option of allowing a maximum deduction of up to \$160 for part-time work.

In addition, the medical assistance rules are amended to reflect that certain individuals age 19-21 are no longer eligible for Medicaid coverage because of the changed definition of a dependent child in AFDC and because coverage of individuals not in school is not required.

David Hawes, director of program's budget and rate setting, has determined that for the first five-year period the rules will be in effect, there will be fiscal implications as a result of enforcing or administering the rule. The estimated reduction in cost to state government will be \$1,230,777 in 1982 and \$1,322,946 for each year during years 1983, 1984, 1985, and 1986. There will be no additional cost. The estimated loss in revenue for state government because of the reduction in federal matching funds for AFDC payments and Medicaid benefits will be \$1,551,627 in 1982 and \$1,692,684 for each year during years 1983, 1984, 1985, and 1986.

There will be no effect on local government.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect, the public benefits anticipated will be a reduction in state and federal expenditures for AFDC and Medicaid benefits. There will be no economic costs to individuals who are required to comply with the rules as proposed.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—256, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

J. B. McReynolds  
December 10, 1981

### Legal Requirements 326.10.21

The amendments to Rules 326.10.21.001 and .003 are proposed under the authority of the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program.

**.001. Age.**

[(a)] In order to receive assistance, [as] a "dependent child" must [federal and state law require that a child] be under the age of 18 [years], or under the age of 19 [21 years] and a student regularly attending a *secondary* school, [college, or university] or regularly attending a course of vocational or technical training, *if reasonably expected to graduate or complete training before reaching age 19* [designed to fit him for gainful employment].

[(b)] The grant can be continued through the month in which the child attains his 18th birthday, or in which he attains his 21st birthday if he is regularly attending school.]

**.003. Establishing School Attendance.**

(a) *Except in WIN counties, the eligibility of children under age 18 does not require school attendance or satisfactory grades. However, 18-year-old children must be full-time students in a secondary school, or the equivalent level of vocational or technical training. Eligibility ceases once high school or training has been completed. Also, if the child's 19th birthday will occur before graduation or completion, eligibility ceases at the 18th birthday. Verification of school attendance is required at application and at each periodic review for all children age 18, and for children age 16-17 in WIN counties.* [An otherwise eligible child under the age of 18 may not be denied AFDC regardless of whether he or she attends school or makes satisfactory grades. All children, 18 to 21 years old, are included in the grant if they are students regularly attending school. Verification of school attendance is required at each periodic review for all children 12 to 21 years old and for children 16 and 17 years old who reside in WIN counties and are

not registered for WIN. A child may be considered a student regularly attending school (including schools for the deaf and blind) if he or she:

[(1) is enrolled and physically attending full time a program of study or training leading to a certificate, diploma, or degree; or

[(2) is enrolled and physically attending at least half time a program of study or training leading to a certificate, diploma, or degree, and is regularly employed or available for and actively seeking part-time employment; or

[(3) is enrolled and physically attending at least half time a program of study or training leading to a certificate, diploma, or degree and precluded from full-time attendance or part-time employment because of a verified physical handicap.]

(b) *A child will be considered a student regularly attending school (including those for the deaf or blind) if enrolled and physically attending, full time, a program of study. If 18 years old and in a vocational or technical school, the course of study must be designed to result in gainful employment. Handicapped children may attend fewer hours than other students or receive instructions from a visiting teacher at home.* [When a handicapped child is receiving instruction in his own home rather than physically attending classes as described in subsection (a) of this section, he is considered in regular attendance.]

[(c) Full-time and half-time attendance are defined as set forth in Veterans Administration (VA) requirements.

[(1) A trade or technical school involving shop practice, full time is 30 clock hours per week and half time is 15 clock hours; a program without shop practice, full time is 25 clock hours and half time is 12 hours;

[(2) A college or university, full time is 12 semester or quarter hours and half time is eight semester or quarter hours;

[(3) A secondary school, full time is 25 clock hours per week or four Carnegie units per year and half time is 12 clock hours or two Carnegie units;

[(4) A secondary education program of cooperative or apprenticeship training, full time attendance is as defined by state regulation or policy.]

[(c) [(d)] A child is considered in regular attendance in months he is not attending because of official school or training program vacation, temporary illness, convalescence, family emergency, or if he plans to or has made arrangements to attend school the next semester.

[(d) [(e)] There may be a child who is carrying fewer subjects than would be considered normal for full-time attendance, but due to the child's limitations, this program of training or study constitutes the maximum extent of his capabilities. Only in these rare instances will written verification from the school be required. This substantiating statement will be filed in the case record with the verification of eligibility.

[(e) [(f)] An AFDC child enrolled in a cooperative school program is considered a full-time student. These programs are jointly operated by participating local school districts, Texas Rehabilitation Commission (TRC), and Texas Education Agency (TEA). These programs are designed to serve any child with a handicap. Most of the children's handicaps are mental retardation.

[(f) [(g)] Children are enrolled at age 15 and must be removed by age 21. When first enrolled, they are provided orientation and vocational training in a classroom setting. Then, when ready, they are moved into a part-time job for on-the-job-training. They also continue to attend classes. The amount of time spent on each is very flexible, as are the salaries paid. As soon as a student is able to hold a job full time for an entire semester at the federal minimum wage or more, he is graduated from the school and the program.

Until the child is graduated, or until age 21, he is carried on the school rolls as a full-time student. Therefore, any earning he receives will be totally disregarded in determining eligibility and amount of grant for the family.

(g) *For AFDC eligibility purposes, however, these students must meet the same age and income requirements applied to other students.*

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819010      Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 441-3355, ext. 2037.

## Determination of Need 326.10.31

Amendments to Rules 326.10.31.009 and .010 are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program.

.009. *Definitions—Child.* A child is an unmarried person under age 19 [21] who meets the relationship requirements of the AFDC Program. Whether a particular child is eligible for inclusion in the grant depends on the child meeting all the eligibility requirements of the program.

.010. *Persons Who Can Be Included in the Certified Group.*

(a) The AFDC certified group can include only the following individuals:

(1) (No change.)

(2) Children under age 18, or under age 19 [21] if regularly attending a secondary school or a course of vocational or technical training, if reasonably expected to graduate or complete training before reaching age 19, and within the required degree of relationship. Eligibility can be continued through the month in which the child becomes 18 or 19 [21].

(3) (No change.)

(b) All other persons are ineligible to be included in the AFDC grant.

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819011      Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 441-3355, ext. 2037.

## Income 326.10.33

Amendments to Rules 326.10.33.031 and .033 are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program.

.031. *Earned Income of Students and Youth.* The earned income of an AFDC child under age 14 is never considered. The earned income of a child age 14 but under 19 [an individual age 14-21] is [never] considered [either] in both [the] preliminary tests



but not [test or] thereafter so long as the person is a full-time student; or the person is a part-time student and is not a full-time employee. *Employment is considered full time if it involves 40 or more hours per week.* [The earned income of an individual over 21 who is a student is considered as any other earnings, unless otherwise exempted.]

**.033. RSDI Benefits for Students.** RSDI benefits for 18-year-old children or 18-21-year-old caretaker students [to 21 year olds] are provided only when they are full-time students. Thus, these benefits are disregarded as income or resources in determining eligibility.

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819012      Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 441-3355, ext.  
2037.

## Budgeting Process 326.10.34

Amendments to Rules 326.10.34.015 and .016 are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program.

**.015. Definition—Work-Related Expenses.**

(a) (No change.)

(b) *The full-time employment deduction—A standard work-related expense deduction of \$75 is allowed for full-time employment. Employment for 40 or more hours per week is considered full time. The \$75 amount is used in full-time employment situations whether the actual amount of work-related expenses is more or less.* [If the client states that his or her expenses are \$34 or less, a standard figure of \$34 is deducted whether he or she works full time or part time. If the client provides information reflecting expenses greater than \$34, then the actual expenses will be allowed. The expenses as declared on the application/review form by the recipient and for which he or she can provide substantiation are to be accepted if they do not appear unreasonable or inconsistent to the worker at the local level. If the standard figure is used, no other expenses are allowed.]

(c) *The part-time employment deduction—If a client is employed part time (less than 40 hours per week), the deduction allowed for work-related expenses is the actual amount up to a maximum of \$70. The actual expenses (excluding transportation expenses) as declared on the application/review form by the recipient and for which he can provide substantiation are to be accepted if they do not appear unreasonable or inconsistent to the worker at the local level.*

(d)[(c)] The expense of transportation by public or private vehicle from residence to place of employment (one round trip each work day) is based on the actual cost not to exceed the maximum rate per mile currently paid to state employees. [If the client uses his or her own vehicle, the rate allowed is the maximum rate per mile currently paid to state employees.] Car payments, upkeep, and any additional expenses are not deductible since these expenses

are considered included within the mileage allowance. The actual cost of bus transportation, including transfers, is allowed without regard to the cost per mile limitation.

**.016. Definition—Child Care.**

(a) Child care is defined as the actual time devoted to the care and supervision of a child(ren). The amount of time that can be recognized for child care is limited to the time required by employment. Only money spent on the actual cost of child care may be deducted from earnings. *The maximum monthly child care deduction allowed is \$160 per child in full-time employment situations. A \$150 maximum is allowed in part-time employment situations.* The child care can be provided in the home or some other setting.

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

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819013      Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 441-3355, ext.  
2037.

## Medical Assistance 326.10.41

Amendments to Rule 326.10.41.001 are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program

**.001. AFDC Household Members Eligible for Title XIX Services.**

(a) Individuals eligible to be certified for medical assistance are:

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

[(4) A child(ren) 18-21 years old in an AFDC household, meeting AFDC eligibility requirements except that he is not regularly attending school, has insufficient income to meet his recognizable needs, and has never married.

[(5) An only child 18-21 years old in a family meeting all AFDC eligibility requirements except that he does not regularly attend school. (The parent(s) in this situation are not eligible for any type of benefits.)]

[(4)][(6)] Foster children who are certified for AFDC foster care or who meet the requirements for medical assistance under Type Program 09. [The children in paragraphs (4) and (5) have their individual income applied against the recognizable needs allowance for a one child, noncaretaker case to determine if they have income sufficient to meet their needs. Computations determining eligibility for medical assistance only for an 18-21 year old child are fully recorded on the clearance record reflecting both needs and income.]

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819014      Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 441-3355, ext.  
2037.

## Work Incentive Program 326.10.51

Amendments to Rule 326.10.51.003 are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program

### .003. Exemption Situations.

- (a) (No change.)
- (b) A certified AFDC recipient who is:
  - (1)-(2) (No change.)
  - (3) Age 18 [to 21] *and regularly attending a secondary school or regularly attending a course of vocational or technical training if reasonably expected to graduate or complete training before reaching age 19* [school full time].
- (c) Children who have not reached their 16th birthday, whether or not they are attending school, are not required to register. Certified children who are 16 but not yet 19 [21] who are enrolled in or have been accepted for enrollment as a full-time student for the next school term are not required to register.

(d)-(o) (No change.)

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819015     Marlin W. Johnston  
 Commissioner  
 Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
 For further information, please call (512) 441-3355, ext. 2037.

## Verifications 326.10.73

Amendments to Rule 326.10.71.003 are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program.

### .003. Requirements.

- (a) The following items must be verified for both applications and reviews:
    - (1)-(3) (No change.)
    - (4) School attendance for all children age 18 [to 21] and children 16 to 18 in WIN regions who are not WIN registrants. This may be verified with a written statement or collateral contact with school officials or interviews with family/neighbors.
- (b)-(d) (No change.)

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819016     Marlin W. Johnston  
 Commissioner  
 Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
 For further information, please call (512) 441-3355, ext. 2037.

## Case Classification 326.10.74

Amendments to Rule 326.10.74.008 are proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs and to establish rules for the AFDC Program.

.008. *Adverse Actions That Are Effective Immediately.* In the following situations, the client does not have the right to continue receipt of benefits pending an appeal.

- (1) Termination of the grant when a recipient attains the maximum age, such as an AFDC child reaching 18 years of age and not attending a secondary school or a course of vocational or technical training, or 19 [21] years of age if attending a secondary school or a course of vocational or technical training.

(2)-(9) (No change.)

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819017     Marlin W. Johnston  
 Commissioner  
 Texas Department of Human Resources

Proposed date of adoption: January 18, 1982  
 For further information, please call (512) 441-3355, ext. 2037.



## State Board of Insurance Rating and Policy Forms Workers' Compensation Rate Administration 059.05.58

The State Board of Insurance proposes amendments to Rule 059.05.58.002, which adopts by reference the Texas Experience Rating Plan Manual for Workers' Compensation Insurance. The State Board of Insurance proposes to amend the rule by adding a new paragraph to Section III, General Provisions, Eligibility and Experience Period, Rule (7) Self-Insurers' Data. The purpose of this proposed additional phraseology in the rule is to require the inclusion of loss experience developed by political subdivisions while in self-insurance pools or funds for experience rating outside of these pools or funds. The contention is that there have been instances where political subdivisions have developed sizeable experience rating debit modifiers and then have been written outside of the self-insurance pool or fund, thereby reverting back to manual rates and avoiding the debit modifiers. This has occurred

in spite of agreements to the contrary made by some of the political subdivisions when joining the pool or funds.

Edward O. Kasper, Workers' Compensation Section director, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) There will be no effect on state government.

(B) There will be an effect on local government depending on the number of political subdivisions withdrawing from the self-insurance pool or fund and the amount of debit or credit lost by the political subdivision upon withdrawal from the self-insurance pool or fund.

The director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be, possibly, a very slight effect on the rate structure of a few class codes into which loss experience of political subdivisions will flow as a result of the political subdivision's experience being included in the data for those class codes.

(B) There are no possible economic costs to individuals, as individuals are not affected by this rule.

Comments on the proposal may be submitted to Edward O. Kasper, director, Workers' Compensation, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norman  
December 14, 1981

The amendments are proposed pursuant to the Texas Insurance Code, Articles 5.55, 5.58, 5.60, and 5.62, authorizing the State Board of Insurance to establish rating plans and make rules necessary to carry out the provisions of the workers' compensation insurance statutes.

.002. *Texas Experience Rating Plan Manual for Workers' Compensation Insurance.* The State Board of Insurance adopts by reference the Texas Experience Rating Plan Manual for Workers' Compensation as amended on *March 1, 1982* [September 1, 1981], which contains rules, rates, factors, and tables used in experience rating subscriber files. This document is published by the National Council on Compensation Insurance and may be obtained from the Insurance Services Office, Product Distribution Division, 160 Water Street, New York, New York 10039, (212) 487-5000, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is also available for public inspection.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819065      James W. Norman  
                                 Chief Clerk  
                                 State Board of Insurance

Proposed date of adoption: January 18, 1982  
For further information, please call (512) 475-2950.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated; and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed, only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

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## CODIFIED

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### TITLE 25. HEALTH SERVICES

#### Part I. Texas Department of Health

#### Chapter 73. Laboratories

#### Approved Laboratories Performing Premarital and Prenatal Syphilis Serology

The Texas Department of Health adopts the repeal of §73.1-73.9 (301.37.01.001-.009) and new §73.1-73.6 (301.37.01.010-.015) without changes to the proposed text published in the September 25, 1981, issue of the *Texas Register* (6 TexReg 3561).

The repeal and new sections update and replace existing sections covering approved laboratories performing premarital and prenatal syphilis serology.

The rules provide that the Bureau of Laboratories will no longer carry out the proficiency testing for premarital and prenatal syphilis serological procedures. Instead, testing conducted by approved agencies will be accepted as the basis for approval. This procedure is in accordance with current national trends.

No comments were received regarding adoption of the repeal and new sections.

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

Robert A. MacLean, M.D.  
December 10, 1981

The repeal is adopted under Texas Civil Statutes, Article 4445a, §2, and the Texas Family Code, §§1.23-1.34, which provide the Texas Department of Health with the authority to conduct an approval program for laboratories performing serological tests for syphilis on premarital and prenatal patients.

Issued in Austin, Texas, on December 11, 1981

Doc. No. 819001      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: December 31, 1981  
Proposal publication date: September 25, 1981  
For further information, please call (512) 458-7318.

New §§73.1-73.6 (301.37.01.010-.015) are adopted under Texas Civil Statutes, Article 4445a, §2, and the Texas Family Code, §§1.23-1.34, which provide the Texas Department of Health with the authority to conduct an approval program for laboratories performing serological tests for syphilis on premarital and prenatal patients.

Issued in Austin, Texas, on December 11, 1981

Doc. No. 819003      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: December 31, 1981  
Proposal publication date: September 25, 1981  
For further information, please call (512) 458-7318.



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**NONCODIFIED**

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**Texas Department of Human Resources  
Pharmacy Services  
Reimbursement 326.40.08**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed amendments to Rule 326.40.08.001, relating to reimbursement. The text of the proposal was published in the June 23, 1981, issue of the *Texas Register* (6 TexReg 2220).

Issued in Austin, Texas, on December 11, 1981

Doc. No. 819018     Susan L. Johnson  
                         Administrator  
                         Policy Development Support Division  
                         Texas Department of Human Resources

Effective date: January 1, 1982  
Proposal publication date: June 23, 1981  
For further information, please call (512) 441-3355, ext.  
2037.



The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## Texas Department of Corrections

**Friday, December 11, 1981, 2 p.m.** The board of the Texas Department of Corrections, added an emergency executive session to the agenda of a meeting held in the governor's conference room of the State Capitol, to discuss pending litigation—Ruiz v. Estelle. The emergency status was necessary because of pressing litigation matters. The revision of the agenda was made at the request of the Office of the Attorney General.

Information may be obtained from Willis Whatley, P.O. Box 12428, Austin, Texas 78711, (512) 475-3021.

Filed: December 11, 1981, 11:28 a.m.  
Doc. No. 819024

**Monday, December 14, 1981, 1:30 p.m.** The board of the Texas Department of Corrections held an emergency executive session in the governor's conference room of the State Capitol to discuss pending litigation—Ruiz v. Estelle. The emergency status was necessary because of pressing litigation matters.

Information may be obtained from W.J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (713) 295-6371.

Filed: December 14, 1981, 8:50 a.m.  
Doc. No. 819054

## Finance Commission of Texas

**Tuesday, December 22, 1981.** The Finance Commission of Texas and its Banking Section will meet at 2601 North Lamar, Austin. The times and agendas follow.

**10 a.m.** According to the agenda, the Banking Section will consider the 1982 Department of Banking budget, propose rules to permit state banks to transact their affairs and make loans and investments permitted for national banks, propose amendments to the adjustable rate mortgage rule, and review a Sunset Commission report.

**2 p.m.** According to the agenda, the Finance Commission will consider the 1982 budgets of the Savings and Loan Department, Office of the Consumer Credit Commissioner, and the Department of Banking and rules on debt collection practices, and review Sunset Commission reports.

Information may be obtained from Archie Clayton, 2601 North Lamar, Austin, Texas, 78705, (512) 475-4451.

Filed: December 11, 1981, 1:46 p.m.  
Doc. Nos. 819028 and 819029

**Tuesday, December 22, 1981.** The Savings and Loan Section of the Finance Commission of Texas will meet at 1004 Lavaca Street, Austin. According to the agenda, the purpose of the meeting is to adopt permanent rules previously adopted as emergency rules; to review a report of operation; to adopt a budget for calendar year 1982; to review industry conditions and projections; to review filings with the Sunset Commission; to receive reports from specific assignments; and to discuss such other matters as may come before the section.

Information may be obtained from L. Alvis Vandygriff, 1004 Lavaca Street, Austin, Texas, (512) 475-4991.

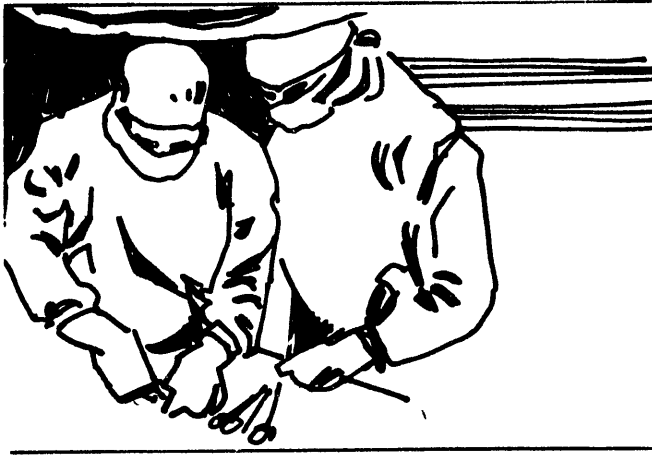
Filed: December 10, 1981, 3:30 p.m.  
Doc. No. 818999

## Office of the Governor

**Wednesday, December 16, 1981, 9:30 a.m.** The Governor's Task Force on Higher Education conducted an emergency meeting in the Scorpius Room on the second floor of the Continuing Education Center, University of Houston central campus, 4800 Calhoun, Houston. Items on the summarized agenda include: review and approval of minutes of the November 18, 1981, meeting; a speech by James L. Powell on "Education of the Public School Teacher;" a report by Dr. George Race on site visit to Texas State Technical Institute; progress reports by subcommittees; and new business. The emergency status was necessary because of last minute agenda changes at the request of the chairman because of the speaker's schedule.

Information may be obtained from Dr. George Race, 3500 Gaston Avenue, Dallas, Texas 75246, (214) 820-2254.

Filed: December 11, 1981, 9:30 a.m.  
Doc. No. 819025



## Texas Department of Health

**Friday, December 18, 1981, 2 p.m.** The Occupational Medicine and Toxicology Division of the Texas Department of Health will meet in Room T-604, Texas Department of Health, 1100 West 49th Street, Austin, to discuss the status of the Texas Veterans Agent Orange Assistance Program protocol studies.

Information may be obtained from George R. Anderson, M.D., 1100 West 49th Street, Austin, Texas, (512) 458-7251.

Filed: December 10, 1981, 3:37 p.m.  
Doc. No. 819000

The Texas Department of Health will conduct public hearings at the times and locations given below.

**Tuesday, January 1, 1982, 1:30 p.m.** A hearing will be held in the council chamber, City Hall, Victoria, to consider Application 120-A of the City of Victoria for a five-acre addition, at the southeast corner, to the existing 40.73-acre Type I municipal solid waste disposal site located at 1510 Southwest Ben Jordan Street, in Victoria, Victoria County. The eastern boundary of the addition will be 750 feet west of South Laurent Street. The application is also for an additional six months time for the operation of the landfill (from October 1, 1982, to April 1, 1983).

**Tuesday, January 26, 1982, 9 a.m.** A hearing will be held at City Hall, Bridgeport, to consider Application 926 of the City of Bridgeport to operate an existing Type I municipal solid waste disposal site located approximately 2.5 miles south of Bridgeport and a quarter mile south of its junction with State Highway 114, in Wise County.

**Wednesday, January 27, 1981, 9 a.m.** A hearing will be held in the Filter Plant Building, North Texas Municipal Water District, State Highway 78 East, Wylie, to consider Application 712 of the City of Wylie to operate an existing Type II municipal solid waste disposal site located in the southwest part of Wylie, 1.8 miles southwest of the intersection of State Highway 78 and FM 2514, and a half mile southeast of State

Highway 78, adjacent to and southeast of the wastewater treatment plant, in Collin County.

Information may be obtained from Hector H. Mendieta, 1100 West 49th Street, Austin, Texas, (512) 458-7271.

Filed: December 10, 1981, 3:37 p.m.  
Doc. No. 819004

## State Board of Insurance

**Friday, December 11, 1981, 10 a.m.** The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin, to prepare an emergency amendment to Section 6.32 of Rule 059.21.48.001, to conform with Securities and Exchange Commission Rule 16b-3. The emergency status was necessary because clarification of this matter at the earliest possible date was deemed to constitute an urgent public necessity.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: December 10, 1981, 2:42 p.m.  
Doc. No. 819001

**Monday, December 21, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. The times, dockets, and room numbers follow.

**9 a.m.** In Room 350, Docket 6660—application of States General Life Insurance Company, Dallas, for a charter amendment.

**10 a.m.** In Room 342, Docket 6644—application for approval of total reinsurance of the business of The Great Life Insurance Company, Dallas, into Providers Benefit Life Insurance Company, Bala Cynwyd, Pennsylvania, and American Standard Life and Accident Insurance Company, Enid, Oklahoma.

**10:30 a.m.** In Room 342, Docket 6645—application of Harry T. Dozor to acquire control of The Great Life Insurance Company, Dallas.

**1:30 p.m.** In Room 350, Docket 6655—application for certificate of authority v General Financial Life Insurance Company, Houston.

Information may be obtained from John Brady (Dockets 6644 and 6645) and J.C. Thomas (Dockets 6660 and 6655), 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287 and 475-4353, respectively.

Filed: December 10, 1981, 4:11 p.m.  
Doc. Nos. 819005-819007, and 819051

**Tuesday, December 22, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. The times, dockets, and room numbers follow.

**9 a.m.** In Room 342, Docket 6614—application for admission by Auto-Owners Insurance Company, Lansing, Michigan.

**9:30 a.m.** In Room 350, Docket 6615—application for

admission by Auto-Owners Life Insurance Company, Lansing, Michigan.

**10:30 a.m.** In Room 350, Docket 6650—application for original charter of The Total Life Insurance Company of America, Dallas.

**1:30 p.m.** In Room 342, Docket 6662—application for an amendment to the articles of incorporation of Hill Country Life Insurance Company of Texas, Austin, to increase the stated capital of the company to \$1.1 million and convert its outstanding stock to an additional number of shares.

**2 p.m.** In Room 350, Docket 6641—application for a charter amendment by Allied Bankers Life Insurance Company, Dallas, increasing par value of the company's stock from \$1.00 to \$2.00 per share and increasing the amount of authorized capital stock from \$900,000 to \$1.8 million.

Information may be obtained from J.C. Thomas (Dockets 6614 and 6662) and John Brady (Dockets 6615, 6650, and 6641), 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353 and 475-2287, respectively.

Filed: December 14, 1981, 1:34 p.m.  
Doc. Nos. 819072-819076

**Wednesday, December 23, 1981, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6652—application for approval of amendment increasing capital stock of Gramercy Insurance Company, San Antonio.

Information may be obtained from John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: December 14, 1981, 1:35 p.m.  
Doc. No. 819077

**Monday, December 28, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. The times and dockets follow.

**9 a.m.** Docket 6651—application for admission by Southern Educators Life Insurance Company, Norcross, Georgia.

**3 p.m.** Docket 6659—application for admission by The Home Reinsurance Company, Manchester, New Hampshire.

Information may be obtained from J.C. Thomas and John Brady, respectively, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353 and 475-2287.

Filed: December 14, 1981, 1:35 p.m.  
Doc. Nos. 819078 and 819079

## Lamar University

**Saturday, December 19, 1981, 8 a.m.** The Lamar University Board of Regents will meet in executive session in Room 108 of the Setzer Student Center, main campus, Beaumont, to consider legal matters.

Information may be obtained from Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-7533.

Filed: December 11, 1981, 1:45 p.m.  
Doc. No. 819027

## Board of Pardons and Paroles

**Monday-Thursday, December 28-31, 1981, 9 a.m., daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency, and to take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: December 15, 1981, 9:42 a.m.  
Doc. No. 819095

## Texas Parks and Wildlife Department

**Thursday, January 7, 1982, 2 p.m.** The Resource Protection Branch of the Fisheries Division of the Texas Parks and Wildlife Department will conduct a hearing in Room A-200, 4200 Smith School Road, Austin, concerning the application by Bobbie D. Graves, doing business as Graham's Bait Stand, to remove approximately 250 cubic yards of marl (total) from the Laguna Madre by means of dragline. The dredged material would be used as fill behind an adjacent bulkhead for a parking area. The work site would be located in State Tract 51, Laguna Madre at Graham's Bait Stand, 13245 South Padre Island Drive, Corpus Christi (Corps of Engineers Permit Application 15064).

Information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4864, ext. 2310.

Filed: December 11, 1981, 9:17 a.m.  
Doc. No. 819020

## Public Utility Commission of Texas

**Monday, December 21, 1981, 2 p.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4089—petition of Houston Lighting and Power Company for review of the rate ordinance of the City of Pasadena, et al, and a motion for interim rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 11, 1981, 3:02 p.m.  
Doc. No. 819047

**Tuesday, December 22, 1981, 9 a.m.** The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider final orders in the following dockets: 4072, 3958, 4161, 3718, 4207, 2434 and 2557, 4001, 4065, 4121, 4153, 4166, 4192, 4205, 3972, and 4077. The commission will also meet in executive session to consider personnel matters and to discuss pending litigation.



Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 11, 1981, 3:03 p.m.  
Doc. No. 819048

**Wednesday, January 20, 1982.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on the following.

**10 a.m.** A hearing will be held in Docket 3967—appeals of Gulf States Utilities Company from the ratemaking ordinances of the Cities of Roman Forest, et al, (electric).

**1:30 p.m.** A prehearing conference will be held in Docket 4211—application of Santa Rosa Telephone Cooperative, Inc., to amend its exchange area boundary between Medicine Mound and Odell Exchange within Hardeman and Wilbarger Counties.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 11, 1981, 1:45 p.m.  
Doc. Nos. 819030 and 819060

**Thursday, January 28, 1982, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4093—application of Clifton Telephone Company for tariff modifications.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 11, 1981, 9:49 a.m.  
Doc. No. 819061

**Tuesday, February 23, 1982, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4159—inquiry into the quality of service rendered by Timber Creek Ranchettes Water System.

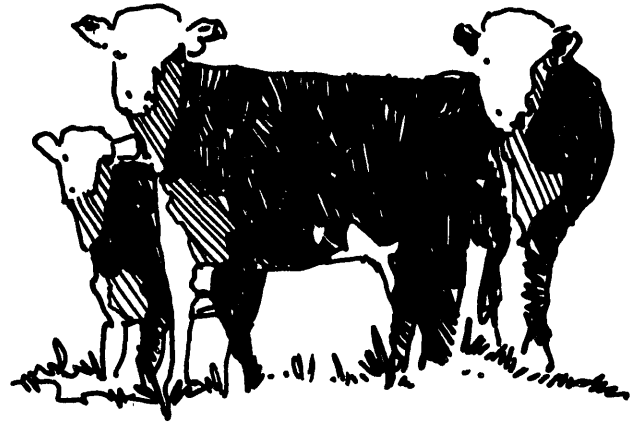
Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 11, 1981, 9:01 a.m.  
Doc. No. 819091

**Wednesday, March 10, 1982, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4169—complaint of Radian Corporation against Southwestern Bell Telephone Company.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 11, 1981, 9:16 a.m.  
Doc. No. 819021



## Railroad Commission of Texas

**Monday, December 21, 1981, 9 a.m.** The Administrative Services Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: December 11, 2:06 p.m.  
Doc. No. 819031

**Monday, December 21, 1981, 9 a.m.** The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: December 11, 1981, 2:09 p.m.  
Doc. No. 819032

**Monday, December 21, 1981, 9 a.m.** The Flight Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: December 11, 1981, 2:07 p.m.  
Doc. No. 819033

**Monday, December 21, 1981, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin, to consider Gas Utilities Dockets 2706 consolidated, 2742, 2583, 3307, 3308, 3314, 3315, 3320, 3321, 3322, 3323, 2321, 3255, 3316, 3317, 3318, 3319, 3309, 3313, and the director's report on division administration, budget, procedures, and personnel matters.

**Monday, December 21, 1981, 9 a.m.** The Office of Information Services of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: December 4, 1981, 2:10 p.m.  
Doc. No. 819035

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: December 11, 1981, 2:10 p.m.  
Doc. No. 819034

**Monday, December 21, 1981, 9 a.m.** The Liquefied Petroleum-Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider §9.105 (051.05.03.100), concerning installations at public buildings, and consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: December 11, 1981, 2:10 p.m.  
Doc. No. 819036

**Monday, December 21, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burriss, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: December 11, 1981, 2:09 p.m.  
Doc. No. 819037

**Monday, December 21, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin, concerning consideration of category determinations under §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: December 11, 1981, 2:11 p.m.  
Doc. No. 819041

**Monday, December 21, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerns consideration of whether to initiate rulemaking proceedings to amend 16 TAC §3.42 (051.02.02.042), concerning oil discovery allowables, and 16 TAC §3.91 (051.02.99.001), concerning gas market demand, allocation of gas well allowables, and ratable take between gas wells and gas fields.

Information may be obtained from Sandra K. Joseph, P.O. Drawer 12967, Austin, Texas, (512) 445-1286.

Filed: December 11, 1981, 2:08 p.m.  
Doc. No. 819038

**Monday, December 21, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerns consideration of protested Docket 88,398R37, CBS Oil Company, Inc., Salt Flat W. Field, Caldwell County.

Information may be obtained from Susan C. Kovar, P.O. Drawer 12967, Austin, Texas, (512) 445-1286.

Filed: December 11, 1981, 2:08 p.m.  
Doc. No. 819039

**Monday, December 21, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerned consideration by the commission of whether to execute a Memorandum of Agreement with the Texas Department of Water Resources and the Texas Department of Health interpreting the respective jurisdictions of the three agencies over waste materials associated with the exploration for and the development, production, and refining of oil or gas.

Information may be obtained from Jerry Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1373.

Filed: December 11, 1981, 2:11 p.m.  
Doc. No. 819040

**Monday, December 21, 1981, 9 a.m.** The Personnel Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: December 11, 1981, 2:07 p.m.  
Doc. No. 819042

**Monday, December 21, 1981, 9 a.m.** The Office of Special Counsel of the Railroad Commission of Texas will meet in the third floor conference room, 1124 IH 35 South, Austin, to consider and act on the director's report relating to pending litigation, Sunset Commission procedure, and other budget, administrative, and personnel matters.

Information may be obtained from Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: December 11, 1981, 2:06 p.m.  
Doc. No. 819043

**Monday, December 21, 1981, 9 a.m.** The Surface Mining and Reclamation Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider permit issuance to Texas Utilities Generating Company for Twin Oaks Dragline

**Erection Site (Docket 14) and authorization to publish in the *Texas Register* for public comment a revised version of regulations affecting uranium exploration hole drilling, and the division director's report on division administration, budget, procedures, and personnel matters.**

Information may be obtained from J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: December 11, 1981, 2:11 p.m.  
Doc. No. 819044

**Monday, December 21, 1981, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in the first floor auditorium, Room 107, 1124 IH 35 South, Austin, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: December 11, 1981, 2:12 p.m.  
Doc. No. 819045

**Tuesday, December 22, 1981, 2 p.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin, to hear oral arguments in Oil and Gas Docket 8-76,365—application of BTA Oil Producers for the establishment of a pooled unit in the Howe (ATOKA) Field, Ward County.

Information may be obtained from Susan Cory Kovar, P.O. Drawer 12967, Austin, Texas 78711.

Filed: December 11, 1981, 2:08 p.m.  
Doc. No. 819046

## Teacher Retirement System of Texas

**Friday, December 11, 1981, 10 a.m.** The Teacher Retirement System of Texas Board of Trustees made an emergency addition to a meeting held on the fourth floor, 1001 Trinity, Austin. The addition concerned consideration of a new real estate investment advisor contract. The emergency status was necessary because of the cancellation of the existing real estate investment advisor contract.

Information may be obtained from William Baker, 1001 Trinity, Austin, Texas 78711, (512) 477-9711, ext. 213.

Filed: December 10, 1981, 2:50 p.m.  
Doc. No. 818998

## Texas Tech University

**Saturday, December 19, 1981, 8:30 a.m.** The Board of Regents Finance Committees of Texas Tech University and Texas Tech University Health Sciences Center, will meet in Room 104, the academic council room of the Administration Building, main campus, Lubbock, in executive session to consider the investments

report and an improvement plan for accounting systems. The committee for Texas Tech University will also consider a status report on plans for Pantex/Ag Field Lab—Lubbock County and financial implications of the water table project.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: December 14, 1981, 9:59 a.m.  
Doc. Nos. 819069 and 819070

## Texas Water Commission

**Monday, December 21, 1981, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. Items on the agenda summary include: water district bond issues; use of surplus funds; release from escrow; setting of hearing dates for district creations; water quality permits; amendments and renewals; in situ uranium mining projects; final decisions on water right applications; certification of water right resolution; extension of time applications; levee project; motion for rehearing; and setting of hearing dates.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 10, 1981, 11:11 a.m.  
Doc. No. 818994

**Thursday, January 7, 1982, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by the Texas Department of Corrections for Permit 12353-01 to authorize a discharge of 350,000 gallons per day of treated domestic sewage effluent, San Jacinto-Brazos Coastal Basin, Brazoria County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 11, 1981, 3:04 p.m.  
Doc. No. 819049

**Tuesday, January 12, 1982, 2 p.m.** The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by Liberty Waste Disposal Company for an industrial solid waste management site permit (Permit 39039) to store, process, and dispose of Class I industrial solid wastes originating from industrial and petrochemical complexes on the Gulf Coast, Chambers County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 11, 1981, 3:03 p.m.  
Doc. No. 819050

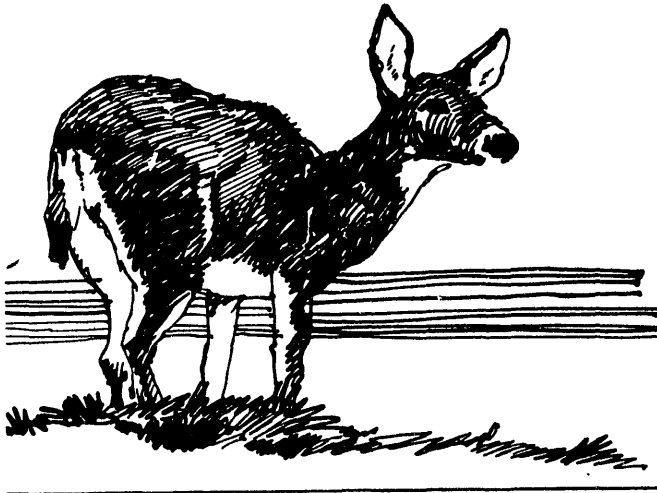
**Wednesday, January 20, 1982, 10 a.m.** The Texas Water Commission will conduct hearings in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, on the following.

Petition for organization of Galveston County Municipal Utility District 9, containing 354.4001 acres.

Petition for organization of Northwest Harris County Municipal Utility District 24, containing 312.659 acres.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 14, 1981, 3:13 p.m.  
Doc. Nos. 819083 and 819094



## Regional Agencies

### Meetings Filed December 10, 1981

*The Brazos Valley Region MH/MR Center*, Board of Trustees Executive Committee, met in Building E, 707 Texas Avenue South, College Station, on December 17, 1981, at 1 p.m. Information may be obtained from Ann Pye Shively, Ph.D., 707 Texas Avenue South, Suite 225-C, College Station, Texas 77840, (713) 696-8585.

*The East Texas Council of Governments*, Board of Directors, and East Texas CETA Consortium, met at 3800 Stone Road, Kilgore, on December 15, 1981, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

*The Lower Colorado River Authority*, committees, met at 3700 Lake Austin Boulevard, Austin, on December 16, 1981. Times and committee names follow.

9 a.m. Environmental, Safety, and Security Committee

10 a.m. Water and Flood Control Committee

11 a.m. Audit Committee and Parks and Lands Committee

1 p.m. Finance and Administration Committee

2:15 p.m. Personnel, Compensation, Pension Trust, and Benefit Committee

3:30 p.m. Power and Energy Committee

The Board of Directors met at 3700 Lake Austin Boulevard, Austin, on December 17, 1981, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

*The South Texas Health Systems Agency*, Board of Directors, will meet in the Holiday Inn, U.S. Highway 81 North, Laredo, on Saturday, December 19, 1981, at 1 p.m. Information may be obtained from Mario L. Vasquez, P.O. Box 2378, Kingsville, Texas 78363, (512) 595-5545.

Doc. No. 818993

### Meetings Filed December 11, 1981

*The Central Texas Manpower Consortium*, Board of Directors, met in the consortium's administration office, 102 North Main, Belton, on December 16, 1981, at 5:30 p.m. Information may be obtained from Billy Don Everett, P.O. Box 108, Killeen, Texas 76541, (817) 526-1320.

*The Cherokee County Appraisal District*, Board of Directors, met at 527 North Main Street, Rusk, on December 17, 1981, at 2:30 p.m. Information may be obtained from S.R. Danner, P.O. Box 494, Rusk, Texas 75785.

*The Region XVII Education Service Center*, Board of Directors, will meet at 4413 50th Street, Lubbock, on January 5, 1982, at 11:30 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

*The Harris County Appraisal District*, Board of Directors, met at 3737 Dacoma, Houston, on December 14, 1981, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.

*The Houston-Galveston Area Council*, Project Review Committee, met in the large conference room, 3701 West Alabama, Houston, on December 15, 1981, at 8:15 a.m. Information may be obtained from Gail Gerrard, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 330.

*The Limestone County Central Appraisal District*, Board of Directors, met in Room 6 of the appraisal district office, Mexia City Hall, Mexia, on December 16, 1981, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Box 266, Mexia, Texas 76667, (817) 562-5385, ext 35.

*The Nolan County Central Appraisal District*, Board of Directors, met in Suite 300A of the Nolan County Court House, Sweetwater, on December 16, 1981, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

*The North Central Texas Council of Governments*, Executive Board, met in the board room of the council offices, Arlington, on December 17, 1981, at 12:30 p.m. Information may be obtained from Linda Keithley, P.O. Drawer COG, Arlington, Texas 76011-3080, (817) 640-3300.

*The Palo Pinto Appraisal District*, Board of Directors, met at 603 South Oak, Mineral Wells, on December 17, 1981, at 7 p.m. Information may be obtained from H. H. Quillen, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

*The West Central Texas Council of Governments*, Executive Committee, met at 1025 East North 10th Street, Abilene, on December

**Meetings Filed December 14, 1981**

*The Blanco County Appraisal District* met in the appraisal office, Blanco County Courthouse Annex, Johnson City, on December 16, 1981, at 10 a.m. Information may be obtained from Kay Wright, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

*The South Texas Development Council*, Board of Directors, will meet in the commissioners courtroom, County Courthouse, Hebbronville, on December 18, 1981, at 11 a.m. The Regional Manpower Policy Advisory Council will meet at the Zapata Community Center, Zapata, on December 22, 1981, at 10:30 a.m. Information may be obtained from Julie Saldana and Juan Vargas, respectively, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

*The South Texas Health Systems Agency*, LRGV Board Selection Committee, met at the Rodeway Inn, Mercedes, on December 17, 1981, at 6 p.m. Information may be obtained from Mario L. Vasquez, P.O. Box 2378, Kingsville, Texas, (512) 595-5545.

Doc. No. 819068

**Meetings Filed December 15, 1981**

*The Brazos River Authority*, Board of Directors, will meet at the Amfac Hotel, East Tower, Dallas-Fort Worth Regional Airport, Irving, on December 29, 1981, at 11 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, (817) 776-1441.

Doc. No. 819092

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11 c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

## Texas Department of Agriculture Correction of Error

An adoption submitted by the Texas Department of Agriculture concerning the Mediterranean fruit fly quarantine contained several errors as published in the December 4, 1981, issue of the *Texas Register*. A correction of these errors follows:

At 6 TexReg 4450—Under the paragraph "Spelling corrections have been made . . ." in which the department explained what changes it had made to §5.211, the following phrase was omitted: "Pomiform guajava (*Psidium guajava pomiform*)."

At 6 TexReg 4450—In the second column, third paragraph, the word Wiedemann was misspelled.

At 6 TexReg 4452—The word guajava under Pyriform guajava (*Psidium guajava "pyriform"*) was incorrectly spelled with a "q."

## Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of November 30-December 4, 1981.

Information relative to the applications listed below, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of facility (if available); permit number; and type of application—new source or modification.

Branham Industries, Inc., Conroe; mobile sandblasting; 105 Beach Road; 8971; new source

Stolaruk Corp., Lewisville; production of hot mix asphalt; 8439A; new source

Northwest Sand Co., Houston; air curtain destructor trench burner; 8619 Taub Road; 8502A; new source

Agramatic Corp., Royse City; steel foundry; 4817 Industrial Drive; 4544A; new source

Hoelscher Farm Gin, Doole; cotton gin; 2-½ miles west of Doole; 8972; new source

Texas Division of Merichem, Inc., Mansfield; colorants for plastics; 130 Forth Worth Street; 8973; new source

Knauf Fiber Glass, Marshall; fiber glass insulation; address not given; 8974; new source

Gilvin-Terrill, Inc., Amarillo; crusher; address not given; 522G; new source

Laferia Coop Gin and Supply, Laferia; cotton gin and supplies; Highway 83; 8975; new source

Derrick Service International, Inc., Conroe; abrasive blast cleaning-spray paint; FM Road 3083 at Highway 105 East; 8976; new source

Derrick Services International, Inc., Tomball; compressed air sandblast-air spray paint; 19902 Huffsmith-Kohrville Road; 8977; new source

Amoco Chemicals Corp., Texas City; Styrene Unit 2; 2800 FM Road 519 East; 8978; new source

Shore Co., Inc., Kilgore; mixed petroleum separation; 2204 North Longview Street; 8979; new source

Issued in Austin, Texas, on December 8, 1981.

Doc. No. 818988      Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: December 10, 1981, 9:53 a.m.  
For further information, please call (512) 451-5711,  
ext. 354.

## Texas Commission on Alcoholism Consultant Proposal Request

Under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Commission on Alcoholism (TCA) is serving notice that it anticipates receiving funds to implement an incidence and prevalence study of alcohol abuse and alcohol addiction in Texas.

In its effort to fulfill its state and federal mandates, the Texas Commission on Alcoholism responds to a broad range of human service needs throughout a continuum of concerns including prevention, intervention, treatment, and rehabilitation. Since it is unlikely that the State of Texas will ever have enough resources to meet all the needs, one of TCA's most critical functions, as the State Alcoholism Authority, is designing and implementing service programs that will meet the most critical needs while gaining the greatest possible impact from available resources. Essential ingredients in this planning are reliable, valid, and sensitive data and information useful in decision-making. These data must relate to time, place, and persons.

In order to obtain these data, a consultant proposal request has been developed. This request provides sufficient information to

submit proposals to the Texas Commission on Alcoholism for a statewide alcohol abuse and alcohol addiction incidence and prevalence study.

This item is to serve notice that invitation for offers is open. TCA has sole discretion and reserves the right to reject any or all proposals, or any part thereof, received in response to this request and to cancel this request if it is deemed to be in the best interest of TCA to do so. Issuance of this request in no way constitutes a commitment by TCA to award a contract, to pay costs incurred in the preparation of a response to this request, nor act on the part of the applicant to produce a contract for service or supplies. TCA's maximum obligation under this contract shall not exceed \$150,000.

The closing date for receipt of all proposals in response to this request is February 15, 1982. A proposal will be considered received on time if the proposal is received in the mail by TCA by 5 p.m. on this date, or if the proposal is hand-delivered and stamped as received by 5 p.m. on this date.

Proposals received after the deadline or improperly addressed will not be accepted and will be returned to the applicant.

The evaluation committee is made up of the project director, TCA; director, Program Planning and Evaluation, TCA; supervisor, Data Analysis Section, State Health Planning and Development Agency; director of programs, Program Analysis and Resource Development, Texas Department of Mental Health and Mental Retardation; director, Texas 2000 Project, Office of the Governor; and assistant to the deputy commissioner for information systems, Texas Department of Human Resources. The evaluation committee will judge the merits of proposals following the process and applying the criteria as indicated in the request. The contract award will be made based upon the evaluation committee's selection of the proposal which constitutes the best offer for TCA. If a proposal is selected, the TCA project director will negotiate the terms of the contract.

For a copy of the complete consultant proposal request, contact the Texas Commission on Alcoholism, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-2577, Attention: Grants and Contracts Department.

Issued in Austin, Texas, on December 10, 1981.

Doc. No. 819009     Ross Newby  
Executive Director  
Texas Commission on Alcoholism

Filed: December 10, 1981, 3:49 p.m.  
For further information, please call (512) 475-2577.

## Comptroller of Public Accounts Administrative Decision 10,216 (Franchise Tax)

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 our confidentiality statutes.

**Summary of Decision.** In this case, the taxpayer was contending that his company was not "doing business" in Texas within the meaning of Article 12.01, and was, thus, not required to pay fran-

chise tax. The company is in the business of shipping containerized cargo by sea in interstate and international commerce. It has a 10-acre facility in the Port of Houston and sales offices in the state, all of which employed "a couple of hundred" employees. The company contended that, since all its business was in interstate commerce, and the qualification statute (TBCA, Article 8.02) excluded business in interstate commerce from the definition of "transacting business," it should be considered "doing business" under the taxation statute. The decision held that the nexus standards for qualification and taxation were different and that, given its large presence in the state, it was "doing business" in Texas and liable to pay franchise tax.

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819026     Bob Bullock  
Comptroller of Public Accounts

Filed: December 11, 1981, 1:01 p.m.  
For further information, please call (512) 475-1938.

## Office of Consumer Credit Commissioner

### Rate Ceilings

Pursuant to the provisions of the 67th Legislature of Texas, Regular Session, 1981, House Bill 1228, the Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended (Texas Civil Statutes, Article 5069-1.04).

Type of Rate Ceiling	Effective Period <sup>(1)</sup>	Type of Transaction	
		Consumer <sup>(2)</sup> / Commercial <sup>(3)</sup> through \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated rate (weekly rate)	12/21/81-12/27/81	23.25%	23.25%
Monthly (variable commercial only)	12/1/81-12/31/81	22.75%	22.75%
Quarterly	1/1/82-3/31/82	24%	26.37%
Annual <sup>(5)</sup>	1/1/82-3/31/82	24%	28%

<sup>(1)</sup> Dates set out above are inclusive.

<sup>(2)</sup> Credit for personal, family, or household use.

<sup>(3)</sup> Credit for business, commercial, investment, or other similar purpose.

<sup>(4)</sup> Same as <sup>(3)</sup> above, except excluding credit for agricultural use.

<sup>(5)</sup> Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819055     Sam Kelley  
Consumer Credit Commissioner

Filed: December 14, 1981, 9:20 a.m.  
For further information, please call (512) 475-2111.

## Texas Education Agency Correction of Error

An adoption submitted by the Texas Education Agency, concerning bilingual education and other special language programs, contained several errors as published in the December 4, 1981, issue of the *Texas Register*. A correction for these errors follows.

At 6 TexReg 4462—Paragraph (15) of §77.356(b) should read: "Sequential Tests of Educational Progress (STEP III, Circus), 1979—Addison-Wesley Publishing Company."

At 6 TexReg 4462—The word "and" was incorrectly added to paragraph (2) of §77.356(e) and should be deleted.

At 6 TexReg 4464—A portion of subparagraph (A) of §77.362(c)(4) was pasted up in the wrong order and should read as follows:

(4) A minimum of 25% of the total amount for which each district is eligible shall be used for staff development and supplemental staff expense as follows.

(A) Teacher certification. First priority activities shall include formal preparation programs designed to meet bilingual or English as a second language certification requirements for professional and paraprofessional instructional staff.

- (i) tuition and fees;
- (ii) textbooks for college and university course work;
- (iii) travel and per diem for trainees receiving tuition and fees;
- (iv) stipends for receiving training after working hours such as evenings and weekends; and
- (v) extended 10-, 11-, or 12-month contracts for persons participating in continuing education.

## Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to the following application, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Angell Group, Inc., Winston Salem, North Carolina  
AN81-1211-016

NIEH—Request for a declaratory ruling that a certificate of need is not required prior to the acquisition of Natatana Care Center, an existing 120-bed ICF facility located in De Leon, from Natatana Health Care Facilities, Inc.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819067 Linda E. Zatopek  
Assistant General Counsel  
Texas Health Facilities Commission

Filed: December 14, 1981, 9:40 a.m.  
For further information, please call (512) 475-6940.

## State Property Tax Board Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the State Property Tax Board furnishes this notice of consultant contract award. The consultant proposal request appeared in the October 27, 1981, issue of the *Texas Register* (6 TexReg 4015).

**Description of Service.** The consultant will serve as the coordinator of school district field review in the board's 1982 property valuation study based on the 1981 tax year and will assist in the preparation of the "Preliminary Report" of the study findings.

**Address of Consultant.** The consultant is Richard Parks, P.O. Box 713, Bedford, Texas 76021.

**Contract Value and Period.** The total value of the contract is \$21,600. The beginning date of the contract is December 1, 1981, and the ending date is August 31, 1982.

**Due Date of Reports.** All drafts and final reports prepared by the consultant under this contract shall be submitted upon completion throughout the period of performance of this contract.

Issued in Austin, Texas, on December 8, 1981.

Doc. No. 819008 Kenneth E. Graeber  
Executive Director  
State Property Tax Board

Filed: December 10, 1981, 4:09 p.m.  
For further information, please call (512) 837-8622.

## Office of the Secretary of State Texas Register

### Notice of Schedule Variation

Because of the Christmas holidays on Thursday, December 24, and Friday, December 25, no issue will be published on December 29. Publication resumes with the January 1 issue of the *Register*. A 1982 publication schedule will appear in the December 22 issue.



Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

## TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

### TITLE 13. CULTURAL RESOURCES

#### Part III. Texas Commission on the Arts

13 TAC §35.1 (353.03.00.004) ..... 4704, 4708

### TITLE 22. EXAMINING BOARDS

#### Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

22 TAC §141.35 ..... 4708

22 TAC §141.36 ..... 4710

22 TAC §143.1 ..... 4710

### TITLE 25. HEALTH SERVICES

#### Part I. Texas Department of Health

25 TAC §§73.1-73.9 (301.37.01.001-.009) ..... 4726

25 TAC §§73.1-73.6 (301.37.01.010-.015) ..... 4726

25 TAC §§89.1-89.9 ..... 4704, 4711

### TITLE 28. INSURANCE

#### Part I. State Board of Insurance

Noncodified (059.05.58.002) ..... 4724

### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part II. Texas Parks and Wildlife Department

31 TAC §§57.361-57.365 ..... 4707, 4712

31 TAC §§57.371-57.375 ..... 4707, 4716

31 TAC §65.62 ..... 4720

31 TAC §65.75 ..... 4720

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

#### Part I. Texas Department of Human Resources

Noncodified (326.10.21.001, .003) ..... 4721

Noncodified (326.10.31.009, .010) ..... 4722

Noncodified (326.10.33.031, .033) ..... 4722

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TITLE 4. AGRICULTURE

TITLE 7. BANKING AND SECURITIES

TITLE 10. COMMUNITY DEVELOPMENT

TITLE 13. CULTURAL RESOURCES

TITLE 16. ECONOMIC REGULATION

TITLE 19. EDUCATION

TITLE 22. EXAMINING BOARDS

TITLE 25. HEALTH SERVICES

TITLE 28. INSURANCE

TITLE 31. NATURAL RESOURCES AND CONSERVATION

TITLE 34. PUBLIC FINANCE

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

TITLE 43. TRANSPORTATION

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