Highlights

Texas Board of Private Investigators and Private Security Agencies proposes new sections and amendments to chapters concerning procedures, the seal, handguns, security officer commissions, and employee records; proposed date of adoption - February 15. . . page 186. Texas Parks and Wildlife Commission proposes the repeal of old sections and new sections relating to predator control from aircraft; proposed date of adoption - February 15. . . page 190. Texas Department of Agriculture adopts repeals and amendments affecting quarantines, grain warehouses, and alcohol fuels and fuel alcohol equipment; effective date - February 1. . . page 195.
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WPC-42

Establishing the County Officials Advisory Committee to the Governor.

WHEREAS, many actions by the federal government and the State of Texas through legislation and regulation directly affect Texans living or working in the counties of Texas and their county governments; and

WHEREAS, county officials are locally elected, are close to the people, and are able spokespersons for the counties and the citizens residing therein; and

WHEREAS, the establishment of a meaningful communication mechanism between the counties and the governor will promote an understanding of problems and issues and will facilitate their resolution through the proper cooperation and coordination of the activities of the Office of the Governor and the county governments throughout Texas; and

WHEREAS, the establishment of a permanent advisory committee of county officials to have direct input to the Governor of Texas and to serve as a sounding board for his policies and programs will greatly assist both the governor and county officials throughout the state in the performance of their duties; and

WHEREAS, the Governor of Texas is the highest elected officer of this state and is directed by constitution, statute, and tradition to be the chief spokesman for the State of Texas in dealing with the federal government.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby create and establish the County Officials Advisory Committee to the Governor, hereinafter referred to as the committee.

The committee will consist of at least 30 county officials designated by the governor, broadly representative of each region of the state with a proper balance between counties of various sizes, 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 committee is directed to meet at least once annually 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 committee meetings.

The committee shall, in addition to the agenda set by the chairman and the governor, make such studies and reports as the governor may from time to time request and shall keep the governor and the county officials throughout Texas advised as to the committee's activities.

The members of the committee shall serve without compensation and without reimbursement for their travel and expenses.

All state agencies are hereby directed to cooperate with and fully assist the committee in the performance of its duties.

This executive order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

Issued in Austin, Texas, on January 4, 1982.

TRD-820112

William P. Clements, Jr.
Governor of Texas
Executive Order
WPC-41

Establishing the Task Force on Agricultural Development.

WHEREAS, Texas' ranchers and farmers are the backbone of Texas' economy and contribute significantly to the state's high standard of living; and

WHEREAS, the estimated economic impact of agricultural production and agribusiness activities by Texas' ranchers and farmers on Texas' economy is more than $33.7 billion per year; and

WHEREAS, the total value of farm assets in Texas totals more than $62 billion—approximately ½ of the total assets of all state and national banks in Texas; and

WHEREAS, cash receipts from agricultural commodities in Texas were nearly $10 billion in 1979; and

WHEREAS, suppliers of farm inputs, food processors, distributors, and others also benefit from agricultural production; every $1.00 of farm sales leads to more than $3.40 in the Texas economy; and

WHEREAS, Texas is the number one producer of cattle and calves, cotton, and sorghum; and

WHEREAS, Texas ranks among the top 10 states in production of 16 of the nation's top 25 commodities; and

WHEREAS, Texas ranked second in the nation in agricultural receipts; and

WHEREAS, agricultural productivity by Texas' farmers and ranchers, and agribusiness must be improved and any loss of agricultural productivity on Texas' economy is of serious concern; and

WHEREAS, the high technology agriculture of Texas requires a continued development and infusion of new production methods and information to support its programs; and

WHEREAS, problems of disease, pests, climate, new marketing systems, and changing economic conditions are ever-changing; and

WHEREAS, research extension and higher education in Texas can equip agriculture and related industries to increase the productivity of Texas' agriculture and provide for a healthier and more prosperous society; and

WHEREAS, the State of Texas must set as its goal to become the number one leader among the states in agricultural production; and

WHEREAS, there is a need for the State of Texas to develop and implement policies and strategies to achieve the goal of leader among the states in agricultural production.

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 Agricultural Development, hereinafter referred to as task force.

The task force will consist of not more than 40 members, representing all segments of Texas' agribusiness community, appointed by the governor, 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) examine in detail the status of Texas' agricultural production and agribusiness;
(b) examine in detail methods by which productivity of Texas' agricultural production and agribusiness can be improved and strengthened;
(c) develop recommendations for legislation to address the needs of Texas' agricultural industry;
(d) 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, findings, and recommendations to the governor.

The task force shall meet regularly 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 members of the task force shall serve without compensation and without reimbursement for their travel and 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 executive order shall be effective immediately and shall remain in full force until modified, amended, or rescinded by me.

Issued in Austin, Texas, on January 4, 1982.

William P. Clements, Jr.
Governor of Texas
Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure.

Requests for opinions, opinions, and open record decisions are summarized for publication in the Register.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-3443. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are $1.00 a copy.

Requests for Opinion

**RQ-774.** Request from Lee F. Jackson, Texas House of Representatives, Austin, concerning whether Texas Civil Statutes, Article 6228a-5, §1 and §1A, are subject to the requirements of Texas Civil Statutes, Article 6252-3b, or any other statute that prohibits the sale of certain kinds of investments by persons or institutions not authorized by the statute?

TRD-820215

Opinions

**MW-404 (RQ-666).** Request from Andy Shuval, executive director, Texas Prosecutors Coordinating Council, Austin, concerning appointment of prosecutor pro tempore.

**Summary of Opinion:** The appointment of a prosecutor pro tem pursuant to Article 2.07 of the Code of Criminal Procedure did not terminate as of September 1, 1981, the effective date of amendments to Texas Civil Statutes, Article 332d, by House Bill 649 of the 67th Legislature. This appointment will terminate when the suspension against the district attorney is lifted, or in case the district attorney is permanently removed from office, when the governor exercises his right to fill the vacancy thereby created.

**MW-405 (RQ-339).** Request from Warren G. Harding, state treasurer, Austin, concerning the funding of escheat investigations.

**Summary of Opinion:** The treasurer department may employ experts to aid in the recovery of escheated property and pay the expenses and fees or salary thereof from funds appropriated to it.

MW-406 (RQ-638). Request from George M. Cowden, chairman, Public Utility Commission of Texas, Austin, concerning appeals to the Public Utility Commission of municipal rate orders regarding municipally owned electric utilities.

**Summary of Opinion:** In hearing an appeal pursuant to Texas Civil Statutes, Article 1446(c), §26(c), from ratepayers of a municipally owned utility outside of the municipal limits, the Public Utility Commission of Texas does not have authority to set rates for customers inside the city limits. In setting the rates for ratepayers outside of the city, it may consider systemwide data, and may require municipal utilities to submit the indicated information. The procedural requirements found in §26(d) and (e) apply to an appeal under §26(c). In hearing such appeals, the commission must redetermine the revenue requirement.

MW-407 (RQ-678). Request from Ray Farabee, chairman, Senate State Affairs Committee, concerning characterization of "right-to-use" timesharing plans in resort communities.

**Summary of Opinion:** A "right-to-use" timeshare is not an interest in real property, but it is a service within the Texas Consumer Credit Code.

MW-408 (RQ-627). Request from Bob Bullock, comptroller of public accounts, Austin, concerning validity of city ordinance requiring taxpayers to file copy of sales tax return with city.

**Summary of Opinion:** A city subject to the Local Sales and Use Tax Act may not by ordinance require a vendor to file with the city a copy of its sales tax return required by statute to be filed with the comptroller.

MW-409 (RQ-504). Request from Evans N. Wentz, executive director, State Commission for the Blind, Austin, concerning whether the State Commission for the Blind may maintain deferred compensation programs for licensed vendors.

**Summary of Opinion:** The State Commission for the Blind lacks authority to establish and maintain a deferred compensation program for commission-licensed voice vendors operating vending facilities located on federal property.

MW-410 (RQ-684). Request from Fred S. Brinkley, Jr., executive direc-
Summary of Opinion: A "practitioner" may not practice pharmacy unless he is also licensed as a pharmacist under this Act. No licensed pharmacy may legally operate unless there is a pharmacist-in-charge who is a licensed pharmacist. A practitioner who undertakes to fill a prescription of another practitioner engages in the practice of pharmacy, which he may not do unless licensed as a pharmacist. A practitioner who dispenses drugs to his own patients from his office, and charges a separate fee therefor, is engaged in the practice of pharmacy, which he may not do unless licensed as a pharmacist. After January 1, 1982, no written prescription is lawful unless it is on a form which meets the requirements of §40(g) of the Act.

MW-411 (RQ-688). Request from W. P. Davis, Jr., chairman, State Board of Insurance, Austin, concerning whether reports regarding financial affairs of organization chartered under Chapter 20 of the Texas Insurance Code, are public.

Summary of Opinion: Examination, operating, or condition reports prepared by, on behalf of, or for the use of the State Board of Insurance regarding organization chartered under Chapter 20 of the Texas Insurance Code are excepted from disclosure under §3(a)(12) of the Open Records Act, Texas Civil Statutes, Article 6252-17a.

MW-412 (RQ-652). Request from Mike Driscoll, Harris County Attorney, Houston, concerning authority of county flood control district to lengthen private bridge crossing channel widened by district.

Summary of Opinion: Section 50.052 of the Water Code requires the Harris County Flood Control District to lengthen a private bridge crossing a channel which has been widened by the district, without regard to whether the district has previously approved the construction of the bridge. Section 50.052 of the Water Code is not unconstitutional on its face.

MW-413 (RQ-714). Request from Bob Bullock, comptroller of public accounts, Austin, concerning interpretation of House Bill 3 relating to regulation and taxation of bingo games.

Summary of Opinion: Prior to issuing a license to conduct bingo games, the comptroller must determine that the applicant will comply with the provisions of §11 of House Bill 3. If a justice precinct of a county legalizes bingo but the commissioners court does not impose the tax, the municipality may impose a tax on the portion of the precinct in the city without holding an election. If the county legalizes bingo but does not impose the tax, the city may impose the tax on the portion of the county within the municipality without holding an election. If the municipality imposes the tax, the commissioners court may later impose the tax in the entire county within one or more justice precincts. An authorized organization located outside an area which is legalized may obtain a license.

MW-414 (RQ-750). Request from Wilhelmina Deleo, chairman, Committee on Higher Education, Austin, concerning construction of General Appropriations Act provision on compensatory time for employees required to work on holidays.

Summary of Opinion: The General Appropriations Act contemplates a shared responsibility between employee and supervisor with regard to the use of compensatory time. The Act makes no distinction for this purpose between regular employees and rotating or shift employees.

MW-415 (RQ-703). Request from Henry Wade, Dallas criminal district attorney, Dallas, concerning whether one person may serve at the same time as both deputy district clerk and deputy county clerk.

Summary of Opinion: Texas law does not prevent one person from serving in the dual capacity of deputy county clerk and deputy district clerk of Dallas County. Compensation for the joint employment should be set by the commissioners court. An employee who serves in this dual capacity is not necessarily entitled to the compensation that would be earned by two persons each serving full time as a deputy clerk.

MW-416 (RQ-683). Request from Vernon M. Arrell, commissioner, Texas Rehabilitation Commission, Austin, concerning whether Texas Civil Statutes, Article 4350, may be used to assist the Texas Rehabilitation Commission in the collection of money due from rehabilitation facilities in default.

Summary of Opinion: The state comptroller of public accounts is without authority under Texas Civil Statutes, Article 4350, to withhold warrants otherwise due and payable to an independent school district acting as fiscal agent for a private nonprofit rehabilitation entity that has received an establishment grant from the Texas Rehabilitation Commission, where such grant becomes subject to the financial audit exceptions under the existing application for grant funds presently in use by the commission.

MW-417 (RQ-705). Request from Jim Mapel, criminal district attorney, Angleton, concerning application of Open Meetings Law to joint executive session of two political subdivisions.

Summary of Opinion: The Brazos River Harbor Navigation District and the City of Quintana were not authorized to meet jointly in executive session, under the circumstances described, on the basis of §2(c) and (f) or any other exception to the Open Meetings Act, Texas Civil Statutes, Article 6252-17, for the purpose of discussing the formation of an industrial district, and, in connection therewith, the annexation and de-annexation of certain land.

MW-418 (RQ-680). Request from James A. Adkins, acting commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether state employees may hold full-time and part-time jobs at the same facility.

Summary of Opinion: Employees of the Texas Department of Mental Health and Mental Retardation who are employed by such facility on both a full-time and part-time basis in nursing positions are not prohibited by law from such dual employment.

MW-419 (RQ-425). Request from Mike Driscoll, Harris County attorney, Houston, concerning authority of a county to prohibit discharge of sewage plant effluent into a county roadside ditch.

Summary of Opinion: Harris County has no authority to institute a blanket prohibition of all discharges of sewage plant effluent into county ditches. The county may prevent interference with its easement through common-law remedies or statutory nuisance abatement proceedings.

MW-420 (RQ-753). Request from Lloyd Doggett, chairman, Subcommittee on Consumer Affairs, Texas Senate, Austin, concerning nominations for judicial offices created by House Bill 958 of the 67th Legislature.

Summary of Opinion: The positions of judge of the 299th and 331st Judicial District Courts of Texas must appear on the November 1982 general election ballot, and candidates for those positions may be
selected by party primary held as specified in the Texas Election Code.

TRD-820128-820144

MW-421 (RQ-505). Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin, concerning the constitutionality of §77.094 of the Parks and Wildlife Code.

Summary of Opinion: Section 77.094 of the Texas Parks and Wildlife Code, by creating a “grandfather” exception for commercial bait-shrimp dealers from a prohibition on fishing designated nursery areas, does not on its face contravene the equal protection guarantees of the Texas and United States Constitutions; it does not in fact do so if there exists a reasonable, rational basis for exempting this class of shrimpers.

TRD-820216

Open Records Decisions

ORD-292 (RQ-726). Request from Elois Soderberg, general manager, Lower Colorado River Authority, Austin, concerning whether contract held by the Lower Colorado River Authority under an agreement to maintain confidentiality is excepted from public disclosure under the Open Records Act.

Summary of Decision: The Lower Colorado River Authority received a request under the Open Records Act for a copy of a contract between the Texland Electric Cooperative and the Shell Oil Company. LCRA requested this contract in connection with negotiations with Texland concerning a proposed electric generating plant. The contract related to the fuel source for the plant. Both Shell and Texland received LCRA’s express promise to maintain the confidentiality of the contract prior to letting LCRA review it. It was determined that the contract was protected by §3(a)(10) of the Open Records Act as confidential, commercial, and financial information. Release of the contract under the Open Records Act was likely to impair the government’s ability to obtain necessary information in the future and cause substantial harm to the competitive position of the person from whom the information was obtained.

ORD-298 (RQ-560). Request from W. O. Shultz II, associate general counsel, The University of Texas System, Austin, concerning availability under the Open Records Act of correspondence relating to foreign students at a state university.

Summary of Decision: The University of Texas received a request under the Open Records Act for correspondence relating to foreign students attending the university. The Attorney General of Texas has authority under the Open Records Act to determine the availability of the public of correspondence from a foreign government which has been voluntarily submitted to a governmental body. The U.S. Department of State has failed to fight the existence of any overriding federal law or treaty which would prohibit release of this correspondence. Therefore, the request presented no question of sovereign immunity. None of the material was excepted from disclosure by §3(a)(1) of the Open Records Act as information, the disclosure of which would invade the common-law right of privacy. The documents and portions of documents which identify individual students and furnish information regarding grades, disciplinary action, scholarships, and recommendations by the International Office of the University of Texas may properly be withheld under §3(a)(14) of the Open Records Act as student records at educational institutions funded by state revenue. Some of the information contained in the documents in question does not identify individual students or reveals only information properly characterized as “directory information” under federal regulations promulgated pursuant to the Family Educational Rights and Privacy Act. Thus, this information would be subject to public disclosure.

ORD-295 (RQ-688). Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin, concerning whether draft plan concerning Matagorda Island is available to the public under the Open Records Act.

Summary of Decision: The Texas Parks and Wildlife Department received a request under the Open Records Act for a draft plan concerning Matagorda Island. A report entitled Matagorda Island Preliminary Conceptual Plan has not been forwarded to the Parks and Wildlife Commission. It was excepted in its entirety by §3(a)(1) of the Open Records Act as information consisting of the advice, opinions, and recommendations of employees or agents of the Parks and Wildlife Department. The small amount of other information obtained in the report is incidental to and intertwined with the opinions and recommendations of agency employees so that it cannot be severed.

ORD-296 (RQ-736). Request from Edward H. Perry, assistant city attorney, Dallas, concerning public availability under the Open Records Act of information relating to air pollution supplied to city by corporation.

Summary of Decision: The City of Dallas received a request for copies of complaints made to the city’s Environmental Health and Conservation Department concerning lead pollution or poisoning in the city and certain information sent to the city by RSR Corporation. The city’s Environmental Health and Conservation Department enforces state and local air pollution requirements. Violation of such provisions may lead to criminal conviction. For that reason, information that tends to identify persons who make complaints to the city about pollution or poisoning may be withheld by the city’s privilege. The information sent to the city by RSR Corporation may be withheld as trade secrets within §3(a)(10) of the Open Records Act.

ORD-297 (RQ-645). Request from John C. Ross, Lubbock city attorney, concerning whether investigation of traffic ticket fixing is subject to public disclosure under the Open Records Act.

Summary of Decision: The City of Lubbock received a request under the Open Records Act for a report of an investigation into traffic ticket fixing. The informa-
tion sought consisted of a memo by the internal auditor of the city regarding dismissed traffic tickets and a report by the city police department which included interviews with various individuals and a cover letter summarizing the findings, drawing conclusions, and making recommendations. Investigations of this matter by the district attorney and the State Commission on Judicial Conduct had been closed. It was concluded that a portion of the cover memo accompanying the report of the police investigation was excepted from disclosure by §3(a)(11) of the Open Records Act. The names and statements of witnesses could be withheld if disclosure might subject the witnesses to intimidation or harassment or harm the prospects of future cooperation between witnesses and law enforcement officers. The memorandum by the city auditor was open to the public.

**ORD-298 (RQ-719).** Request from William R. McClellan, executive director, Housing Authority of the City of Houston, concerning whether employment resumes, correspondence with a consultant, and a consultant's working papers are available under the Open Records Act.

**Summary of Decision:** Information regarding the amount of disability payments to a former city employee is not excepted from disclosure under the Open Records Act. Employment resumes are not excepted from disclosure. Written "advice, opinion, and recommendations" contained in correspondence initiated by a management consultant hired by a city may be withheld under §3(a)(11).

**ORD-299 (RQ-720).** Request from James A. Adkins, acting commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether survey reports and complaints relating to a state school are available under the Open Records Act.

**Summary of Decision:** Survey reports and complaints relating to current litigation involving the Fort Worth State School are excepted from disclosure under §3(a)(3) of the Open Records Act.

**ORD-300 (RQ-738).** Request from Bob Bullock, comptroller of public accounts, Austin, concerning whether names of corporations filing franchise tax returns under the county assessed value method of taxation are available under the Open Records Act.

**Summary of Decision:** A list of corporations filing franchise tax returns under the county assessed value method of taxation is excepted from disclosure under Texas Taxation-General, Article 12.01.
TITLE 1. ADMINISTRATION
Part X. Automated Information Systems Advisory Council
Chapter 201. Acquisition of Automated Information Systems

1 TAC §201.1
The Automated Information Systems Advisory Council is renewing the effectiveness of the emergency adoption of new §201.1, for a 60-day period, effective January 31, 1982. The text of the new section, as adopted on an emergency basis, was published in the October 9, 1981, issue of the Texas Register (6 TexReg 3722).

Issued in Austin, Texas, on January 8, 1982.

TRD-820181 Louis M. Smith
Executive Director
Automated Information Systems
Advisory Council

Effective date: January 31, 1982
Expiration date: April 1, 1982
For further information, please call (512) 475-7956.

TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part X. Texas Water Development Board
Chapter 321. Grants Administration
Subchapter A. State Project Priority System

31 TAC §321.26
The Texas Water Development Board is renewing the effectiveness of the emergency adoption of amended §321.26 (156.15.05.225), for a 60-day period, effective January 21, 1982. The text of the amended section, as adopted on an emergency basis, was published in the September 29, 1981, issue of the Texas Register (6 TexReg 3621).

Issued in Austin, Texas, on January 8, 1982.

TRD-820227 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective date: January 21, 1982
Expiration date: March 22, 1982
For further information, please call (512) 475-7845.

31 TAC §321.41
The Texas Water Development Board is renewing the effectiveness of the emergency adoption of amended §321.41 (156.15.05.300), for a 60-day period, effective January 21, 1982. The text of the amended section, as adopted on an emergency basis, was published in the September 29, 1981, issue of the Texas Register (6 TexReg 3621).

Issued in Austin, Texas, on January 8, 1982.

TRD-820228 M. Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective date: January 21, 1982
Expiration date: March 22, 1982
For further information, please call (512) 475-7845.
Chapter 341. Consolidated Permits
Actions, Notice, and Hearing

31 TAC 341.287

The Texas Water Development Board is renewing the
effectiveness of the emergency adoption of amended
341.287 (156 25 36 027), for a 60 day period, ef-
fектив January 70, 1982. The text of the amended
section, as adopted on an emergency basis, was
published in the September 25, 1981, issue of the
Texas Register (6 TexReg 3560).

Issued in Austin, Texas, on January 7, 1982

TRD 820224 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date January 20, 1982
Expiration date March 21, 1982
For further information, please call (512) 475 7845.
Thirty days before an agency intends to permanently adopt a new or amended rule or repeal an existing rule, it must submit a proposal detailing the action in the Register. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, as published in the Register, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of legal authority under which the proposed rule is to be adopted (and the agency’s interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes the earliest possible date that the agency may file notice to adopt the proposal and a telephone to call for further information follows each submission.

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

TITLE 22. EXAMINING BOARDS.
Part XVI. Texas Board of Physical Therapy Examiners.
Chapter 323. Powers and Duties of the Board
22 TAC §323.1

The Texas Board of Physical Therapy Examiners proposes to amend §323.1 concerning types of examination.

Lois M. Smith, 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, there will be no public benefits as a result of enforcing the rule as proposed, and no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Lois M. Smith, 5555 North Lamar, H135, Austin, Texas 78751

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

Lois M. Smith
January 6, 1982

The amendment is proposed under Texas Civil Statutes, Article 4512e, §3(e), which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

§323.1. Types of Examination. It shall be the duty of the board to pass on qualifications of applicants for licensure [registration] and to conduct examinations that measure qualifications of the individual; the examination for physical therapists and physical therapist assistants prepared by the Professional Examination Service and at the discretion of the board, oral and practical examinations may be given. Applicants will be given a 60-day notice of the date and place of examination.

Issued in Austin, Texas, on January 6, 1982
TRD 820168
Lois M. Smith
Executive Director
Texas Board of Physical Therapy Examiners

Proposed date of adoption February 15, 1982
For further information, please call (512) 475-7956.

January 15, 1982 7 TexReg 185
Part XX. Texas Board of Private Investigators and Private Security Agencies.

Chapter 423. Rules of Procedure and Seal

Regulation or Code of Professional Responsibility and Conduct

22 TAC §§423.1, 423.2

The Texas Board of Private Investigators and Private Security Agencies proposes amendments to §§423.1 and 423.2 (399.11.01.001 and 002) concerning standards of conduct and standards of services. The amendments require reporting of licensees and employees who do not meet specified standards of conduct, prohibit unauthorized use of the state seal, and specify standards for written and oral contracts.

Clema D. Sanders, 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 elimination of licensees and employees who do not meet specified standards of conduct, protection of the state seal, provision of specific standards for contracts to better protect the consumer, and protection of citizens.

(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 Clema D. Sanders, executive director, P.O. Box 13509, 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.

Clema D. Sanders
January 4, 1982

The amendments are proposed under Texas Civil Statutes, Article 4413(29bb), §11, which provides the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act after giving 30 days notice to parties of proposed rules and regulations and an opportunity for the parties to express their views and be represented by an attorney.

§423.1 (399.11.01.001) Standards of Conduct.

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

(e) Licensees and employees shall not have been convicted of a misdemeanor crime involving moral turpitude within the past seven years regardless of the date of occurrence.

(f) A licensee or his manager shall notify the board in writing within seven days after learning that any owner, officer, partner, shareholder, or employee:

(1) has been convicted of a felony;

(2) has been convicted of any crime involving moral turpitude;

(3) has unlawfully carried on or about his person a handgun;

(4) has unlawfully discharged or recklessly displayed a handgun;

(5) has committed any offense for which a license, commission, or registration could be suspended or revoked.

(g) No licensee, owner, officer, partner, shareholder, or employee shall have a badge, shield, or insignia as part of any uniform identifying each, or markings on a motor vehicle that contains the seal of the State of Texas, except those identification and license items that are prepared or issued by the board.

§423.2 (399.11.01.002) Standards of Services.

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

(d) The following rule applies to all written and oral contracts.

(1) Contracts shall have a starting and completion date not to exceed one year.

(2) If services are to be rendered beyond a completion date, a new contract is required.

(3) Contracts shall explain whether or not a retainer fee or any part thereof is to be refunded if a contract is dissolved or completed.

(4) Fee schedules shall be explained so that a client understands the amount of monies he or she is to spend.

(5) Services shall be explained so that a client understands what and how much services he or she is to receive for the amount of fee involved.

(6) The following shall be maintained in the records of a licensee and available for inspection by a board investigator during the course of an investigation:

(A) a copy of a written contract given to a client;

(B) information pertaining to all matters required in a written contract when there exists only an oral contract between the licensee and client.

(7) A written contract shall contain the signature of the client.

Issued in Austin, Texas, on January 5, 1982

TRD-820092 Clema D. Sanders
Executive Director
Texas Board of Private Investigators and Private Security Agencies

For further information, please call (512) 475-3944.

Chapter 433. Handgun; Security Officer Commission

22 TAC §433.16

The Texas Board of Private Investigators and Private Security Agencies proposes new §433.16 (399.19.00.016) concerning uniform requirements.
Chapter 445. Employee Records
22 TAC §445.1-445.3

The Texas Board of Private Investigators and Private Security Agencies proposes amendments to §445.1 and §445.2 (399 29.00.001 and .002) and new §445.3 (399 29.00.003) concerning security employees, other employees, and location of records. Sections 445.1 and 445.2, regarding security employees and other employees, are amended to delete the requirement for personnel records to be located at the principal place of business, and new §445.3 specifies that records of employees be maintained at the principal place of business and/or branch office of the licensee.

Clema D. Sanders, 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 the public may more readily recognize private security personnel as distinguished from law enforcement personnel.

(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 Clema D. Sanders, executive director, P.O. Box 13509, Austin, Texas 78711.

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

Clema D. Sanders
January 4, 1982

The new sections are proposed under Texas Civil Statutes, Article 4413 (29bb), §11, which provides the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act after giving 30 days notice to parties of proposed rules and regulations and an opportunity for the parties to express their views and be represented by an attorney.

§433.16 (399.19.00.019). Uniform Requirements.

(a) Each commissioned security officer shall wear on his or her uniform shirt and outermost worn garment:

(1) A shoulder patch not less than four inches in diameter that contains the words “security officer” in black or dark letters on white or light colored background; and

(2) An identification name plate not less than ½ inch wide and two inches long that contains at least the initials and last name of the commissioned officer.

(b) A sample of the shoulder patch worn by a commissioned security officer shall be maintained on file with the board by the employer.

(c) No licensee, owner, officer, partner, shareholder, or employee shall have a badge, shoulder patch, or any identification that contains the words “law enforcement” or similar word(s).

Issued in Austin, Texas, on January 5, 1982.

TRD-820093 Clema D. Sanders
Executive Director
Texas Board of Private Investigators and Private Security Agencies

Proposed date of adoption February 15, 1982
For further information, please call (512) 475 3944

The amendments and new section are proposed under Texas Civil Statutes, Article 4413 (29bb), §11, which provides the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act after giving 30 days notice to parties of proposed rules and regulations and an opportunity for the parties to express their views and be represented by an attorney.

§445.1 (399.29.00.001). Security Employees. A licensee shall keep records of its security employees who are registered with the board. These records shall be maintained [in the principal place of business] for a period of three years from the date of termination and shall be available for inspection by the board or its employees at all reasonable times.

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

§445.2 (399.29.00.002). Other Employees. Licensees shall keep records of all noninvestigative and nonsecurity employees. These records shall be maintained [in the principal place of business] for a period of two years from
the date of termination. The following records shall be maintained:

(1)-(4) (No change)

§445.3 (399.2410) 003 Location of Records. Records of employees are to be maintained in the principal place of business and or the branch office of a licensee.

Issued in Austin, Texas, on January 5, 1982

TRD 820094  Clemo D. Sanders
Executive Director
Texas Board of Private
Investigators, and Private
Security Agencies

Proposed date of adoption. February 15, 1982
For further information, please call (512) 475-3944

TITLB 28. INSURANCE
Part I. State Board of Insurance Life, Health, and Accident Insurance
(EDITOR'S NOTE. Because the State Board of Insurance rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register Division numbers. However, the rules will be published under the agency's correct TAC title and part.

The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the State Board of Insurance, 1110 San Jacinto, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The State Board of Insurance proposes the repeal of Rules 059.03.42.003-.006, .008, .009, and .010.

The State Board of Insurance expects no fiscal implications to units of state or local government from this proposal since the rules have been superseded by subsequent rules. The State Board of Insurance relies on A. W. Pogue, division manager, Policy Approval Division, in making this determination.

The State Board of Insurance expects a public benefit from these repeal because obsolete rules will be eliminated. There will be no economic cost to persons required to comply with these rules since the rules are superseded by subsequent rules. The State Board of Insurance relies on Mr. Pogue in making this determination.

Comments on the proposal may be submitted to A. W. Pogue, division manager, Policy Approval Division, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78701.

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

James W. Norman
January 7, 1982

Policy Form Approval 059.03.42.003

The State Board of Insurance proposes the repeal of Rule 059.03.42.003, concerning preparation and filing of individual health and accident forms. The rule has been superseded by Rules 059.37.01.021-.111, concerning minimum standards and benefits and readability for accident and health insurance policies.

The repeal is proposed under authority of Articles 3.42, 3.70-1, 3.70-3, 3.70-5, 21.16, 21.18 and 21.21 of the Texas Insurance Code, which deal with required and prohibited policy provisions, standards for review by the State Board of Insurance of policy provisions, standards for application forms, for policyholder statements or representations in application forms, and general requirements that forms conform to law. This proposal is also pursuant to the board's authority under Texas Civil Statutes, Article 6252-13a, §4 and elsewhere, to promulgate procedural rules necessary for the board to exercise its statutory authority and responsibilities under existing law, and under the board's authority to repeal a promulgated rule.

059.03.42.004

The State Board of Insurance proposes the repeal of Rule 059.03.42.004, which exempted certain forms under certain circumstances from review under Article 3.42 of the Texas Insurance Code at or about the time Article 3.42 was enacted. This rule was superseded by Rule 059.03.42.008.

The repeal is proposed under authority of Article 3.42(e) of the Texas Insurance Code, which gives the
State Board of Insurance authority, under certain circumstances, to exempt insurance documents or forms for a time from the requirements of Article 3.42, and under the board's authority to repeal a rule it has promulgated.

004. Exceptions I.

Issued in Austin, Texas, on January 7, 1982.

TRD-820171 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: February 15, 1982
For further information, please call (512) 475-2950.

059.03.42.005

The State Board of Insurance proposes the repeal of Rule 059.03.42.005, which was an amendment to Rule 059.03.42.004. Both rules exempted certain forms under certain circumstances from review under the provisions of Article 3.42 of the Texas Insurance Code at or about the time Article 3.42 was enacted. This rule was superseded by Rule 059.03.42.008.

The repeal is proposed under Article 3.42(e) of the Texas Insurance Code, which gives the State Board of Insurance authority, under certain circumstances, to exempt insurance documents or forms for a time from the requirements of Article 3.42, and under the board's authority to repeal a rule it has promulgated.

005. Exceptions II.

Issued in Austin, Texas, on January 7, 1982.

TRD-820172 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: February 15, 1982
For further information, please call (512) 475-2950.

059.03.42.006

The State Board of Insurance proposes the repeal of Rule 059.03.42.006, which exempted certain forms under certain circumstances from review under the provisions of Article 3.42 of the Texas Insurance Code at or about the time Article 3.42 was enacted. This rule was superseded by Rule 059.03.42.008.

The repeal is proposed under Article 3.42(e) of the Texas Insurance Code, which gives the State Board of Insurance authority, under certain circumstances, to exempt insurance documents or forms for a time from the requirements of Article 3.42 and under the board's authority to repeal a rule it has promulgated.

006. Exceptions III.

Issued in Austin, Texas, on January 7, 1982.

TRD-820173 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: February 15, 1982
For further information, please call (512) 475-2950.

059.03.42.003

The State Board of Insurance is proposing the repeal of Rule 059.03.42.008, which provides a procedure for withdrawing the exemptions granted to certain forms, under certain circumstances, from review under Article 3.42 of the Texas Insurance Code, at or about the time Article 3.42 became effective in August 1957, or within the first year thereafter. The rule embodies Board Order 960, dated May 28, 1958. This rule is being repealed because the board believes it is obsolete and is no longer in use or necessary.

This repeal is proposed under authority of Article 3.42(e) of the Texas Insurance Code, which gives the State Board of Insurance authority, under certain circumstances, to exempt insurance documents or forms for a time from the requirements of Article 3.42 and under the board's authority to repeal a rule that has promulgated.

008. Exceptions IV.

Issued in Austin, Texas, on January 7, 1982.

TRD-820174 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: February 15, 1982
For further information, please call (512) 475-2950.

059.03.42.009

The State Board of Insurance is proposing the repeal of Rule 059.03.42.009. Rule 059.03.42.009 is substantially a duplication of Rules 059.03.43.001-.008 and is therefore unnecessary. Rule 059.03.42.009 is instructions for the preparation and submission for review of policies and/or other forms pursuant to Article 3.42 of the Texas Insurance Code.

This repeal is proposed under Article 3.42 of the Texas Insurance Code, which provides the State Board of Insurance with the authority to review the policy forms with which the rule deals; pursuant to the board's authority under Texas Civil Statutes, Article 6252-13a, §4 and elsewhere, to promulgate procedural rules necessary for the board to exercise its statutory authority and responsibilities under Article 3.42 of the Texas Insurance Code and pursuant to the board's authority to repeal a duplicate rule inadvertently adopted.

009. Preparation of Life Insurance and Annuity Forms.

Issued in Austin, Texas, on January 7, 1982.

TRD-820175 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: February 15, 1982
For further information, please call (512) 475-2950.
The State Board of Insurance is proposing the repeal of Rule 059.03.42.010, which is, except for one provision, a substantial duplication of Rules 059.03.44.001-.005. The single provision which is not a duplication of Rules 059.03.44.001-.005 is a restatement of the law and is proposed as new Rule 059.03.44.005 at or about the same time as the repeal.

This repeal is proposed under authority of Article 3.42 of the Texas Insurance Code, which specifies standards pursuant to which the State Board of Insurance reviews the policy forms with which the rule deals, Article 21.21 of the Texas Insurance Code, which prohibits deceptive, misleading, and untrue acts and practices in the insurance business, and the board’s authority to repeal a duplicate rule inadvertently adopted.

.010 Participating Policy Forms.

Issued in Austin, Texas, on January 7, 1982.
TRD-820176 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption. February 15, 1982
For further information, please call (512) 475-2950.

TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part II. Texas Parks and Wildlife Department
Chapter 55. Law Enforcement
Predator Control from Aircraft
31 TAC §§55.141-55.153

The Texas Parks and Wildlife Commission proposes to adopt new §§55.141-55.153 concerning the taking of predator animals from aircraft. These sections are proposed for adoption to comply with Chapter 43, Subchapter C, of the Texas Parks and Wildlife Code. Briefly stated, these sections provide:
(A) definitions for certain terms used in the rules;
(B) requirements for issuance of a permit to take predator animals from an aircraft;
(C) certain report requirements concerning the taking of predator animals; and
(D) general rules concerning the taking of predator animals from an aircraft.

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 the protection from loss to predatory animals of domestic animals and certain game animals.
(B) The possible economic cost to individuals who are required to comply with the rules as proposed will be $34 permit fees at $100 each or $9,400 each year for 1982, 1983, 1984, 1985, and 1986.

Comments on the proposal may be submitted to Charles H. Field, Jr., Texas Parks and Wildlife Department, Austin, Texas 78744, (512) 479-4853 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 18, 1981

The new sections are proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, which provides the Texas Parks and Wildlife Commission with the authority to make regulations governing predator animal control by aircraft.

§55.141. Applicability. These rules apply only to the counties listed in Texas Parks and Wildlife Code, §43.101.

§55.142. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
Aircraft—Fixed-wing airplanes and helicopters.
Applicant—An individual or corporation who files an application for a permit to control predator animals by use of aircraft.
Department—The Texas Parks and Wildlife Department or a specifically authorized employee of the department.
Director—Executive director of Parks and Wildlife Department.
Gunner—An individual named in a predator control permit who takes, shoots, or shoots at predator animals from an aircraft.
Landowner consent authorization—An authorization from the landowner or the landowner's authorized agent to hunt a specified number of predator animals from an aircraft on certain property.
On file—On file in the Parks and Wildlife Law Enforcement Office in Austin, Texas.
Permit—An authorization issued in the name of an individual or corporation for named pilot(s) and gunner(s) to take, shoot at, or shoot, during specified times, on certain lands described in the landowner's consent authorization, a number of predator animals as specified in the landowner's consent authorization from an aircraft.
Pilot—An individual named in a predator control permit who pilots an aircraft to take, shoot, or shoot at predator animals.
Predator animals—Coyotes, bobcats, red foxes, and crossbreeds between coyotes and dogs.

§55.143. Application for Permit. An applicant for a permit shall complete and file with the department an application on a form prescribed by the director. The application shall contain the description, including make, model, color, and registration number of each aircraft to be used, the name and address of the applicant, and the name and address of each pilot and gun-
ner. Each application must be accompanied by one or more landowner's consent authorization and must include one landowner consent authorization for each individual ownership on which predator animals are to be taken. The authorization from the landowner must include the Agricultural Stabilization and Conservation Service farm number or a specific location for the property. The application shall also be accompanied by one or more affidavits indicating the kind and number of predator animals to be taken by use of aircraft, the reasons why these particular animals should be controlled, and the counties from which the animals are requested to be taken.

§55.144. Issuance of Permit. Upon the filing of a properly executed application, the director or his designee may issue a permit if:

1. He finds the applicant, any pilot, or any gunner named in the application has not within five years of the date of the application been convicted of any civil or criminal provision of any statute or regulation relating to the taking of wildlife resources;

2. He finds the applicant has not knowingly failed to disclose any material information required, or has not knowingly made any false statement regarding any material fact in connection with the application;

3. He finds the applicant has demonstrated that the permit is necessary to protect or to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops;

4. The permit requested, in the judgment of the issuing official, does not threaten a predator animal population.

§55.145. Period of Validity of Permit. A permit is valid for a period of one year from the date of issuance, or until the specified number of animals is taken, unless sooner terminated or revoked.

§55.146. Amendment of Permit. When a permittee desires to have his permit amended, he must file full justification and supporting information, in writing, with the department. An application for amendment is subject to the same issuance criteria as the original application for permit. Emergency amendments may be made by presenting completed amendment forms to the game warden in the county where the predators are to be taken, and are limited to adding or deleting pilots, gunners, aircraft, or landowner consent authorizations.

§55.147. Renewal of Permit. When a permittee desires to have his permit renewed, he must file a request for permit renewal, together with an affidavit that the information in the original application is still correct, or a statement of all changes in the original application, and the required fee, at least 30 days prior to the expiration of the original permit.

§55.148. Permit Not Transferable. A permit is not transferable or assignable.

§55.149. Revocation of Permit. Any violation of the terms or conditions of a permit or conviction of any civil or criminal provision of a statute relating to the protection of wildlife resources will result in revocation of such permit.

§55.150. Permit Fee. An applicant for an original or renewal permit shall submit with his application a permit fee of $100 which will be returned to the applicant if the permit is denied. Each original or renewal permit requires a separate fee. The director may exempt governmental bodies from the permit fee.

§55.151. Reports. The holder of a permit shall file with the department within 30 days following the end of each calendar quarter a report, on a form prescribed by the director, showing:

1. Name and address of the permit holder;
2. Number and description of the predator animals taken under the permit including, if applicable, a negative report;
3. Description of the property where predator animals were taken under the permit.

§55.152. General Rules.
(a) Authorized persons may hunt, shoot, or shoot at predator animals named in the permit and landowner consent authorizations only on land named in the landowner consent authorization.
(b) A pilot of an aircraft used for the taking of predator animals must maintain a log, on a form prescribed by the director, in the aircraft showing the dates predator animals were hunted, the number taken, and the property hunted on. The hunting log must be current and available for inspection by game wardens at any time.
(c) No person may hunt, shoot, shoot at, take, kill, or attempt to kill any wild animals other than predator animals from an aircraft.
(d) No person may intentionally disturb, haze, or buzz any wild bird or wild animal indigenous to this state other than a predator animal from an aircraft.
(e) No person may shoot predator animals from an aircraft that is not named as an authorized gunner in a permit.
(f) No person may operate an aircraft where predators are hunted unless the person is named as an authorized pilot in a permit.
(g) No person may hunt predator animals from an aircraft under a permit unless the permittee, a named pilot, or named gunner notifies the game warden assigned to the county where predator animals are to be removed at least 12 hours prior to the time the predator animals are taken from an aircraft.
(h) No person may kill more predator animals on properties specified in the landowner consent authorization than are specified in the landowner consent authorization.

§55.153. Penalty. A violation of these rules is a violation of the Texas Parks and Wildlife Code, Chapter 43, Subchapter G, and is punishable as provided by Texas Parks and Wildlife Code, §43.111.

Issued in Austin, Texas, on January 6, 1982

TRD-820157

Maureen Ray
Administrative Assistant
Texas Parks and Wildlife Department

Proposed date of adoption: February 15, 1982
For further information, please call (512) 479-4853
or 1(800) 792-1112.

January 15, 1982
Chapter 65. Wildlife
Subchapter B. Predator Control from Aircraft

31 TAC §§65.101-65.114

(Editor’s note: The text of the following rules proposed for repeal will not be published. The rules 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 to repeal §§65.101 65.114 concerning predator control from aircraft. These rules are proposed for repeal as the responsibility for administering them has been transferred to the Law Enforcement Division, and the commission is simultaneously proposing new rules.

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

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

(A) There are no public benefits anticipated as a result of repealing the sections.

(B) There will be no economic cost to individuals who were previously required to comply with the rules.

Comments on the proposal may be submitted to Charles H. Field, Jr., Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4853 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 18, 1981

The repeal is proposed under Texas Parks and Wildlife Code, Chapter 43, Subchapter G, which provides the Texas Parks and Wildlife Commission with the authority to make regulations governing predator animal control by aircraft.

§65.101. Applicability.
§65.102. Definitions.
§65.103. Application for Permit.
§65.104. Issuance of Permit.
§65.105. Period of Validity of Permit.
§65.106. Amendment of Permit.
§65.107. Renewal of Permit.
§65.108. Permit Not Transferable.
§65.109. Revocation of Permit.
§65.110. Permit Fee.
§65.111. Reports.
§65.112. Restrictions.

§65.113. Penalty
§65.114. Amendments to Rules.

Issued in Austin, Texas, on January 6, 1982.

TRD 820158
Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Proposed date of adoption February 15, 1982
For further information, please call (512) 479-4853 or 1 (800) 792-1112

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

Notice of Serialization
(Editor’s note: Proposals submitted by the Texas Department of Human Resources will be published in the January 19, 22, and 26 issues. The affected chapters, and rules contained in them, are listed below. The proposed date for adoption is February 15, 1982.)

Refugee Assistance Program
Background of Refugee Assistance Programs
Rules 326-13-10003 and 004 (repeal)

Family Self Support Services
Eligibility Determination
Rules 326-17-10001.007 (new)
Employment Services
Rules 326-17-21001 (new)
Work Incentive
Rules 326-17-22001-017 (new)
Day Care and Child Development Services
Rules 326-17-31001-054 (new)
Family Planning Services
Rules 326-17-32001-009 (new)

CCAD
Definitions
Rule 326-48-13001 (new)
Services
Rule 326-48-20001 (new)
Eligibility
Rules 326-48-30001-017 (new)
Case Management
Rules 326-48-40001-004 (new)
Contracting for CCAD Services
Rules 326-48-60001-004 (new)
Minimum Standards
Rule 326-48-90001 (new)

Child Welfare Services
Legal Base for Child Welfare Services
Rules 326-50-71013, 018-021 (amend)
Protective Services for Children
Rules 326-50-72035, 037, 064-066, 069, 074-075, 092, 094, 098 (amend)
Protective Services for Children
Rule 326-50-72096 097 (repeal)
Foster Care Placement Services
Rule 326-50-74101 (repeal)
Rules 326-50-74106, 156 158, 164 (amend)

7 TexReg 192 January 15, 1982
Out-of-Town Inquiries
  Rule 326 50 76 031 (amend)
Case Closure
  Rule 326 50 77 007 (amend)
Standards for Protective Services
  Rules 326 50 80 001, 006 (amend)
  Rules 326 50 90 004 and 005 (repeal)

Intake and Eligibility
  Eligibility of Vietnamese, Cambodian, and Laotian Refugees
  Rules 326 52 24 001: 007 (repeal)

Family Services
  Family Services Delivery System
    Rules 326 53 61 008: 034 (repeal)
  Family Planning
    Rules 326 53 62 002, 005-019 (repeal)
  Day Care Services for Children
    Rules 326 53 63 044, 075 (repeal)
  Health-Related Services
    Rules 326 53 64 001-007 (repeal)
  Housing Improvement Services
    Rules 326 53 65 001-004 (repeal)
  Other Services
    Rules 326 53 66 001-005 (repeal)

Rehabilitation and Self Support Services
  Overview
    Rules 326 54 81 001 and 002 (repeal)
  DPW-VR Program
    Rules 326 54 82 001, 007-010 (repeal)

Work Incentive Program
  Overview
    Rules 326 56 10 001-008 (repeal)
  Eligibility
    Rules 326 56 20 001-004, 007 (repeal)
  Client Process
    Rules 326 56 30 001-002 (repeal)
  WIN Social Services
    Rules 326 56 40 001, 002, 004, 005, 007, 009, 011-014, 017, 018, 020, 023, 024, 026, 029-030, 032-035, 037 (repeal)

Case Management
  Rule 326 56 50 001 (repeal)
Standards
  Rules 326 56 60 001-007 (repeal)
Glossary of WIN Terms
  Rules 326 56 90 001 (repeal)

Community Care for Aged and Disabled
Protective Services for Adults
  Rules 326 58 51 020 042 (repeal)
  Home Care Program
    Rules 326 58 52 029-035 (repeal)
Alternate Care Services
  Rules 326 58 53 050, 060 (repeal)
Health Related Services
  Rules 326 58 54 015-031 (repeal)
Out-of-Home Care
  Rules 326 58 55 020-041 (repeal)
Standards
  Rules 326 58 56 001-011 (repeal)
Title XIX Primary Home Care
  Rules 326 58 57 001-005 (repeal)

Child Development Programs
General Information
  Rules 326 50 31 001-009 (repeal)
Assisting Families To Make Day Care Arrangements
  Rules 326 60 32 001-020 (repeal)
Determination of Compliance with Day Care Service Quality Requirements
  Rules 326 60 33 001-015 (repeal)
Training and Technical Assistance Related to Title XX Day Care
  Rules 326 60 34 001-011 (repeal)
Basis of Payment To Day Care Providers
  Rules 326 60 35 001-021 (repeal)
Purchaser of Service Contract Procedure Day Care
  Rules 326 60 36 001-023 (repeal)
Provider Agreement Purchase Procedures
  Rules 326 60 37 001-012 (repeal)
Purchased Social Services
Standards
  Rules 326 64 90 024, 025, 028, 031, 032 (repeal)
An agency may take final action on a rule 30 days after a proposal has been published in the Register. The rule becomes effective 20 days after the agency files the correct document with the Texas Register Division, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the Register, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule, how the rule functions; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute it adopted the action under.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

TITLE 1. ADMINISTRATION
Part IV. Office of the Secretary of State
Chapter 81. Elections
Nominations
1 TAC §§81.123-81.132
The Office of the Secretary of State adopts new §§81.123-81.132 without changes to the proposed text published in the November 20, 1981, issue of the Texas Register (6 TexReg 4269).

These new sections will more effectively administer the funding of primary elections in the state by providing new procedures.

No comments were received regarding adoption of the new sections.

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

Willis Whatley
January 6, 1982

These new sections are adopted under Texas Election Code, Article 13.08(j), which provides the Office of the Secretary of State with the authority to promulgate rules which will minimize the costs of the primary elections.

Issued in Austin, Texas, on January 7, 1982
TRD 820116 David A. Dean Secretary of State

Effective date: January 28, 1982
Proposal publication date: November 20, 1981
For further information, please call (512) 475-3091.

1 TAC §§81.123-81.146
The Office of the Secretary of State adopts the repeal of §§81.123-81.146 without changes to the proposed notice of repeal published in the November 20, 1981, issue of the Texas Register (6 TexReg 4269).

These sections are repealed and replaced by new sections which more effectively administer the funding of primary elections in the state.

No comments were received regarding adoption of the repeal.

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

Willis Whatley
January 6, 1982

The repeal is adopted under the authority of Texas Election Code, Article 13.08(j), which provides the Office of the Secretary of State with the authority to promulgate rules which will minimize the costs of primary elections.

Issued in Austin, Texas, on January 7, 1982.
TRD-820117 David A. Dean Secretary of State

Effective date: January 28, 1982
Proposal publication date: November 20, 1981
For further information, please call (512) 475-3091.
TITLE 4. AGRICULTURE
Part I. Texas Department of Agriculture
Chapter 5. Quarantines
Citrus Black Fly Quarantine

4 TAC §§5.101-5.110

The Texas Department of Agriculture adopts the repeal of §§ 5.101-5.110 without changes to the proposed notice of repeal published in the December 11, 1981, issue of the Texas Register (6 TexReg 4593). The department is repealing its citrus black fly quarantine of Cameron and Hidalgo Counties due to the commensurate repeal of a similar federally imposed quarantine by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (46 FedReg 48826). The quarantine, originally established to prevent economic damage to citrus crops, is being repealed because it appears that it is no longer necessary to stem the spread of the citrus black fly (Aleurocanthus woglumi, asby). The release of parasites of the citrus black fly has proven effective in preventing the economic damage to citrus crops at which the quarantine was originally directed.

The repealed sections imposed a quarantine on the above-mentioned counties which regulated the movement of leaves, attached or unattached, from citrus magoon, persimmon, Japanese persimmon, pear, quince, coffee, myrtle, cherimoya, black sapote, sweet-sap, and other likely host varieties into, out of, and within the affected counties. The quarantine further gave the department authority to enter the premises of persons within the quarantined area to inspect and treat plants suspected of harboring the citrus black fly. The department was also empowered by the black fly quarantine to require persons engaged in the purchasing, assembling, exchanging, handling, or processing of suspected host materials to sign compliance agreements, agreeing to abide by departmental instruction relating to the identity, movement, or handling of host materials. Persons intending to transport host materials were required to make prior application to the department and submit the materials for inspection by department personnel. Criminal penalties were provided for violations of the quarantine.

No comments were received regarding adoption of the repeal of these sections.

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

Steve Haley
January 11, 1982

The repeal is adopted under Texas Agriculture Code, §§ 71.002 and 71.007 (1981), which provide the Texas Department of Agriculture with the authority to promulgate rules necessary for the protection of agricultural and horticultural interests, including the adoption of rules establishing quarantines which prevent the selling, moving, or transporting of any plant, plant product, or substance from a quarantined area.

Issued in Austin, Texas, on January 11, 1982.

TRD-820217  Reagan V. Brown
Commissioner
Texas Department of Agriculture

Effective date: February 1, 1982
Proposal publication date: December 11, 1981
For further information, please call (512) 475-8346.

Mediterranean Fruit Fly Quarantine

4 TAC §5.211

The Texas Department of Agriculture adopts amendments to §5.211 without changes to the proposed text published in the December 11, 1981, issue of the Texas Register (6 TexReg 4594).

The department is amending its Mediterranean fruit fly (medfly) quarantine in order to incorporate recent changes made by the U.S. Department of Agriculture to its commensurate federally imposed medfly quarantine. These amendments are aimed at including within the department’s quarantine the latest scientific data available for the control of the medfly. The changes should assist the department in combating the continued threat of a medfly infestation within the boundaries of this state.

Recent infestations of the fly in both California and Florida evidence the seriousness of the potential harm posed by the medfly. It is one of the world’s most potentially destructive pests known to lay eggs in 200 varieties of fruits and vegetables, many of which are grown in Texas. An infestation of the fly could cause catastrophic losses to Texas fruits and vegetables, an $800 million-a-year industry. The medfly’s short life cycle permits rapid development of serious outbreaks. The advances of the pest are often geometric as one fertile female medfly can produce over 500 progeny.

The monetary threat from a medfly infestation is very real and immediate. The insect has already done millions of dollars of damage to the nation’s leading agricultural state, California. State officials there have spent an estimated $50 million in a year-long eradication program that as yet failed to stem the medfly’s spread. Despite aerial spraying and sterile fly release programs, the medfly continues to spread. The continual expansion of the infestation has been due largely to vehicular transportation of infested produce harboring medfly larvae, and it is this agency of infestation which the Texas Department of Agriculture seeks to forestall with the amendment of its Mediterranean fruit fly quarantine, §5.211, by the inclusion of additional hosts and methods of treatment.

Section 5.211 has been amended as follows.

The plant varieties listed below have been added in alphabetical order to the list of regulated articles in subsection (e):

Japanese plum (Prunus salicina);
Kiwi (Actinidia chinensis);
Mango (Mangifera indica);

January 15, 1982 7 TexReg '92
Chapter 15. Consumer Services Division
Texas Grain Warehouse

4 TAC §§15.72, 15.78

The Texas Department of Agriculture adopts amendments to §15.72 and §15.78 without changes to the proposed text published in the December 11, 1981, issue of the Texas Register (6 TexReg 4598).

Section 15.72 has been amended to bring it into agreement with amendments made to the Texas Grain Warehouse Act. The section, as presently constituted, allows grain to be listed as company-owned on the daily position records of a warehouse even though the warehouseman has neither paid for such grain nor entered into a written contract of sale with the depositor. Amendments have been made to the Texas Grain Warehouse Act (now codified as Texas Agriculture Code, Chapter 14, Subchapter A) which define company-owned grain as grain wholly paid for by the warehouseman, or grain on which the warehouseman has a written contract to purchase. Section 15.72 has been, to this extent, in conflict with the Texas Grain Warehouse Act, and thus required amending.

The adopted amendments are further motivated by a desire to protect depositors from unwittingly selling their grain under contracts of sale incorporated as part of other warehouse documents.

Section 15.78 has been amended to allow the department to adopt by reference revisions made to its grain warehouse forms listed in the section, as presently constituted, and to adopt two additional forms. The section has been further amended to bring it more within the definition of a rule as contained in the Administrative Procedure and Texas Register Act. It is hoped that the effect of the amendments to this section will provide for more effective enforcement of Texas Agriculture Code, Chapter 14, Subchapter A, and improved administrative procedures.

The amended §15.72 allows a depositor’s grain to be designated as company-owned grain only if the change of position of such grain is preceded by a written contract of sale. Cash transactions are excluded from the operation of the rule. The section further requires that all such contracts be prominently labeled as contracts of sale and maintained as part of the records of the warehouseman. The contracts may not be incorporated as part of, or printed, typed, or transcribed upon scale tickets, settlement agreements, or other unrelated documents issued by the warehouseman.

The amended §15.76 adopts by reference minor revisions made to the department’s existing grain warehouse forms now listed in the section as presently constituted. The revisions adopted are minor in nature, encompassing address changes, official name changes, deletion of unnecessary data elements, clarifications, rephrasing of material, and renumbering of forms. Additionally, two new forms...
have been proposed. A summary of the contents of these new forms follows.

The grain warehouse safety inspection form is adopted by reference for use by the department's grain warehouse inspectors when assessing the safety of a grain warehouse facility. Provision is made on such forms for the inspector to record the name, address, and telephone number of the warehouse inspected, the name of its manager, general safety conditions at the facility, housekeeping conditions, the condition of fire control equipment, fire warning equipment, dust collection/suppression equipment, whether grain dust is being reintroduced into grain handled at the facility, and whether the facility has a safety program or preventative/periodic maintenance program. Space is also provided for the inspector to list specific safety hazards discovered during the inspection and his recommendation thereon.

The grain warehouse successor's agreement is adopted by reference pursuant to the terms of §15.74 of this title (relating to Assigned Successor's Agreement Assuming Outstanding Liabilities). In the event of a change of name, sale, or change of ownership of a grain warehouse, such forms shall serve as a vehicle by which the purchaser of a grain warehouse may assume all of the outstanding storage obligations of the former owner.

No comments were received regarding the repeal of this section.

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

Steve Haley
January 11, 1982

The amendments are adopted under Texas Agriculture Code, Chapter 14, Subchapter A, §14.003 (a)(7)(1981), which provides the Texas Department of Agriculture with the authority to adopt rules necessary to carry out the provisions of Texas Agriculture Code, Chapter 14, Subchapter A.

Effective date: February 1, 1982
Proposal publication date: December 11, 1981
For further information, please call (512) 475-6346.

Alcohol Fuels and Fuel Alcohol Equipment

4 TAC §15.122

The Texas Department of Agriculture adopts amendments to §15.122 without changes to the proposed text published in the December 11, 1981, issue of the Texas Register (6 TexReg 4598).

The department is amending the section in response to comments received during its original adoption process. These amendments were not added to the section in its adopted form because, in the determination of the department, the amendments represented substantive changes to the section, as proposed, and thus, pursuant to the provisions of the Administrative Procedure and Texas Register Act, required a period for public comment thereon.

Section 15.122 was originally adopted under the authority of Senate Bill 228, 67th Legislature, which
directed the commissioner of agriculture to develop and by rule adopt procedures for the registration of fuel alcohol equipment. It was the aim of the department, in promulgating §15.122, to protect consumers of alcohol fuel distillation equipment by requiring manufacturers of such equipment to enroll as a matter of public record vital information relating to the equipment with the department through the registration process. The object of the department in adopting amendments thereto is to improve upon this registration process.

These amendments add to the material required to be submitted in an application for registration of fuel alcohol distillation equipment.

The section has been amended as follows:
Section 15.122(a)(2)(A) has been amended to require a registrant to specify the energy requirements of the distillation equipment per gallon of alcohol fuel produced. The energy requirement must be stated in relation to the specific recipe or process upon which it is based.

Section 15.122(a)(4)(E) has been amended to require a registrant to list specifically the elements of the costs of production of the distillation equipment.

Section 15.122(a)(4) has been amended to require a registrant to specify any claims made to the public or potential buyers regarding the quantity and/or value of any production byproducts produced by the distillation equipment.

No comments were received regarding the adoption of these amendments.

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

L. Alvis Vandegriff
Commissioner
Texas Savings and Loan Department

Effective date: January 29, 1982
Proposal publication date: November 6, 1981
For further information, please call (512) 475-7991.

The amendments are adopted under Texas Civil Statutes, Article 165-10 (1981), which provides the Texas Department of Agriculture with the authority to develop and by rule adopt procedures for the registration of fuel alcohol equipment that is offered for sale or lease and has an annual production capacity of one million gallons or less.

Issued in Austin, Texas, on January 11, 1982.

Reagan V. Brown
Commissioner
Texas Department of Agriculture

Effective date: February 1, 1982
Proposal publication date: December 11, 1981
For further information, please call (512) 475-6346.
that the rules are flexible enough to permit the loans in question.

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

Luke E. Robinson
January 8, 1982

The new sections and amendments are adopted pursuant to Texas Civil Statutes, Article 342-114, which provides the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state, and from time to time amend same.

Issued in Austin, Texas, on January 8, 1982.

TRD-820214 L. Alvis Vendgriff
Commissioner
Texas Savings and Loan Department

Effective date: January 29, 1982
Proposal publication date: November 6, 1981
For further information, please call (512) 475-7991.

TITLE 13. CULTURAL RESOURCES
Part V. Texas Sesquicentennial Commission
Chapter 51. General Operating Policy

13 TAC §51.7

The Texas Sesquicentennial Commission adopts new §51.7 with changes to the proposed text published in the August 4, 1981, issue of the Texas Register (6 TexReg 2796).

The rule provides guidance for the acceptance or divestiture of any grant or donation to the Texas Sesquicentennial Commission.

The Program Committee of the Texas Sesquicentennial Commission will function as an acquisitions and de-accessions review committee on behalf of the commission. The committee shall present its recommendations regarding acquisitions, de-accessions, gifts, and donations to the commission as required. All proposed gifts and donations to the commission shall be approved or rejected by the full commission.

No comments were received regarding adoption of the new section.

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

Randy M. Lee
January 6, 1982

The new section is adopted under Texas Civil Statutes, Article 6145-11, §9 and §10, which provides the Texas Sesquicentennial Commission with the authority to promulgate policy to perform its functions.

§51.7. Acquisitions and De-Accessions.

(a) The Program Committee shall also function as an acquisitions and de-accessions review committee on behalf of the commission.

(b) The committee shall present its recommendations regarding acquisitions, de-accessions, gifts, and donations to the commission as required.

(c) The commission shall utilize experts in this regard, when necessary.

(d) All proposed gifts and donations to the commission shall be approved or rejected by the commission.

(e) All proposals for gifts or donations first shall be presented in writing, explaining the intended purpose and use of such gifts or donations.

Issued in Austin, Texas, on January 6, 1982.

TRD-820214 Randy M. Lee
Executive Director
Texas Sesquicentennial
Commission

Effective date: January 29, 1982
Proposal publication date: August 4, 1981
For further information, please call (512) 475-1986.

Chapter 53. Program Guidelines

13 TAC §53.2

The Texas Sesquicentennial Commission adopts an amendment to §53.2 (367.02.00.002) without changes to the proposed text published in the October 9, 1981, issue of the Texas Register (6 TexReg 3754).

The amendment changes the post office box number of the commission to 1986 making it easier for the commission to achieve public recognition for the sesquicentennial year of 1986. The "P.O. Box 1986" number reinforces the 1986 idea.

No comments were received regarding adoption of the amendment.

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

Randy M. Lee
January 6, 1982

The amendment is adopted under Texas Civil Statutes, Article 6252-17, which provides the Texas Sesquicentennial Commission with the authority to enact procedural rules.

Issued in Austin, Texas, on January 6, 1982.

TRD-820215 Randy M. Lee
Executive Director
Texas Sesquicentennial
Commission

Effective date: January 28, 1982
Proposal publication date: October 9, 1981
For further information, please call (512) 475-1986.
TITLE 22. EXAMINING BOARDS
Part XXIV. State Board of Veterinary Medical Examiners
Chapter 571. Licensing
Examinations
22 TAC §571.9
The State Board of Veterinary Medical Examiners adopts the repeal of §571.9 (405.01.01.009) without changes to the proposed notice of repeal published in the May 29, 1981, issue of the Texas Register (6 TexReg 1947).

The repeal is necessary to conform rules to legislation enacted by the 67th Legislature concerning the Veterinary Practice Act. This rule addressed graduates of Middlesex University. Since the university is no longer in existence, the rule is obsolete.

No comments were received regarding adoption of the repeal.

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

Peter Nolan
January 7, 1982

The amendments are adopted under Texas Civil Statutes, Article 7465a, §7, which provides the State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

Issued in Austin, Texas, on December 21, 1981.

22 TAC §571.15

TRD-820119 Roger D. Shipman
Executive Secretary
State Board of Veterinary Medical Examiners

Effective date: January 28, 1982
Proposal publication date: May 29, 1981
For further information, please call (512) 458-1183.

22 TAC §571.10
The State Board of Veterinary Medical Examiners adopts amendments to §571.10 (405.01.01.010) without changes to the proposed text published in the May 29, 1981, issue of the Texas Register (6 TexReg 1947).

The amendments are necessary to conform the rule to legislation enacted by the 67th Legislature concerning the Veterinary Practice Act. This rule as adopted requires the board to notify examiners of results of their examination with 90 days or state reason for delay.

No comments were received regarding adoption of the amendment.

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

Peter Nolan
January 7, 1982

The amendments are adopted under Texas Civil Statutes, Article 7465a, §7, which provides the State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

Issued in Austin, Texas, on December 21, 1981.

TRD-820120 Roger D. Shipman
Executive Secretary
State Board of Veterinary Medical Examiners

Effective date: January 28, 1982
Proposal publication date: May 29, 1981
For further information, please call (512) 458-1183.

22 TAC §571.54
The State Board of Veterinary Medical Examiners adopts the repeal of §571.54 (405.01.03.004) without changes to the proposed notice of repeal...
The repeal was made necessary by legislation enacted during the 67th Legislature affecting the Veterinary Practice Act. Since there are no longer any provisions, other than re-examination, for licensees who are delinquent two years or more to renew their license, this rule is no longer applicable.

No comments were received regarding adoption of the repeal.

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

Peter Nolan
January 7, 1982

The repeal is adopted under Texas Civil Statutes, Article 7465a, §7, which provides the State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

Issued in Austin, Texas, on December 21, 1981.

TRD-820121  Roger D. Shipman
Executive Secretary
State Board of Veterinary Medical Examiners

Effective date: January 28, 1982
Proposal publication date: May 29, 1981
For further information, please call (512) 458-1183.

22 TAC §571.55
The State Board of Veterinary Medical Examiners adopts amendments to §571.55 (405.01.03.005) without changes to the proposed text published in the May 29, 1981, issue of the Texas Register (6 TexReg 1947).
The agenda is necessary to conform to legislation enacted by the 67th Legislature concerning the Veterinary Practice Act. The rule requires the board to notify all licensees who are delinquent on March 10 of each calendar year.

No comments were received regarding adoption of the amendment.

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

Peter Nolan
January 7, 1982

The amendments are adopted under Texas Civil Statutes, Article 7465a, §7, which gives the State Board of Veterinary Medical Examiners the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

Issued in Austin, Texas, on December 21, 1981.

TRD-820123  Roger D. Shipman
Executive Secretary
State Board of Veterinary Medical Examiners

Effective date: January 28, 1982
Proposal publication date: May 29, 1981
For further information, please call (512) 458-1183.

Chapter 573. Rules of Professional Conduct
22 TAC §573.15
The State Board of Veterinary Medical Examiners adopts amendments to §573.15 (405.02.00.015) without changes to the proposed text published in the

The amendments are necessary to conform the rule to legislation enacted by the 67th Legislature concerning the Veterinary Practice Act. The rule as adopted allows veterinary students on extern or preceptor programs to practice veterinary medicine under the visual supervision of a licensed veterinarian during the period of their enrollment in the extern or preceptor program.

No comments were received regarding adoption of the amendments.

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

Peter Nolan
January 7, 1982

Issued in Austin, Texas, on December 21, 1981.

TRD-820124 Roger D. Shipman
Executive Secretary
State Board of Veterinary
Medical Examiners

Effective date: January 28, 1982
Proposal publication date: May 29, 1981
For further information, please call (512) 458-1183.

Chapter 575. Practice and Procedure

22 TAC §575.11

The State Board of Veterinary Medical Examiners adopts amendments to §575.11 (405.03.00.011) without changes to the proposed text published in the May 29, 1981, issue of the Texas Register (6 TexReg 1947).

The amendments are necessary to conform the rule to legislation enacted by the 67th Legislature concerning the Veterinary Practice Act. The rule as adopted now requires that all board hearings and deliberations be open to the public.

No comments were received regarding adoption of the amendments.

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

Peter Nolan
January 7, 1982

Issued in Austin, Texas, on December 21, 1981.

TRD-820126 Roger D. Shipman
Executive Secretary
State Board of Veterinary
Medical Examiners

Effective date: January 28, 1982
Proposal publication date: May 29, 1981
For further information, please call (512) 458-1183.

22 TAC §573.30

The State Board of Veterinary Medical Examiners adopts new §573.30 (405.02.00.031) without changes to the proposed text published in the May 29, 1981, issue of the Texas Register (6 TexReg 1947).

The new section was made necessary by legislation enacted by the 67th Legislature concerning the Veterinary Practice Act. The new rule requires all Texas licensees to maintain a record of all controlled substances purchased, administered, dispensed, or prescribed, and balance on hand.

No comments were received regarding adoption of the new section.

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

Peter Nolan
January 7, 1982

Issued in Austin, Texas, on December 21, 1981.

TRD-820126 Roger D. Shipman
Executive Secretary
State Board of Veterinary
Medical Examiners

Effective date: January 28, 1982
Proposal publication date: May 29, 1981
For further information, please call (512) 458-1183.

22 TAC §575.13

The State Board of Veterinary Medical Examiners adopts amendments to §575.13 (405.03.00.013) without changes to the proposed text published in the May 29, 1981, issue of the Texas Register (6 TexReg 1947).

The amendments are necessary to conform the rule to legislation enacted by the 67th Legislature concern-
TITLE 25. HEALTH SERVICES
Part V. Texas Health Facilities Commission
Chapter 515. Commission Review of Applications
Subchapter D. Evidence
25 TAC §515.119

The Texas Health Facilities Commission adopts new §515.119, entitled Nonparty Witness and Mileage Fees, without changes to the proposed text published in the November 24, 1981, issue of the Texas Register (6 TexReg 4327).

The reason for adoption of the new rule is to establish a commission policy regarding what reimbursement of expenses a nonparty witness or deponent is entitled to when such person is subpoenaed or otherwise compelled to attend a commission hearing or proceeding, and/or to produce certain material deemed necessary and proper for the purposes of the hearing or proceeding.

The commission did not view the base amounts authorized in Texas Civil Statutes, Article 6252-12a, §14(1), to be sufficient to reimburse such persons. Before greater amounts could be authorized, however, the commission had to express its policy through the adoption of this rule in accordance with §14(1).

The rule will provide for reasonable reimbursement of expenses of nonparty, subpoenaed witnesses or deponents by requiring that the person requesting the attendance of the witness or deponent must first deposit with the commission the funds necessary to cover the expenses provided for by the rule.

No comments were received regarding adoption of the section.

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

John R. Neel
January 8, 1982

The new section is adopted under Texas Civil Statutes, Article 4418h, which provides the Texas Health Facilities Commission with the authority to adopt rules determined to be necessary for the administration and enforcement of the Texas Health Planning and Development Act.

Issued in Austin, Texas, on January 8, 1982.

TRD-820210 Betty Himmelbeil Chairperson
Chairperson
Texas Health Facilities Commission

Effective date: January 29, 1982
Proposal publication date: November 24, 1981
For further information, please call (512) 475-8840.

TITLE 28. INSURANCE
Part I. State Board of Insurance Rating and Policy Forms
Fixing Rates of Automobile Insurance 059.05.01

(Editor's note: Because the State Board of Insurance rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register Division numbers. However, the rules will also be published under the agency's correct TAC title and part.)

The State Board of Insurance has amended effective March 1, 1982, Rule 059.05.01.005 which adopts by reference the Rules Governing the Insuring of Automobiles and Standard Endorsements II (Texas Automobile Manual). Notice of the proposed amendments were published in the November 27, 1981, issue of the Texas Register (6 TexReg 4373).

The proposed changes were adopted as proposed except that the effective date of the amendments was changed from February 1, 1982, to March 1, 1982. The February 1, 1982, date would not have allowed sufficient time for notification to the industry and for implementation.

The increase in rating symbol categories for mechanical breakdown insurance from 10 to 21 is necessary to provide consistency with the rating symbol assignment used for physical damage coverages. The premium surcharges for automobiles equipped with diesel fuel injection systems are necessary to recognize the high labor costs and expense of addi-
tional parts associated with repairs to such systems. The change in the new car rate relativity between the $25 and $50 deductibles is necessary for consistency.

The change in the new car definition will enable purchasers of demonstrators to purchase mechanical breakdown insurance, provided the full manufacturers warranty is available to the retail purchaser at the time of sale. The extension in coverage from 36 months to 48 months is recognition of the longer new car finance terms and reducing annual mileage.

The increase in rating symbol for light-duty, used, commercial-type vehicles is necessary to properly relate premium to expected losses. Vehicles of this type have experienced higher losses than anticipated.

The additional language to be inserted in the rule for adjustment of the rating symbols to offset the effects of the vehicle series rating is necessary inasmuch as mechanical breakdown losses are not related to collision and comprehensive loss experience. Use of the vehicle series rating adjusted symbol for mechanical breakdown insurance would produce inappropriate results.

All of the adopted rule amendments will appear in the Texas Automobile Manual for use by agents and insurance companies. The effect of these changes will be to more equitable relate premium rates to expected losses for mechanical breakdown insurance.

The following summarizes the comments made in favor of the proposed amendments.

1) Regarding the increase in symbols from 10 to 21: At the present time, rates for mechanical breakdown coverage extend only through symbol 10, with all vehicles of symbol 10 and above charged the same rate. The purpose of this amendment is to utilize the same symbol groupings for mechanical coverages as are now utilized for physical damage insurance.

Relativities for the added symbols are consistent with those of the current symbol groupings.

2) Regarding diesel surcharge: The need for vehicles to achieve improved fuel economy has resulted in the increased sale of automobiles equipped with diesel fuel injection systems. These systems include covered components that were not anticipated when the Mechanical Insurance Program was originally priced. To recognize the high labor cost and expense of additional parts associated with repairs to vehicles equipped with such systems, MIC proposes to add a flat surcharge of $50 on all policies covering such new vehicles.

3) Regarding deductible relativity: This item is an amendment to synchronize the present relationship between the premium for $25 and $50 deductible coverage on new cars with that of used cars, namely $85 of the $25 deductible premium. Because of the limited volume of $50 deductible coverage presently written, this change will have minimum effect on the overall premium; however, it will bring the new car rate relativity between these two deductibles in line with those for used cars.

4) Regarding amended new car definition: The underlying premise in the new car rates is that the full term of the manufacturer's warranty is available at the inception of the policy. Since some manufacturers offer a warranty extension for vehicles which have been used as demonstrators, this expanded definition provides eligibility to such vehicles at the first retail sale, provided the full warranty terms are available at that time. This revised definition has been prepared in the form of a policy endorsement.

5) Regarding increase in mileage from 36 to 48 months: Because of competitive needs, dealer requests and generally longer new car finance terms, it is proposed to broaden the provisions of this endorsement by offering new car coverage for 48 months or 50,000 miles. To accomplish this, it is necessary to increase the present surcharge for new car broad form coverage by 37%. The extension of coverage to 48 months and 50,000 miles will be accomplished through a revision to the broad form coverage endorsement.

6) Regarding the light-duty, commercial-type vehicle surcharge: The study of the Mechanical Insurance Program also revealed that light-duty, used, commercial-type vehicles eligible for mechanical coverage have developed a much higher loss ratio than private passenger-type vehicles. To improve the loss ratio on these vehicles, it is proposed to increase the otherwise applicable rating symbol by one. While this will improve the loss ratio for this vehicle type, it will only increase premiums overall by 0.5%.

7) Regarding the symbol amendment to offset vehicle series rating effects: Recently, the Texas Automobile Insurance Service Office submitted a new system of rating private passenger automobiles which revises its traditional method of developing rating symbols. The new system is called "Vehicle Series Rating," and while continuing the assignment of rating symbols based on FOB List Price, introduced a procedure whereby the symbol may be adjusted periodically to reflect the combined experience of comprehensive and collision coverages. Those makes and models of autos with comprehensive and collision loss experience significantly better than average will be resymbolized one step lower and those with significantly worse than average loss experience will be resymbolized one step higher.

While such a procedure is most appropriate with respect to physical damage insurance business, it appears inappropriate to adjust rating symbols in a like manner on mechanical insurance business since mechanical losses are not related to collision and comprehensive loss experience. Therefore, those symbols determined prior to VSR adjustments should be used for mechanical breakdown insurance.

Those parties making comments in favor of the amendments include Richard S. Geiger, attorney, representing Motors Insurance Corporation; and Harry Rogers, representing Motors Insurance Corporation.

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

James W. Norman
January 7, 1982

The amendments are adopted under Articles 5.06, 5.10, and 5.10 of the Texas Insurance Code, which provides the State Board of Insurance with the authority to prescribe rates, premiums, rules, policy forms, and endorsements applicable to automobile insurance.

005. Insuring of Automobiles and Standard Endorsements II. The State Board of Insurance adopts by reference the rules contained in the Insuring of Automobiles and Standard Endorsements II as amended March 1, 1982. This document is published by and available from the Texas Automobile Insurance Service Office, One La Costa, Suite 130, 1016 La Posada Drive, Austin, Texas 78752, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on January 5, 1982.
TRD-820179 James W. Norman Chief Clerk State Board of Insurance
Effective date: March 1, 1982
Proposal publication date: November 27, 1981
For further information, please call (512) 475-2950.

Policy Forms and Endorsements 059.05.06
The State Board of Insurance adopts, with changes effective March 1, 1982, amendments to Rule 059.05.06.001, which adopts by reference the Standard Provisions for Automobile Policies Written On and After October 1, 1984. The text of the proposed amendments was published in the November 27, 1981, issue of the Texas Register (6 TexReg 4373). The proposed change is adopted as proposed except that the effective date of the change now reads March 1, 1982, instead of February 1, 1982, to allow sufficient time to notify the industry and for implementation.

The following summarizes the comments received regarding adoption of the amendments.

The revised new car definition in the mechanical breakdown insurance policy enables purchasers of demonstrators to purchase new car mechanical breakdown insurance if the full manufacturers warranty is available from the date of sale.

The revised definition of new car is implemented in the form of an amendatory endorsement to the mechanical breakdown policy. A copy of the endorsement is included in the standard provisions for automobile policies and the endorsement supplement of the Texas Automobile Manual.

The underlying premise in the new car rates is that the full term of the manufacturer’s warranty is available at the inception of the policy. Since some manufacturers offer a warranty extension for vehicles which have been used as demonstrators, this expanded definition provides eligibility to such vehicles at the first retail sale, provided the full warranty terms are available at that time. This revised definition has been prepared in the form of a policy endorsement.

Those parties making comments for the rule include Richard S. Geiger, attorney, representing Motors Insurance Corporation, and Harry Rogers, representing Motors Insurance Corporation. There were no comments against the rule.

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

James W. Norman
January 7, 1982

The amendments are adopted under Articles 5.06 and 5.10 of the Texas Insurance Code, which provides the State Board of Insurance with the authority to prescribe rules, policy forms, and endorsements applicable to automobile insurance.

001. Standard Provisions for Automobile Policies Written On and After October 1, 1974. The State Board of Insurance adopts by reference the attached Standard Provisions for Automobile Policies Written On and After October 1, 1974, as amended March 1, 1982. This document is published by and available from the Texas Automobile Insurance Service Office, One La Costa, Suite 130, 1016 La Posada Drive, Austin, Texas 78752, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on January 5, 1982.
TRD-820180 James W. Norman Chief Clerk State Board of Insurance
Effective date: March 1, 1982
Proposal publication date: November 27, 1981
For further information, please call (512) 475-2950.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS
Part I. Texas Department of Public Safety
Chapter 25. Safety Responsibility Regulations
37 TAC §25.20

The Texas Department of Public Safety adopts new §25.20 (201.13.00.020) with changes to the proposed text published in the November 27, 1981, issue of the Texas Register (6 TexReg 4372). The adoption of the rule ensures compliance with legislative intent to require liability insurance on vehicles used in driver’s license road tests, and
clarifies acceptable evidence of liability insurance. The rule promulgates evidence of financial responsibility at the time of taking a driver's license road test and the evidence which is acceptable by the department.

The Texas Automobile Dealers Association commented that the language proposed in the rule did not meet the intent of the statute insofar as providing evidence of minimum amounts of financial responsibility as provided in subsection (a).

In view of the comment received, the department has added language to subsection (a) which clarifies the evidence for insurance coverage.

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

Charles C. Bailey
January 7, 1982

The new section is adopted under Texas Civil Statutes, Article 6701h, §2a, which authorizes the Texas Department of Public Safety to make rules and regulations to carry out the intent of the Safety Responsibility Act.


(a) Evidence of financial responsibility. Owners and/or operators of motor vehicles are required to furnish information concerning evidence of financial responsibility upon request to a law enforcement officer. This evidence should include the name of the insured; effective dates of coverage; insurance company; policy number or certificate number; and the minimum amounts of financial responsibility required by statute, which may be a statement that "the policy coverage meets the minimum amounts of financial responsibility required by statute," or the actual policy limits. This department's policy will be to accept the following as evidence of financial responsibility:

1. insurance policy;
2. an instrument issued by the insurance company to be carried in the vehicle that confirms coverage;
3. department's letter acknowledging receipt of bond, certificate of deposit of money, or securities in the minimum amount of $25,000;
4. certificate of self-insurance issued by the department;
5. Railroad Commission cab cards—
   (A) intrastate Railroad Commission cab card with a copy of the authority attached,
   (B) interstate ICC regulated carriers Uniform D cab card with Railroad Commission stamp attached,
   (C) interstate exempt carriers Uniform D1 cab card with Railroad Commission stamp attached;
6. copies of the aforementioned documents; and
7. other evidence such as an insurance binder which confirms the satisfaction of the officer that the owner and/or driver is in compliance with the Safety Responsibility Act.

(b) Road test. Applicants for the driver's license road test shall be required to complete the automobile liability insurance coverage or exemption certification on the appropriate application. If the applicant's response is "yes," this will be accepted as evidence of financial responsibility. If the response is "no," the applicant will be required to furnish documented evidence of financial responsibility prior to the road test. When documented evidence is required, record the information accepted under remarks on the current road test application in file.

Issued in Austin, Texas, on January 8, 1982.

TRD-820211 James B. Adams
Director
Texas Department of Public Safety

Effective date: January 29, 1982
Proposal publication date: November 27, 1981
For further information, please call (512) 475-2000.

37 TAC §25.21

The Texas Department of Public Safety adopts new §25.21 (201.13.00.021) with changes to the proposed text published in the November 27, 1981, issue of the Texas Register (6 TexReg 4372).

The adoption of the rule ensures compliance with legislative intent to require liability insurance while operating a motor vehicle upon a public highway, and clarifies acceptable evidence of liability insurance. The rule authorizes commissioned members of the department to request of owners and operators of motor vehicles upon a public highway to furnish information concerning evidence of financial responsibility in all traffic stops or investigations of motor vehicle traffic accidents and stipulates what evidence is acceptable.

The Texas Automobile Dealers Association commented that the language proposed in the rule did not meet the intent of the statute insofar as providing evidence of minimum amounts of financial responsibility as provided in subsection (a).

In view of the comment received, the department has added language to subsection (a) which clarifies the evidence for insurance coverage.

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

Charles C. Bailey
January 7, 1982

The new section is adopted under Texas Civil Statutes, Article 6701h, §2a, which authorizes the Texas Department of Public Safety to make rules and regulations to carry out the intent of the Safety Responsibility Act.

§25.21 (201.13.00.021). Compulsory Insurance—Compliance and Enforcement.

(a) Evidence of financial responsibility. Owners and/or operators of motor vehicles are required to furnish information concerning evidence of financial responsibility upon request to a law enforcement officer. This evidence should include the name of the insured; effective dates of coverage; insurance company; policy number or certificate number; and the minimum amounts of
financial responsibility required by statute, which may be a statement that "the policy coverage meets the minimum amounts of financial responsibility required by statute," or the actual policy limits. This department's policy will be to accept the following as evidence of financial responsibility:

1. insurance policy;
2. an instrument issued by the insurance company to be carried in the vehicle that confirms coverage;
3. department's letter acknowledging receipt of bond, certificate of deposit of money, or securities in the minimum amount of $25,000;
4. certificate of self-insurance issued by the department;
5. Railroad Commission cab cards—
   (A) intrastate Railroad Commission cab card with a copy of the authority attached,
   (B) interstate ICC regulated carriers Uniform D cab card with Railroad Commission stamp attached,
   (C) interstate exempt carriers Uniform DI cab card with Railroad Commission stamp attached;
6. copies of the aforementioned documents; and
7. other evidence such as an insurance binder which confirms to the satisfaction of the officer that the owner and/or driver is in compliance with the Safety Responsibility Act.

(b) Enforcement policy. Commissioned members of this department shall request an owner and/or operator of a motor vehicle upon a public highway to furnish information concerning evidence of financial responsibility when practical in all traffic stops or investigations of motor vehicle traffic accidents. Enforcement action will be initiated in accordance with established guidelines.

Issued in Austin, Texas, on January 8, 1982.

TRD-820212 James B. Adams
       Director, Texas Department of Public Safety

Effective date: January 29, 1982
Proposal publication date: November 27, 1981
For further information, please call (512) 475-2000.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Resources
Notice of Serialization
(Editor's note: Adoptions submitted by the Texas Department of Human Resources will be published in the January 19, 22, and 26 issues. The affected chapters, and rules contained in them, are listed below. The effective date of the adoptions is February 1, 1982.)

Penalties
Rules 326.39.12.001, .002 (repeal)
Rules 326.39.12.003-.007 (new)
Rule 326.39.12.008 (withdrawn)
Administration
Rule 326.39.13.001 (withdrawn)
Rules 326.39.13.005-.011 (repeal)
Operation
Rule 326.39.14.002 (repeal)
Definitions
Rules 326.39.14.004-.008 (withdrawn)
EPSDT Documentation
Rules 326.39.15.001-.003 (repeal)
Operating Policies
Rules 326.39.17.001-.008 (repeal)
Definitions
Rules 326.39.20.001-.007 (repeal)
Periodicity
Rule 326.39.21.004 (repeal)
Eligibility
Rule 326.39.21.005 (new)
Transportation Services
Rule 326.39.22.001 (repeal)
Periodicity
Rules 326.39.22.002-.004 (new)
Outreach
Rules 326.39.23.001-.003 (withdrawn)
Arranging EPSDT Services
Rules 326.39.24.001, .002, .004-.008 (withdrawn)
Rule 326.39.24.003 (new)
Responsibilities of DHR Staff
Rules 326.39.25.001 and .002 (withdrawn)
Coordination
Rules 326.39.26.001-.004 (withdrawn)
Documentation
Rule 326.39.27.001 (withdrawn)
Recipient Rights
Rules 326.39.28.001, .002, .004-.007 (new)
Rule 326.39.28.003 (withdrawn)
Medical Phase
Rules 326.39.31.001 and .004 (amend)
Rules 326.39.31.002, .006, .009-.011 (repeal)
Rules 326.39.31.003, .005, .007, .008 (withdrawn)
Medical Diagnosis and Treatment
Rules 326.39.32.001-.007 (repeal)
EPSDT Follow-Up
Rules 326.39.41.001 and .002 (withdrawn)
Eligibility for Dental Services
Rules 326.39.42.001, .003, .004 (repeal)
Dental Providers
Rules 326.39.43.001-.005 (repeal)
Medical Follow-Up Services
Rules 326.39.43.006 and .007 (withdrawn)
Dental Program Benefits
Rules 326.39.44.001, .002, .004-.008 (repeal)
Dental Follow-up Services
Rule 326.39.44.010 (withdrawn)
Dental Program Responsibilities
Rules 326.39.45.001-.003 (repeal)
Dental Office Practices
Rules 326.39.46.001-.004 (repeal)
Fee Schedule
Rules 326.39.47.001-.003 (repeal)
Dental Provider Claims
Rules 326.39.48.001, .003-.015 (repeal)
Dental Services
Rules 326.39.51.001-.004 (new)
Providers
Rule 326.39.52.001 (now)
Rules 326.39.52.002 and .003 (withdrawn)
Special Cases
Rules 326.39.53.001, .002, .004 (new)
Rule 326.39.53.003 (withdrawn)

Dental Utilization Review
Rules 326.39.54.001-.006 (withdrawn)
Rules 326.39.62.001-.009 (repeal)

Mobile Dental Units
Rules 326.39.64.001-.004 (repeal)
Agencies with statewide jurisdiction must give a least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the Register. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading “Regional Agencies” according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency’s agenda will not be published since the original agenda for the agency was not published.

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

Texas Air Control Board
Friday, January 8, 1982, 10:30 a.m. The Texas Air Control Board made an emergency addition to the agenda of a meeting held at 6330 Highway 290 East, Austin. The addition concerned a closed session to consult with the attorney general’s office regarding pending litigation. This item was added on an emergency basis in order to give the board an opportunity to confer with the attorney general’s office regarding Cause 329,818 in the case of Associated Metals and Minerals Corporation, doing business as Gulf Chemical and Metallurgical Company v. Texas Air Control Board.

Contact: Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: January 8, 1982, 8:21 a.m.
TRD-820164

Texas Commission for the Deaf
Saturday, January 23, 1982, 9:30 a.m. The Texas Commission for the Deaf will meet in Room 100E, John H. Reagan Building, Austin. Items on the agenda include: approval of previous meeting minutes; report from special committee on office rental; report from Board of Evaluators of Interpreters; director and staff reports; and chairman’s report. The commission will also meet in executive session to consider personnel matters.

Contact: Fred R. Tammen, 510 South Congress, Austin, Texas 78711, (512) 472-2492.

Filed: January 8, 1982, 8:21 a.m.
TRD-820166

Texas Education Agency
Monday, January 18, 1982, 3 p.m. The Texas Elementary and Secondary School Planning Council, Coordination Commit-

tee, of the Texas Education Agency will meet in emergency session in the fourth floor conference room, Teacher Retirement Building, Austin. Items on the agenda include: discussion of possible ways to continue regional services which support instruction; report on Urban Curriculum Council’s reaction to paper on basic services during their meeting on December 3 and 4; and report on current issues and activities of the agency’s Division of Technical Assistance. The emergency status is necessary to provide time for committee review prior to full council consideration of items on January 20, 1982.

Contact: Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

Filed: January 11, 1982, 4:31 p.m.
TRD-820364

Tuesday, January 19, 1982, 8:30 a.m. The Texas Elementary and Secondary School Planning Council, Committee on Finance and Program Administration, of the Texas Education Agency will meet in the second floor conference room, 158 East Riverside Drive, Austin. Items on the agenda include: Title VII bilingual education grants, application requirements and deadlines; targeted jobs tax credits; special education directors meeting in February; status of revisions to state plans and state board rules—vocational and adult education,
status of federal funds, and migrant summer institutes.

**Contact:** Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

**Filed:** January 11, 1982, 4:31 p.m.  
TRD-820365

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**Tuesday, January 19, 1982, 10:30 a.m.** The Texas Elementary and Secondary School Planning Council, Committee on Policy and Dissemination and School Support, of the Texas Education Agency will meet in the second floor conference room, 158 East Riverside Drive, Austin. Items on the agenda include: school accreditation; early childhood intervention; Select Committee on Education; Governor's Advisory Committee on Education; communication services including Texas Education Agency publication and report on Project CITE.

**Contact:** Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

**Filed:** January 11, 1982, 4:30 p.m.  
TRD-820366

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**Tuesday, January 19, 1982, 3:15 p.m.** The Texas Elementary and Secondary School Planning Council, Committee on Professional Development and Support, of the Texas Education Agency will meet in the second floor conference room, 158 East Riverside Drive, Austin. Items on the agenda include: discussion of the school volunteer program policy; update on school nurse program; update on inservice guide; discussion on computers and education guide; report on teacher certification; call for proposals from the field for English-as-a-second language program guidelines by the Commission on Standards for the Teaching Profession; and progress report on development of institutional and program standards for teacher education.

**Contact:** Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

**Filed:** January 11, 1982, 4:31 p.m.  
TRD-820367

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**Wednesday, January 20, 1982, 8:30 a.m.** The Texas Elementary and Secondary School Planning Council of the Texas Education Agency will meet in the fourth floor conference room, Teacher Retirement Building, Austin. According to the agenda summary, the council will consider the following: report from commissioner of education; service center exemption from federal taxes; report from Coordination Committee; report from Committee on Policy and Dissemination and School Support; report from Committee on Finance and Program Administration; and report from Committee on Professional Development and Support.

**Contact:** Ernest Chambers, 201 East 11th Street, Austin, Texas 78701, (512) 475-6400.

**Filed:** January 11, 1982, 4:31 p.m.  
TRD-820368

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**Office of the Governor**

**Wednesday, January 13, 1982, 9:30 a.m.** The Governor's Task Force on Higher Education met in emergency session at the Dallas Community College District Campus, Dallas. According to the agenda summary, the task force considered approval of minutes of December 16, 1981, meeting; a briefing on the shortage of engineering graduates and faculty and the effects on industry and higher education; a report by Tim Lewis and Tom Rhodes on the Permanent University Fund and other methods for capital financing; progress reports by subcommittees; and new business. This meeting was held on an emergency basis because the agenda could not be formulated at an earlier date.

**Contact:** Dr. George J. Race, 3500 Gaston Avenue, Dallas, Texas 75246, (214) 820-2254.

**Filed:** January 8, 1982, 10:48 a.m.  
TRD-820182

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**Friday, January 15, 1982, 9 a.m.** The Governor's Task Force on State Personnel Management will meet in emergency session in Room 117, Sam Houston Building, Austin. Items on the agenda include: review of Statewide Personnel Project—Operational Audit Report, compensation, performance in planning and evaluation, classification system benefits, and management training; establishment of subcommittees; subcommittee responsibilities, including time frame, resources, and accountability remarks; and concluding remarks. The emergency status of this meeting is due to the fact that the chairman was not able to formulate the agenda prior to January 11, 1982.

**Contact:** Mark Rigg, 2828 North Haskell, Dallas, Texas 75204, (214) 828-7191.

**Filed:** January 11, 1982, 3:17 p.m.  
TRD-820357

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**Friday, January 18, 1982, 10 a.m.** The Governor's Task Force on Undocumented Mexican Workers will meet in the lieutenant governor's committee room (230), State Capitol. Items on the agenda include: update on task force by the chairman; statistical analysis by universities; briefing on polling RFP by Jarvis Miller; briefing on INS district director; mailings by associations; and follow-up interview by pollsters.

**Contact:** Dr. Lauro Cavazos, Texas Tech University, Lubbock, Texas 79409, (806) 742-2121.

**Filed:** January 7, 1982, 2:27 p.m.  
TRD-820156

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**Thursday, January 21, 1982, 10 a.m.** The Governor's Task Force on the Incarceration of Inmates Pending Appeal will meet at Strasburger and Price, 1200 One Main Place, Dallas. Items on the agenda include: organization and purpose of task force; definitions of the problem, background existing legislation, relevant data, and possible solutions; and future work plan.

**Contact:** Mark Martin, One Main Place, Dallas, Texas 75250, (214) 658-1500.

**Filed:** January 11, 1982, 4:16 p.m.  
TRD-820369

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**Friday, January 22, 1982, 9 a.m.** The Governor's Task Force on Foreign Investments will meet in Rooms 206 and 207, Texas Law Center, 1414 Colorado, Austin. Items on the agenda include: results of questionnaire on foreign investment sponsored by Texas 2000; discussion of laws and regulations relating to ownership of offshore oil and gas leases; report on actions taken by other states with regard to foreign investment within the state; discussion of developing countries with natural resource base similar to Texas; update on foreign investments in Texas (1980 transactions); discussion of data needs—time schedules, and support requirements to complete the work of the task force; open discussion; and subcommittee meetings as necessary.

**Contact:** Jack W. Lander, Jr., 4200 Westheimer, Suite 210, Houston, Texas 77027, (713) 622-8486.

**Filed:** January 11, 1982, 11:06 a.m.  
TRD-820239

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**Texas Department of Health**

**Saturday, January 16, 1982, 9:30 a.m.** The Texas Board of Health will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will consider: minutes of the December 5, 1981, meeting; commissioner's report; quarterly progress report on management by objectives; up-
date on the activities of the Advisory Committee on Nursing Home Affairs; request for approval of the Dental Advisory Committee's evaluation survey form; signature authorizations for Texas Department of Health expenditures; proposed dissolution of the Hypertension Advisory Committee; proposed rules for (1) care of animals by circuses, carnivals, and zoos, (2) licensure and regulation of professional counselors, (3) home health agencies, and (4) code of professional responsibility for departmental personnel who inspect and survey health care facilities; final rules for (1) licensure of athletic trainers, (2) Veterans Agent Orange Assistance Program, and (3) adoption of amendment to formal hearing procedure rules; executive session; crippled children's physician applications; personnel committee reports on requests for extension of employment beyond age 70, appointments to the Genetics Advisory Committee, and appointments to the Technical Advisory Committee to the Congenital Heart Disease Program; and meeting date for February 1982.

Contact: Lillie Gilligan, 1100 West 49th Street, Austin, Texas, (512) 458-7375.

Filed: January 8, 1982, 3:33 p.m.
TRD-820204

Thursday, January 21, 1982, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room T-607, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider: approval of minutes; subcommittee report on Medication Aid Program; amendments to standards for adult day care and adult day health care facilities; dental examinations and treatments for nursing home patients; Ombudsman and Adult Protective Services Program; departmental long term care staff conferences; new nursing home standards of the Texas Department of Human Resources; long-term care plan for Texas; and next meeting date.

Contact: Cesar M. Elizondo, 1100 West 49th Street, Austin, Texas, (512) 458-7706.

Filed: January 7, 1982, 2:32 p.m.
TRD-820161

Saturday, January 23, 1982, 10:30 a.m. The Advisory Board of Athletic Trainers of the Texas Department of Health will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin, Texas. According to the agenda summary, the board will consider: approval of minutes from previous meeting; review of individual cases; report from Mr. Stephens on meeting with physical therapist association; review of academic requirements; actions on delinquent continuing education and delinquent renewals; and election of officers and appointment of committee.

Contact: Maurice B. Shaw, 1100 West 49th Street, Austin, Texas, (512) 458-7538.

Filed: January 8, 1982, 3:34 p.m.
TRD-820205

Friday, January 29, 1982, 10 a.m. The Sanitarian Advisory Committee of the Texas Department of Health will meet in Room T-803, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider: election of officers; minutes of the August 21, 1981, meeting; discussion of Sunset Advisory Commission review of the Sanitarian Registration Program; review and approval of pending applications; and report on testing procedures.

Contact: Lester Blaschke, 1100 West 49th Street, Austin, Texas, (512) 458-7536.

Filed: January 8, 1982, 3:34 p.m.
TRD-820206

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

Wednesday, February 17, 1982, 9 a.m. At the Kilgore Community Inn, 801 Highway 259, Kilgore, the department will consider Application 1327-A of the Tiger Corporation to amend an existing Type I municipal solid waste permit to allow for above-ground (aerial-fill) waste disposal at the existing site located immediately south of the Sabine River, 0.5 mile west of U.S. Highway 259, 0.7 mile north of FM Road 1252 (Spinks-Chapman Road), 0.8 mile north of the intersection of U.S. Highway 259 and IH 20, 1.1 miles east of State Highway 42, 2.7 miles north of the Kilgore city limits, and 2.9 miles south of the Longview city limits, in Gregg County.

Wednesday, February 17, 1982, 9:30 a.m. In Council Chambers, City Hall, Brownfield, to consider Application 1500 of City of Brownfield to operate a proposed Type I municipal solid waste disposal site to be located 4,000 feet south of the intersection of Old Lamesa Road and B Street, 1,000 feet southeast of the city limits, and adjacent to the east side of the existing city sewage treatment facility in Terry County.

Contact: Jack C. Carmichael, 1100 West 49th Street, Austin, Texas, (512) 458-7271.

Filed: January 7, 1982, 2:32 p.m.
TRD-820162

Texas Health Facilities Commission

Friday, January 22, 1982, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need
St. Luke's Episcopal and Texas Children's Hospital, Houston
AH81-0811-011
Fort Worth State School, Fort Worth
AA81-0831-039

Declaratory Ruling
Mercy Hospital of Jourdanton, Jourdanton
AH81-1204-020

Motion for Rehearing/Reconsideration
Amarillo Good Samaritan Center, Amarillo
AN81-0713-034

Contact: Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761.

Filed: January 11, 1982, 8:58 a.m.
TRD-820230

State Board of Insurance

Wednesday, January 20, 1982, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 142, 1110 San Jacinto Street, Austin, in Docket 6649—application for original charter of the Credit Life Insurance Company of Texas, Dallas.

Contact: J. C. Thomas, 1110 San Jacinto, Austin, Texas 78701, (512) 475-4353.

Filed: January 11, 1982, 1:08 p.m.
TRD-820337

Wednesday, January 20, 1982, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 142, 1110 San Jacinto Street, Austin, in Docket 6572—application for admission by the Trend Life Insurance Company, Oklahoma City, Oklahoma.
Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.
Filed: January 11, 1982, 1:09 p.m.
TRD-820338

Thursday, January 21, 1982, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6677—application for approval of the articles of agreement of Lloyd's, Dallas.
Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.
Filed: January 11, 1982, 1:09 p.m.
TRD-820339

Thursday, January 21, 1982, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6680—protest of the proposed name Sun Belt Traders Life Insurance Company, Tyler.
Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas, (512) 475-4353.
Filed: January 11, 1982, 1:09 p.m.
TRD-820340

Friday, January 22, 1982, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6676 to consider whether any or all of Robert Christian Stabile's insurance agent's licenses should be cancelled or revoked.
Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.
Filed: January 11, 1982, 1:09 p.m.
TRD-820341

Friday, January 22, 1982, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will reopen a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6528 to consider a charter amendment of Mack H. Hannah Life Insurance Company, Houston, to increase authorized shares and capital.
Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.
Filed: January 11, 1982, 1:09 p.m.
TRD-820342

Friday, January 22, 1982, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6683—application for original charter of American Hallmark Insurance Company of Texas, Dallas.
Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.
Filed: January 11, 1982, 1:09 p.m.
TRD-820343

Friday, January 22, 1982, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto, Austin, in Docket 6678—application for original charter of Virginia Life Insurance Company, Fort Worth.
Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.
Filed: January 11, 1982, 1:09 p.m.
TRD-820344

Monday, January 25, 1982, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto, Austin, in Docket 6632—application for admission of the State Bond and Mortgage Life Insurance Company, New Ulm, Minnesota.
Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.
Filed: January 11, 1982, 1:09 p.m.
TRD-820345

Wednesday, January 27, 1982, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, to consider the following: National Retired Teachers Association and American Association of Retired Persons Driver Training Program; and a decision on a plea to the jurisdiction in the appeal of Westland Film Industries from action of the Texas Catastrophe Property Insurance Association.
Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.
Filed: January 12, 1982, 9:32 a.m.
TRD-820373

Thursday, January 28, 1982, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 414, 1110 San Jacinto Street, Austin, to consider the appeal of Alex Mercer Phillips from Commissioner's Order 81-3828.
Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.
Filed: January 12, 1982, 9:32 a.m.
TRD-820374

Board of Lease of State-Owned Lands
Tuesday, January 19, 1982, 9:30 a.m. The Board for Lease of Lands Owned by the Texas Youth Council of the Board for Lease of State-Owned Lands will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include: approval of the minutes of the previous board meeting and consideration of nominations, terms, conditions, and procedures for the April 6, 1982, oil, gas, and other minerals lease sale.
Contact: Linda K. Fisher, 1700 North Congress, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.
Filed: January 11, 1982, 3:35 p.m.
TRD-820360

Thursday, January 21, 1982, 1:45 p.m. The Board for Lease of Lands Owned by the Texas Parks and Wildlife Department of the Board for Lease of State-Owned Lands will meet in Room 201-B, 4200 Smith School Road, Austin. Items on the agenda include: approval of the minutes of the previous board meeting and consideration of nominations, terms, conditions, and procedures for the April 6, 1982, oil, gas, and other minerals lease sale.
Contact: Linda K. Fisher, 1700 North Congress, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.
Filed: January 11, 1982, 3:35 p.m.
TRD-820361

Tuesday, January 26, 1982, 11 a.m. The Board for Lease of Lands Owned by the Texas Department of Corrections of the Board for Lease of State-Owned Lands will meet in Room 835, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include: approval of the minutes of the previous board meeting and consideration of nominations, terms, conditions, and procedures for the April 6, 1982, oil, gas, and other minerals lease sale.
Contact: Linda K. Fisher, 1700 North Congress, Stephen F. Austin Building, Room 835, Austin, Texas 78786, (512) 475-2071.
Filed: January 11, 1982, 3:35 p.m.
TRD-820362
Texas Optometry Board  
Thursday, January 14, 1982, 2:30 p.m. The Texas Optometry Board made an emergency revision to the agenda of a meeting held at the Marriott Hotel, Houston. The revision concerned the appearance of two licensees, Charles White, O.D. and James Harold McDowell, O.D., before the Texas Optometry Board to discuss continuing education requirements. Both licensees requested an appearance before the board; and the appearance is mandatory for license renewal. This revision was made on an emergency basis because the board was unable to reach Dr. McDowell to confirm that the matter be placed on the agenda.

Contact: Lois Ewald, 5555 North Lamar, H-101, Austin, Texas 78751, (512) 458-2141.

Filed: January 8, 1982, 8:21 a.m.  
TRD-820165

Texas Parks and Wildlife Department  
Tuesday, February 2, 1982, 2 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. According to the agenda summary, the division will consider a hearing for Corps of Engineers Permit Application 15831 by Tierra Encantada Partnership, P.O. Box 492, Harlingen, Texas 78550, (Agent: Espay, Huston & Associates, Inc., Attention: Fred LeBlanc, (512) 327-6840), to remove approximately 130 cubic yards of marl (total) from the Laguna Madre by means of dragline for the purpose of creating an entrance channel to an existing basin. The dredged material would be placed on an adjacent upland area. The work site is located at 220 West Corallee Drive, South Padre Island, Cameron County.

Contact: Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4864, ext. 2310.

Filed: January 11, 1982, 9:09 a.m.  
TRD-820229

Polygraph Examiners Board  
Wednesday-Friday, January 20-22, 1982, 9 a.m., daily. The Polygraph Examiners Board will meet at the Department of Public Safety, 5805 North Lamar Boulevard, Austin. According to the agenda, the board will approve minutes; consider and act upon applications for internship/reciprocity licensure; conduct administrative hearings; set date of next meeting and licensing examinations; consider any communications from the public or polygraph examiners; and consider and act upon any other polygraph-related business that may come before the board.

Contact: Candy Moore, P.O. Box 4143, Austin, Texas 78765, (512) 465-2058.

Filed: January 11, 1:07 p.m.  
TRD-820346

Public Utility Commission of Texas  
Wednesday, February 17, 1982, 1 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 4229—application of Harmon Electric Association, Inc., an Oklahoma electric cooperative corporation for a reciprocity rate increase.

Contact: Carplyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 8, 1982, 3:19 p.m.  
TRD-820207

Thursday, March 11, 1982, 10 a.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 4225—application of Dewitt County Electric Cooperative, Inc. for rate/tariff revisions relating to service fees, rules, and regulations (electric).

Contact: Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 7, 1982, 1:49 p.m.  
TRD-820155

Monday, March 22, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on the merits in Docket 4089—petition of Houston Lighting and Power Company for review of rate ordinances of the Cities of Pasadena, et al. The meeting was originally scheduled for January 27, 1982.

Contact: Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 5, 1982, 8:53 a.m.  
TRD-820034

Monday, April 5, 1982, 10 a.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 4032—application of the Lower Colorado River Authority to amend its certificate of convenience and necessity to construct transmission lines and associated substations within Guadalupe, Hays, Comal, and Kendall Counties.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 8, 1982, 3:19 p.m.  
TRD-820206

January 15, 1982  7  TexReg: 213
Monday, January 11, 1982, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to a meeting held in the first floor auditorium, 1124 IH 35 South, Austin, the addition concerned consideration of Docket 8-77003, application of Wood, McShane, and Thames for temporary oil field rules, Keystone, SW (San Andres) Field, Winkler County. This matter was properly noticed for the meeting of January 4, 1982, and was passed. Consideration on less than seven days notice was required as a matter of urgent public necessity.

Contact: Jan L. Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 8, 1982, 12:34 p.m. TRD-820185

Monday, January 18, 1982, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. The agendas and meeting rooms follow.

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director’s report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: January 8, 1982, 12:35 p.m. TRD-820186

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director’s report on division administration, budget, procedures, and personnel matters. The commission will also consider contracts for perpetual licenses for software packages fast dump restore (FDR) from Innovation Data Processing and Comprehensive Management Facility (CMF) from Boole and Babbage, Inc.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: January 8, 1982, 12:36 p.m. TRD-820187

The Gas Utilities Division will meet in Room 107 to consider Gas Utilities Dockets 2345, 2346, 3335, 3338, 3339, 3340, 3341, application and the director’s report.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 475-0461.

Filed: January 8, 1982, 12:36 p.m. TRD-820189

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director’s report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schable, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 8, 1982, 12:33 p.m. TRD-820190

The Liquefied Petroleum-Gas Division will meet in the first floor auditorium to consider the following: adoption of LPG Form 16, Application for Examination, to replace Forms 16A, 16B, and 16C; adopting revised insurance forms, Forms 996A, 997A, and 998A; $9.113 (051.05.03.108) Location of Industrial or Large Commercial Storage Containers, to be posted in the Texas Register for public comments. The commission will also consider and act on the division director’s report on division administration, budget, procedures, and personnel matters.

Contact: Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: January 8, 1982, 12:35 p.m. TRD-820191

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission’s oil and gas regulatory jurisdiction.

Contact: Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 8, 1982, 12:35 p.m. TRD-820192

Addition to the above agenda: Category determinations under §§102(c)(1)(C), 102(k)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: January 8, 1982, 12:27 p.m. TRD-820193

Addition to the above agenda: Consideration of the submittal of the Railroad Commission’s primary enforcement authority application regarding underground injection control activities subject to the jurisdiction of the Railroad Commission of Texas to the U.S. Environmental Protection Agency for approval pursuant to the Safe Drinking Water Act.

Contact: Jerry Mullican, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1373.

Filed: January 8, 1982, 12:36 p.m. TRD-820194

Addition to the above agenda: Consideration of Docket 77C-77-581, application of Brushy Creek Drilling Company for an exception to Statewide Rule 38, Wildcat Field, Runnels County.

Contact: Priscilla Hubenak, P.O. Drawer 12967, Austin, Texas 78711 (512) 445-1293.

Filed: January 8, 1982, 12:36 p.m. TRD-820195

Addition to the above agenda: Consideration of contract between the Texas State Library—R.M.D. and the Railroad Commission for duplication (microfilm services).

Contact: David M. Garlick, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1313.

Filed: January 8, 1982, 12:34 p.m. TRD-820196

The Personnel Division will meet in the first floor auditorium to consider and act on the division director’s report on division administration, budget, procedures, and personnel matters.

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: January 8, 1982, 12:33 p.m. TRD-820197

The Office of Special Counsel will meet in the third floor conference room to consider and act on the division director’s report.
relating to pending litigation, Sunset Commission procedure, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: January 8, 1982, 12:33 p.m. TRD-820198

The Surface Mining and Reclamation Division will meet in the first floor auditorium to consider and act on the division director’s report on division administration, budget, procedures, and personnel matters.

Contact: J. Randle (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: January 8, 1982, 12:36 p.m. TRD-820199

The Transportation Division will meet in the first floor auditorium, Room 107 to consider various matters falling within the Railroad Commission’s Transportation regulatory jurisdiction.

Contact: Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: January 8, 1982, 12:37 p.m. TRD-820200

School Land Board
Tuesday, January 19, 1982, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include: approval of the minutes of the previous board meeting; pooling applications; consideration and approval of nominations; terms, conditions, and procedures for the April 6, 1982, oil, gas, and other minerals lease sale; excess acreage application; coastal public lands—easement applications; cabin permit rebuilding request; and coastal public lands report—cabin permit renewals.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-2071.

Filed: January 11, 1982, 3:35 p.m. TRD-820359

University System of South Texas
Thursday, January 14, 1982, 8:30 a.m. The Building Committee of the Board of Directors of the University System of South Texas met in the Texas A&I Citrus Center, Weslaco. Items on the agenda included: awarding contract for the renovation and addition of an observatory to Hill Hall, Texas A&I University; approving plans and authorizing solicitation of bids for refurbishing of Poteet Hall at Texas A&I University; and reviewing construction progress and needs at all institutions within the system.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: January 8, 1982, 8:55 a.m. TRD-820169

Thursday, January 14, 1982, 9:30 a.m. The Board of Directors of the University System of South Texas met at the Texas A&I Citrus Center, Weslaco. According to the agenda summary, the board considered: minutes of November 19, 1981, meeting; gifts and donations; budget changes; personnel action; naming of board committees; reports from presidents, chancellor, and standing committees; personnel matters, acquisition of real estate, and legal matters within the University System of South Texas; and time and place of next meeting.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: January 8, 1982, 8:55 a.m. TRD-820181

Stephen F. Austin State University
Monday, January 18, 1982, 2 p.m. Committees of the Stephen F. Austin State University Board of Regents will meet in Room 307, Austin Building, Stephen F. Austin State University campus, Nacogdoches. According to the agenda summary, the committees will consider: personnel items; election of president; approval of budget adjustments; approval of increase in room and board rates; and acceptance of faculty workload.

Contact: William R. Johnson, P.O. Box 6078, SFA Station, Nacogdoches, Texas 75962, (713) 560-2201.

Filed: January 7, 1982, 10:18 a.m. TRD-820108

Tuesday, January 19, 1981, 9:30 a.m. The Stephen F. Austin State University Board of Regents will meet in Room 307, Austin Building, Stephen F. Austin State University campus, Nacogdoches. According to the agenda summary, the board will consider: personnel items; election of president; approval of budget adjustments; approval of increase in room and board rates; and acceptance of faculty workload.

Contact: William R. Johnson, P.O. Box 6078, SFA Station, Nacogdoches, Texas 75962, (713) 560-2201.

Filed: January 7, 1982, 10:18 a.m. TRD-820109

Commission on Standards for the Teaching Profession
Friday, January 5, 1982, 9 a.m. The Commission on Standards for the Teaching Profession made an emergency addition to the agenda of a meeting to be held in the board room, 150 East Riverside Drive, Austin. The addition concerns the election of officers and appointment of committees and chairpersons. This addition was made on an emergency basis because the State Board of Education on January 9, 1982, made several re-appointments and new appointments to the commission which necessitates election of officers and appointment of committees and chairpersons.

Contact: Dr. Edward Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: January 11, 1982, 4:30 p.m. TRD-820363

Thursday, January 14, 1982, 10:15 a.m. The Committee on Certification Programs and Requirements of the Commission on Standards for the Teaching Profession made an emergency addition to the agenda of a meeting held in the second floor conference room, 158 East Riverside Drive, Austin. The addition concerned proposed new 19 TAC §141.2, concerning classes of certificates. This item was added on an emergency basis because of a need to move forward with the rule adoption process so that people in teacher education institutions will have adequate notice of the proposed new classes of certificates.

Contact: Dr. Edward Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 475-0164.

Filed: January 8, 1982, 2:57 p.m. TRD-820201

Friday, January 15, 1982, 9 a.m. The Commission on Standards for the Teaching Profession made an emergency addition to the agenda of a meeting to be held in the board room, 150 East Riverside Drive, Austin. The addition concerned proposed new 19 TAC §141.2, concerning classes of certificates. This item was added on an
emergency basis because of a need to move forward with the rule adoption process so that people in teacher education institutions will have adequate notice of the proposed new classes of certificates.

Contact: Dr. Edward Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 475-0614.

Filed: January 8, 1982, 2:58 p.m. TRD-820202

State Board of Veterinary Medical Examiners

Sunday and Monday, January 31 and February 1, 1982, 1 p.m. and 10 a.m., respectively. The State Board of Veterinary Medical Examiners will meet at the Americana Hotel, Tandy Center, Fort Worth. Items on the agenda include: conducting disciplinary hearings; consideration of practice complaints; and general business.

Contact: Roger D. Shipman, 3810 Medical Parkway, Suite 119, Austin, Texas, (512) 458-1183.

Filed: January 8, 1982, 3:18 p.m. TRD-820209

Texas Water Commission

Monday, January 18, 1982, 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 demand, bond issues, change orders, release from escrow, surplus funds, setting hearing dates for district operations, water quality permits, amendments and renewals, adjudication matters, amendment to certificate of adjudication and voluntary abandonment of a claim and permit.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: January 7, 1982, 11:01 a.m. TRD-820111

Monday, February 1, 1982, 2 p.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Office Building, 1700 North Congress, Austin, to determine whether Temporary Order 82-1E, issued on January 6, 1982, should be affirmed, modified, or set aside by the Texas Water Commission, Midland County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: January 7, 1982, 3:06 p.m. TRD-820163

Tuesday, February 23, 1982, 9 a.m. The Texas Water Commission will meet in the Assembly Room, Grayson County Courthouse, Sherman, to review application of Town & Country Builders, Inc., Professional Building, Suite 207, Sherman, for a permit to authorize a discharge of 22,000 gallons per day of treated domestic sewage effluent. The applicant proposes to build the Lake Trails Estates residential development around a man-made lake.

Contact: Sandra Fitzpatrick, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: January 11, 1982, 8:57 a.m. TRD-820234

Tuesday, February 23, 1982, 9 a.m. The Texas Water Commission will meet in the Assembly Room, Grayson County Courthouse, Sherman, to review application from Leon Smith, doing business as Country Club Estates Mobile Home Park, Route 1, Box 152X, Denison, for a permit to authorize disposal by irrigation of 13,000 gallons per day of treated domestic sewage effluent. The applicant proposes to collect and treat the effluent from a series of septic tanks currently serving the mobile home park. The current system discharges the septic tank effluent into a pond for holding and evaporation.

Contact: Sandra Fitzpatrick, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: January 11, 1982, 8:56 a.m. TRD-820235

Wednesday, February 24, 1982, 9 a.m. The Texas Water Commission will meet in the Council and Courts Building, Main and Freeman Streets, Duncanville. Items on the agenda summary include: application from H. L. Fulton (Town & Country Mobile Home Park), P.O. Box 291, Greenville, for a renewal of Permit 11808-01, which authorizes a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 5,000 gallons per day from the treatment facilities which are located five miles south of Greenville, off State Highway 34 at the intersection of Bethel Road in Hunt County.

Contact: Phil Paine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: January 11, 1982, 8:56 a.m. TRD-820236

Wednesday, February 24, 1982, 9 a.m. The Texas Water Commission will meet in the Council & Courts Building, Main and Freeman Streets, Duncanville. Items on the agenda summary include: application from Wilmer-Hutchins Independent School District, 3820 East Illinois Avenue, Dallas, for a permit to authorize a discharge of
50,000 gallons per day of treated domestic sewage effluent. The applicant proposes to construct wastewater treatment facilities to serve the domestic needs of students and faculty of a public school system.

**Filed:** January 11, 1982, 8:58 a.m.
**TRD-820237**

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**Regional Agencies**

Meetings Filed January 7

**The Brazos River Authority, Lower Sub-Basin Subcommittee and Brazos Basin 208 Planning Advisory Committee,** met in the main meeting room, Houston Lighting and Power Office, 202 West Hiwawey 332, Clute, on January 13, 1982, at 7 p.m. Information may be obtained from Tom Ray, P.O. Box 7555, Waco, Texas 76710, (817) 776-1441.

**The Education Service Center, Region VIII, Board of Directors, will meet in Room 107, Region VIII Education Service Center, 100 North Riddle, Mount Pleasant, on January 21, 1982, at 7 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle, Mount Pleasant, Texas 75455, (214) 572-6676.**

**The Texas Municipal Power Agency, Board of Directors, met in the agency offices, 2225 East Randol Mill Road, Arlington, on January 14, 1982, at 10 a.m. Information may be obtained from Laurie Davis, 2225 East Randol Mill Road, Suite 600, Arlington, Texas 76011, (817) 461-4400.**

**TRD-820110**

Meetings Filed January 8

**The Bell County Appraisal District will meet in the commissioners' courtroom, second floor, Bell County Courthouse, Belton, on January 20, 1982, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 294.**

**The Harris County Appraisal District, Board of Directors, met at 3737 Daoma, Houston, on January 11, 1982, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.**

**The Hockley County Appraisal District, board, will meet at 913 Austin Street, Levelland, on January 18, 1982, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.**

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**The Leon County Central Appraisal District, Board of Directors, met in the Leon County Courtroom, Centerville, on January 14, 1982, at 6:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2911.**

**The Palo Pinto Appraisal District, Board of Directors, met at 603 South Oak, Mineral Wells, on January 14, 1982, at 7 p.m. Information may be obtained from H. H. Quillen, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.**

**The Rusk County Appraisal District, Board of Directors, will meet in the administrative offices, 107 North Van Buren, Henderson, on January 19, 1982, at 1:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas, (214) 657-9697.**

**The Tri-Region Health Systems Agency, Concho Subarea Advisory Council, met for a rescheduled meeting in the Crystal Room, Cactus Hotel, 36 East Twohig, San Angelo, on January 14, 1982 at 7 p.m. The meeting was originally scheduled for January 12, 1982. Information may be obtained from Susan K. Bennett, 2642 Post Oak Road, Abilene, Texas, (915) 698-9481.**

**The West Texas Council of Governments, Board of Directors, will meet in Suite 700, Mills Building, 303 North Oregon Street, El Paso, on January 15, 1982, at 9:30 a.m. Information may be obtained from Bernie Guy, 303 N. Oregon, Suite 700, El Paso, Texas 79901.**

**TRD-820167**

Meetings Filed January 11

**The Capital Area Planning Council, Executive Committee, will meet at 2520 IH 35 South, Austin, on January 19, 1982, at 2 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7753.**

**The Education Service Center, Region XVIII, Board of Directors and Joint Committee, will meet in the conference room, Region XVIII Education Service Center, Midland Air Terminal, Midland, on February 3, 1982, at 6:30 p.m. Information**
may be obtained from J.W. Donaldson, P.O. Box 6020, Midland, Texas 79701, (915) 563-2380.

The Interim Regional Transportation Authority of Dallas, Executive Committee, will meet in Pullman Room B, Union Station, Dallas, on January 19, 1982, at 7:30 a.m. Information may be obtained from Cinde Weatherby, P.O. Drawer COG, Arlington, Texas 76011, (817) 640-3300.

The Lamar County Appraisal District, Board of Directors, will meet at 1523 Lamar Avenue, Paris, on January 18, 1982, at 3 p.m. Information may be obtained from L.F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps, Littlefield, on January 21, 1982, at 7 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Lower Neches Valley Authority, Board of Directors, will meet in the Lower Neches

Valley Authority Office Building, 7850 Eastex Freeway, Beaumont, on January 19, 1982, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas.

The Nortex Regional Planning Commission, General Membership Committee and North Texas State Planning Region Consortium, will meet at McBride Seafood and Steak, 5400 Seymour Highway, Wichita Falls, on January 21, 1982, at noon and 1 p.m., respectively. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Permian Basin Health Systems Agency, Projects Review Committee, will meet in the conference room, Permian Basin Regional Planning Commission, Midland Air Terminal, Midland, on January 18, 1982, at 7:30 p.m. Information may be obtained from Jeanne Kaferle, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on January 20, 1982, at 2 p.m. The Board of Trustees, Employees Retirement Trust, will meet at the same location immediately following the board of directors meeting. Information may be obtained from Fred N. Pfieffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-3173.

The South Texas Development Council, STED Corp, met in emergency session in the Zapata Community Center, Zapata, on January 13, 1982, at 3 p.m. Information may be obtained from Alberto Sandoval, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Taylor County Central Appraisal District, Board of Directors—Taylor County, met in the commissioners' courtroom, Taylor County Courthouse, Abilene, on January 14, 1982, at 7 p.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 676-9381.

TRD-820238
Texas Commission on Alcoholism
Request for Proposals

The Texas Commission on Alcoholism (TCA), under the authority of Texas Civil Statutes, Article 5561c, §18, is soliciting proposals for community-based projects in Texas that will provide primary prevention services. Public or private nonprofit organizations, institutions, or agencies may apply.

A total of $300,000 is designated for programs geared toward children of alcoholics under this request. An additional $192,000 is designated for the development of primary prevention programs for schools and/or colleges and for native American youth.

Approved projects will be funded for the period June 1, 1982, through May 31, 1983, for a maximum award of $50,000. Contractor cash match will be required at a minimum of 5.0% of the TCA award.

The deadline for proposal submissions is 5 p.m. on February 26, 1982.

To obtain a proposal packet or more information, contact the regional alcoholism authority for your area. Listed are the contact persons for each state planning region.

Alamo Area Council of Governments
Marcha Reyes, RASD
400 Three Americas Building
San Antonio, Texas 78205
(512) 225-5201

Ark-Tex Council of Governments
John Davidson, RASD
P.O. Box 5307
Texarkana, Texas 75501
(903) 774-3481

Brazos Valley Development Council
Anne Thomas, RASD
P.O. Drawer 4128
Bryan, Texas 77801
(713) 822-7421

Capital Area Planning Council
Manuel Fernandez, RASD
2520 South IH-35, Suite 100
Austin, Texas 78704
(512) 443-7653

Central Texas Council on Alcoholism
Don Norman
P.O. Box 203
Temple, Texas 76501
(817) 773-3722

Coastal Bend Council of Governments
Cora Graham, RASD
P.O. Box 9909
Corpus Christi, Texas 78408
(512) 883-5743

Concho Valley Council of Governments
Gayle Arnn, RASD
5002 Knickerbocker
San Angelo, Texas 76901
(915) 944-9666

Deep East Texas Council of Governments
Michael Mohr, RASD
P.O. Box 661
Nacogdoches, Texas 75961
(713) 569-0492

East Texas Council on Alcoholism and Drug Abuse
Terry Hockenberry, RASD
1101 East Birdsong
Longview, Texas 75602
(214) 753-7633

Golden Crescent Council of Governments
Joe Atkinson, RASD
P.O. Box 2028
Victoria, Texas 77901
(512) 578-1587

Heart of Texas Council of Governments
K. Paul Holt, RASD
320 Franklin Avenue
Waco, Texas 76701
(817) 756-6631

Houston-Galveston Area Council
Virginia Young, RASD
P.O. Box 22777
Texas Department of Community Affairs
Correction of Error

A request for proposals submitted by the Texas Department of Community Affairs was incorrectly listed under the Texas Department of Public Affairs in the January 8 issue table of contents (7 TexReg 41). The deadline for the submission as listed on page 92 of the In Addition section in that issue was correct.

Comptroller of Public Accounts
Administrative Decision 9,906
(Sales 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 confidentiality statutes.

**Summary of Decision.** The exemption for common carriers provided in Texas Taxation-General Annotated, Article 20.04(G)(2) (Vernon 1969), should be construed as permitting common carriers to purchase any item of tangible personal property tax-free in Texas, so long as they transport such property outside of Texas without making any "use" thereof within Texas as that term is defined in Texas Taxation-General Annotated, Article 20.01(0) and (R) (Vernon 1969). The requirement contained in Article 20.04(G)(2) that the property be "shipped by the seller via the purchasing carrier under a bill of lading" must be ignored, since it is either totally meaningless or would require the carrier to commit an illegal act.

Issued in Austin, Texas, on January 8, 1982.

TRD-820164

Bob Bullock
Comptroller of Public Accounts

Filed: January 8, 1982, 1:16 p.m.
For further information, please call (512) 475-1938.

Office of Consumer Credit Commissioner
Rate Ceilings

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following:
Texas Department of Labor and Standards
Consultant Contract Award

This statement of award of consultant services by the Texas Department of Labor and Standards is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The proposal request for consultant services was published in the November 20, 1981, issue of the Texas Register (6 TexReg 4312).

Description of Work. The consultant will perform data processing system design and programming concerning regulation of the manufactured housing industry.

Name and Address of Consultant. The consultant awarded the contract is the firm of Compton, Rainosek, and Johnson, Inc., 1212 Guadalupe, Suite B-2, Austin, Texas 78701.

Contract Price and Dates. The total price of the contract is $30 per man hour, not to exceed $100,000. The contract dates are December 31, 1981, through July 30, 1982.

Due Dates of Documents. Written progress reports will be submitted to the agency monthly. Final documenta-
tion of programs and user and data entry information will be submitted no later than July 30, 1982.

Disclosure. As required by Texas Civil Statutes, Article 6252-11c, §68, the following disclosures are made concerning the firm of Compton, Rainosek, and Johnson.

Andrew J. Rainosek—Employed by the Systems Division, State Auditor’s Office from September 1, 1968, through August 31, 1980. Served as assistant director of that division from February 1975, and in that capacity he was primarily responsible for the management and supervision of personnel engaged in systems analysis, design, and programming. Resignation was effective August 31, 1980.

Douglas W. Compton—Employed as director of the Legislative Information System of Texas (LIST), Division of the Texas Legislative Council, from November 1972, through July 31, 1980. In that capacity, he was responsible for the management of a data processing facility that provided the automated legislative information required to support the Texas Legislature. Resignation was effective July 31, 1980.

Charles William Keller—Employed by the Computation Center, University of Texas at Austin, from January 1, 1979, through January 10, 1980.

Robert E. Johnson—Employed as executive director of the Texas Legislative Council from January 1963, through February 19, 1980. Resignation was effective February 29, 1980.

Issued in Austin, Texas, on January 8, 1982.

TRD-820231 Liais B. “Bubba” Steen Commissioner Texas Department of Labor and Standards

Filed: January 8, 1982, 3:09 p.m.
For further information, please call (512) 475-0155.

Texas Legislature
Public Hearing
Evaluation Committee for the Administration of the Brucellosis Program by the Animal Health Commission

Friday, February 5, 1982, 10 a.m. The Evaluation Committee for the Administration of the Brucellosis Program by the Animal Health Commission, as authorized by Governor’s Proclamation 432, will conduct a public hearing on the senate floor of the State Capitol, to take public testimony and prepare a report for the governor.

Information may be obtained from Craig Pardue or Guy Finstad, P.O. Box 2910, Austin, Texas 78769, (512) 475-3275, or (512) 475-3222, respectively.

Issued in Austin, Texas, on January 8, 1982.

TRD-820203 Craig Pardue Chief Clerk House Committee on Agriculture and Livestock Texas Legislature

Filed: January 8, 1982, 3:57 p.m.
For further information, please call (512) 475-3275.

Office of the Secretary of State
Texas Register Division
Notice of Schedule Variation

Because of the Confederate Soldiers’ Holiday on January 19, the January 22 issue deadlines have been changed. All submissions except notices of open meetings received after 10 a.m. Friday, January 15, and all notices of open meetings received after 10 a.m. Monday, January 18, will be published in the January 26 issue. However, division personnel will be working on January 19 to accept documents and answer questions.
To order a new subscription, or to indicate a change of address, please use the form below. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

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