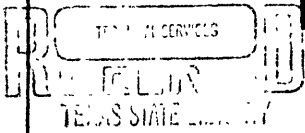


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Texas Register



MAR 1 1 1983



Highlights

- ★ The State Purchasing and General Services Commission adopts on an emergency basis amendments concerning breach of ethical standards; effective date - February 28 page 814
- ★ The Texas Parks and Wildlife Commission proposes amendments to rules concerning hunting seasons; earliest possible date of adoption - April 11 page 821
- ★ The Texas Department of Public Safety adopts amendments to a rule concerning record copy charges; effective date - March 22 page 836

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886

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

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

- Governor--appointments, executive orders, and proclamations
- Secretary of State--summaries of opinions based on election laws
- Attorney General--summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules--rules adopted by state agencies on an emergency basis
- Proposed Rules--rules proposed for adoption
- Withdrawn Rules--rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date
- Adopted Rules--rules adopted following a 30-day public comment period
- Open Meetings--notices of open meetings
- In Addition--miscellaneous information required to be published by statute or provided as a public service

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written "8 TexReg 2" issue date while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 8 TexReg 3"

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

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below);

TAC stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 10, December 1982

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As required by Texas Civil Statutes, Article 6252 13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

The Governor

Appointments Made February 18

Public Utility Commission of Texas

For a term to expire September 1, 1983:

Alan R. Erwin
12203 Meadow Lake Drive
Houston, Texas 77077

Mr. Erwin is replacing George M. Cowden of Dallas, who resigned.

Texas Board on Aging

To serve as chairman, for a term to continue during the term of service of this governor, pursuant to the Texas Human Resources Code, §101.003.

R. H. (Bob) Gibbons
2111 Easton Avenue
Fort Worth, Texas 76117

Mr. Gibbons is replacing Rufus Edmonds (Ed) Palm, of Fort Worth, whose term expired.

Texas Health Facilities Commission

For a six year term to expire February 1, 1989:

W. G. (Cotton) Kirklín
8220 Research Boulevard, Apartment 152-E
Austin, Texas 78751

Mr. Kirklín is replacing Bolin P. Mahaffey of Corpus Christi, whose term expired.

Texas Cosmetology Commission

Representing the public, for a term to expire December 31, 1987:

Betty Sue Bird
1703 Vista Lane
Austin, Texas

Ms. Bird is replacing Mary I. Longworth of Dallas, whose appointment was returned to this governor.

Issued in Austin, Texas, on February 18, 1983.

TRD 831469 Mark White
831472 Governor of Texas

Appointment Made February 23

Texas State Board of Medical Examiners

To be a member of the District IV Review Committee, for a term to expire January 15, 1984:

Dr. Armando Cuellar
851 South Iowa
Weslaco, Texas 78596

Dr. Cuellar is replacing C. Kenneth Landrum, M.D., of McAllen, whose appointment was returned to this governor.

Issued in Austin, Texas, on February 23, 1983.

TRD 831473 Mark White
Governor of Texas

Appointments Made February 28

105th Judicial District

To be district attorney for the 105th Judicial District, Nueces, Kleberg, and Kenedy Counties, until the next general election and until his successor shall be duly qualified:

John Grant Jones
4009 Pope Drive
Corpus Christi, Texas 78411

Mr. Jones is replacing William B. Mobley, Jr., of Corpus Christi, who is deceased.

Firemen's Pension Commissioner

To be commissioner for a term to expire July 1, 1985:

Hal H. Hood
4017 Victory Drive
Building 3, Apartment 250
Austin, Texas

Mr. Hood is being reappointed.

Issued in Austin, Texas, on February 28, 1983.

TRD-831613, Mark White
831614 Governor of Texas



Appointment Made March 2
Family Practice Residency Advisory
Committee

For a term to expire August 29, 1985:

Dr. Evalton Delco
1805 Astor Place
Austin, Texas 78721

Dr. Delco is replacing Thomas Bryan Crouch, Sr., of
Poteet, whose appointment was returned to this governor.

Issued in Austin, Texas, on March 2, 1983

TRD-831671 Mark White
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) 475-5445. 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.

The Attorney General

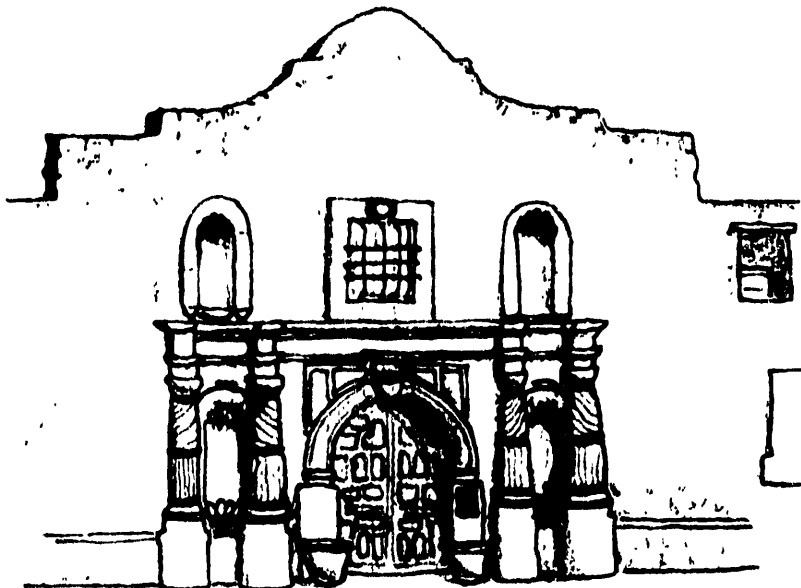
Requests for Opinions

RQ-44. Request from Henry Wade, district attorney, Dallas, concerning whether records of prior service of jurors in criminal cases maintained by the Dallas County district attorney are excepted from public disclosure by the Open Records Act, §3(a)(1) or §3(a)(8).

TRD-831571

RQ-45. Request from Mike Wade, district attorney, Loving, Reeves, and Ward Counties, Monahans, concerning whether the county clerk of Loving County is required by the Natural Resources Code, §52.222, to file applications for prospect and development of state-owned land in Loving County.

TRD-831572



Emergency Rules

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

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

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 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 111. Executive Administration Division Administration

1 TAC §111.4

The State Purchasing and General Services Commission adopts an amendment to §111.4, concerning breach of ethical standards, on an emergency basis. The amendment is being simultaneously proposed for permanent adoption.

The Public Servants Standards of Conduct Advisory Committee had recommended a statutory change requiring a contractor's affidavit from each successful contractor, the purposes being to eliminate certain unethical practices and to provide penalties where they were found to exist. Since the same basic goal could be achieved by the commission through rule changes rather than a change in the statute, the commission decided to adopt this amendment. The emergency adoption is necessary to give the committee justification for withdrawal of its request for a statutory change.

This amendment enlarges the description of "gratuities" to include "trips," as well as clarifying other types of gratuities.

This amendment is adopted on an emergency basis under Texas Civil Statutes, Article 601b, §3.10 and

§3.19, which authorizes the commission to establish an effective purchasing system, to provide for ethical standards for commission employees, and to establish criteria for determining a breach of such standards.

§111.4. Breach of Ethical Standards.

(a)-(e) (No change.)

(f) Gratuities and kickbacks.

(1) Gratuities. It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee, or for any employee to solicit, demand, accept, or agree to accept from another person, **any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service** [a gratuity or an offer of employment] in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

(2) (No change.)

(g)-(j) (No change.)

Issued in Austin, Texas, on February 28, 1983.

TRD-831568

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: February 28, 1983

Expiration date: June 28, 1983

For further information, please call (512) 475-5966.

**Chapter 113. Central Purchasing
Division
Purchasing**

1 TAC §113.4, §113.5

The State Purchasing and General Services Commission adopts on an emergency basis amendments to §113.4 and §113.5, concerning bid lists and public bid opening and tabulation. The amendments are being simultaneously proposed for permanent adoption.

The Public Servants Standards of Conduct Advisory Committee had recommended a statutory change requiring a contractor's affidavit from each successful contractor, to eliminate certain unethical practices and to provide penalties where they were found to exist. Since the same basic goal could be achieved by the commission through rule changes rather than a change in the statute, the commission decided to adopt these amendments. The emergency adoption is necessary to give the committee justification for withdrawal of its request for a statutory change.

The amendments will require each bidder to affirm by signature on his bid regarding matters related to ethical practices. False statements will result in rejected bids, voiding of any resulting contract, and removal from all bid lists.

These amendments are adopted on an emergency basis under Texas Civil Statutes, Article 601b, §3.10 and §3.19, which authorize the commission to establish an effective purchasing system, to provide for ethical standards for commission employees, and to establish criteria for determining a breach of such standards.

§113.4. Bid Lists; Conditions Applicable to Both Open Market and Contract.

- (a) (No change.)
- (b) Removal from bidders list.

(1) A bidder may be removed or temporarily suspended from the bid list for one or more of the following reasons:

(A)-(D) (No change.)

(E) Breach of ethical standards as described in §111.4 of this title (relating to Breach of Ethical Standards) [Unethical practices].

(F)-(I) (No change.)

(2)-(3) (No change.)

(c)-(d) (No change.)

§113.5. Public Bid Opening and Tabulation; Conditions Applicable to Both Open Market and Contract.

(a)-(n) (No change.)

(o) A bidder submitting a bid to this commission, or to a state agency acting under delegated purchasing authority from the commission, shall by signature on the bid affirm that he has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid. Failure to sign the bid, or signing it with a false statement, shall void the submitted bid or any resulting contracts, and the bidder shall

be removed from all bid lists at the commission or at any agency exercising delegated purchasing authority from the commission.

Issued in Austin, Texas, on February 28, 1983.

TRD-831566

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: February 28, 1983

Expiration date: June 28, 1983

For further information, please call (512) 475-5966.

**TITLE 16. ECONOMIC
REGULATION**

**Part I. Railroad Commission of
Texas**

**Chapter 9. Liquefied Petroleum Gas
Division**

Subchapter B. Basic Rules

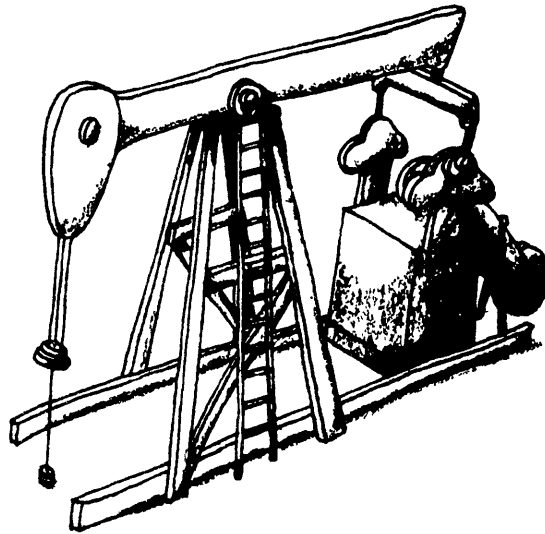
16 TAC §9.58, §9.59

The Railroad Commission of Texas adopts on an emergency basis amendments to §9.58 and §9.59, concerning filling unapproved containers and filling unsafe containers. The commission simultaneously is proposing these sections for permanent adoption.

Emergency adoption is based on imminent peril to public health, safety, and welfare arising from outdated and inadequate LP-gas motor fuel rules. Proposed motor fuel rules which will sufficiently protect the public from unnecessary risks related to LP-gas motor fuel activities cannot be adopted without the emergency adoption of these amendments because of the possibility of interference with interstate commerce and the right of citizens to freely travel among the several states. The emergency amendments will exempt vehicles licensed in other states from the requirement that their LP-gas motor fuel installations comply with Texas regulations; however, such installations must be in a safe operating condition.

The amendments are adopted on an emergency basis pursuant to the Natural Resources Code, §113.051, which authorizes the commission to promulgate and adopt rules for the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.58. Filling Unapproved Containers Prohibited. No licensee shall introduce liquefied petroleum gas into any container if he has knowledge or reason to believe that such container, piping, or the system or [the] appliance to which it is attached [a part], was not installed in accordance with the statutes of the State of Texas, and [or] with the rules and regulations of the Railroad Commission of Texas, in effect at the time of installation. **Exception: this section does not apply to motor fuel con-**



tainers and systems installed on vehicles licensed in states other than Texas, provided that such motor fuel containers and systems are in a safe operating condition.

§9.59. Filling Unsafe Containers. No licensee shall introduce liquefied petroleum gas into any container if he has knowledge or reason to believe that such container or the piping or the appliances attached thereto are in an unsafe operating condition[, or fails in any way to meet the requirements of this chapter].

Issued in Austin, Texas, on February 28, 1983.

TRD-831558

Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: February 28, 1983

Expiration date: June 28, 1983

For further information, please call (512) 445-1186.

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. 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.

The proposal, 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 statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number 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.

Proposed Rules

TITLE 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 111. Executive Administration Division Administration

1 TAC § 111.4

(Editor's note: The State Purchasing and General Services Commission proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)

The State Purchasing and General Services Commission proposes an amendment to § 111.4, concerning breach of ethical standards.

Homer A. Foerster, 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.

Mr. Foerster has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the admonition to all public servants engaged in purchasing activities at the commission, or delegated by the commission, that "trips" for public servants at the expense of vendors is a gratuity in violation of ethical standards. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, P.O. Box 13047, Austin, Texas 78711, (512) 475-5966 or STS 822-5966.

The amendment is proposed under Texas Civil Statutes, Article 601b, §3.10 and §3.19, which provides the State Purchasing and General Services Commission with the authority to establish an effective purchasing system, to provide for ethical standards, and to establish criteria for determining a breach of such standards.

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

Issued in Austin, Texas, on February 28, 1983.

TRD-831569

Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Proposed date of adoption:
April 11, 1983

For further information, please call (512) 475-5966.

Chapter 113. Central Purchasing Division Purchasing

1 TAC § 113.4, § 113.5

(Editor's note: The State Purchasing and General Services Commission proposes for permanent adoption

the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The State Purchasing and General Services Commission proposes amendments to §113.4 and §113.5, concerning bid lists; conditions applicable to both open market and contract, and public bid opening and tabulation, conditions applicable to both open market and contract.

C. M. Walton, purchasing director, 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.

Mr. Walton has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be a broader and stricter adherence to ethical standards in purchasing matters. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, P.O. Box 13047, Austin, Texas 78711, (512) 475-5966 or STS 822-5966.

The amendments are proposed under Texas Civil Statutes, Article 601b, §3.10 and §3.19, which provide the State Purchasing and General Services Commission with the authority to establish an effective purchasing system, to provide for ethical standards, and to establish criteria for determining a breach of such standards.

Issued in Austin, Texas, on February 28, 1983.

TRD-831567 Homer A. Foerster
 Executive Director
 State Purchasing and General
 Services Commission

Proposed date of adoption:
April 11, 1983

For further information, please call (512) 475-5966.

**TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission of
Texas
Chapter 9. Liquefied Petroleum Gas
Division
Subchapter B. Basic Rules
16 TAC §9.58, §9.59**

(Editor's note: The Railroad Commission of Texas proposes for permanent adoption the amendments it

adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Railroad Commission of Texas proposes amendments to §9.58 and §9.59, concerning filling unapproved or unsafe LP-gas containers.

Hugh F. Keepers, director, 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.

Mr. Keepers has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be permission of persons driving out-of-state vehicles powered by LP-gas to travel within the State of Texas without fearing the possibility of being unable to get refueled because their LP-gas motor fuel systems and containers do not comply with Texas requirements. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Hugh F. Keepers, Director, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711.

The amendments are proposed under the Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules for the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

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

Issued in Austin, Texas, on February 28, 1983.

TRD-831565 Walter Earl Lilie
 Special Counsel
 Railroad Commission of Texas

Proposed date of adoption:
April 11, 1983

For further information, please call (512) 445-1186.

**TITLE 19. EDUCATION
Part I. Coordinating Board, Texas
College and University System
Chapter 25. Administrative Council
Subchapter B. Administration of the
Texas State College and University
Employees Uniform Insurance Benefits
Program
19 TAC §25.33**

The Coordinating Board, Texas College and University System proposes amendments to §25.33 (251.20.02

.003), concerning basic coverage standards for active and retired employees.

James McWhorter, executive secretary to the Administrative Council, 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.

Mr. McWhorter has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that college and university employees will be provided a basic plan of group insurance benefits equal to those provided to state employees through their uniform group insurance program. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James McWhorter, Executive Secretary to the Administrative Council, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendments are proposed under Texas Insurance Code, Article 3.50-3, which provides the Administrative Council of the Coordinating Board, Texas College and University System with the authority to adopt rules and regulations consistent with the provisions of the Act to carry out its statutory responsibilities.

§25.33 (251.20.02.003). *Basic Coverage Standards.*

(a) Each institution shall provide in its program of group insurance a basic plan for active employees and retired employees that includes at least the following minimum coverage standards:

(1) Hospital care expense. The plan shall cover the reasonable charges for the following hospital services:

(A) room allowance of semiprivate rate for 365 days per year, except for the treatment of mental illness, which may be limited to 90 days per calendar year, and the treatment of alcoholism and drug addiction, which may be limited to 30 days per calendar year; and

(B) (No change.)

(2) Other medical expense. The plan shall cover the reasonable charges for the following items of service or supplies furnished by or at the direction or prescription of a physician. If any of the following services or supplies are used while the participant is confined as a hospital bedpatient, other than professional services of a physician, psychologist, or certified registered nurse-anesthetist, the charges will be considered as hospital care expenses rather than other medical expenses:

(A)-(P) (No change.)

(Q) services of a psychologist or a doctor of psychiatry during the first 90 days of hospital confinement for mental illness and during the first 30 days of hospital confinement for alcoholism or drug abuse.

(3) Accidental bodily injury. The plan shall provide accidental bodily injury coverage where benefits will be provided for hospital care expense or other medical expense or both incurred within 90 days after such accidental bodily injury for eligible expenses not otherwise paid under the plan. The plan may require that treatment

of such injury be sought within 72 hours of the accident. The benefit available shall be at least \$300 per participant, per accident. [Maximum benefits per participant, per accident, is \$300.]

(4) Outpatient expenses of psychiatrist or psychologist. The plan shall provide for the services of a psychologist or services of a doctor of psychiatry for the treatment of mental illness while the participants are not hospital confined. Benefits shall be provided for a minimum of 25 [50] visits per calendar year at 80% coinsurance with a minimum eligible expense of \$60 [30] per visit. The plan may require that the deductible be satisfied prior to availability of benefits.

(5) Outpatient alcoholism and drug abuse treatment. The plan shall provide for 30 days of inpatient care for alcoholism and drug abuse in a hospital-based or free-standing alcohol and drug dependency treatment center. Benefits shall cover services for physical and mental complications of alcoholism and other drug dependency and shall be provided at an 80% coinsurance rate of usual, customary, and reasonable charges. Benefits shall also be provided on an outpatient basis and may be limited to 80% reimbursement of \$1,500 of usual, customary, and reasonable charges per benefit year. The plan may require that the deductible be satisfied prior to the availability of benefits.

(6)[(5)] Life insurance for active employees. Each participating active employee shall be enrolled for basic group life insurance with accidental death and dismemberment and loss of sight (AD&D) benefits. Amounts of group term life and AD&D shall be at least as follows:

(A)-(B) (No change.)

(7)[(6)] Life insurance for retired employees. Retired employees shall be allowed, at their option, to retain \$2,500 of the group term life insurance in effect under their plan at the time of retirement. AD&D does not have to be provided.

(8)[(7)] Deductible. A yearly deductible may be included in the plan, but shall be no more than \$200 per person /\$600 per family for other medical expenses [100] before benefits become available, and shall be waived on hospital care expense. In addition, the plan may include a \$50 deductible per hospital admission, with the provision that this hospital deductible be waived on outpatient surgery.

(9)[(8)] Benefit percentage and security provision. After the deductible has been satisfied, the plan shall pay at least 80% of the covered charges for hospital care expense and other medical expense, and after the hospital care expense and other medical expense for a benefit year has reached no more than \$4,000 [2,500], then the hospital percentage shall increase to 100% for all additional hospital care expense and other medical expense incurred in the remainder of that benefit year. Under this provision, a participant shall pay no more than \$800 in out-of-pocket costs for a benefit year, after satisfaction of the deductible.

(10)[(9)] Lifetime maximum. The plan shall provide that the total amount of benefits available to any one participant for medical care shall be at least \$1 million [250,000].

(11) Limitations and exclusions. The plan may exclude benefits for sterilization reversals and keretotomy.

(12)[(10)] Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(A) (No change.)

(B) Hospital—A legally constituted institution for the care and treatment of sick and injured persons, with 24-hour nursing service and organized facilities for diagnosis and major surgery, except that the requirement for a major surgery facility will be waived in a hospital established for the treatment of mental illness or nervous disorders, and shall include obstetrical centers, surgicenters, and radiation therapy centers. The term shall also include Veterans Administration hospitals and public health hospitals, provided the patient is legally obligated to pay for the services received. It does not include one which is used principally as a facility for nursing, convalescence, the aged, or remedial education or training[, or one used primarily for treatment of alcoholism or drug addiction].

(C)-(E) (No change.)

(b) (No change.)

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

Issued in Austin, Texas, on March 7, 1983

TRD-831709 James McWhorter
Executive Secretary to the
Administrative Council
Coordinating Board, Texas
College and University System

Proposed date of adoption.
April 14, 1983

For further information, please call (512) 475-2033.

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 161. General Provisions

22 TAC §161.2

The Texas State Board of Medical Examiners proposes new §161.2, concerning investment of Texas State Board of Medical Examiners' funds. The proposed new rule sets out who is responsible for the investments. It also states that an annual report of investment transactions shall be required. It further requires that the investments yield the highest possible rate of return while providing protection of the principal.

Florence Allen, accountant, and Jean Davis, administrative technician, have 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.

Ms. Davis has also determined that for each year of the first five years the rule as proposed is in effect

there is no public benefit anticipated as a result of enforcing the rule as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711.

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

§161.2 Investments.

(a) The secretary-treasurer of the board is responsible for the investment of the medical licensing fund. No other person may deposit, withdraw, invest, transfer or otherwise manage monies of the medical licensing fund that are eligible for investment, without the express written authority of the secretary-treasurer.

(b) In December of each year, the secretary-treasurer shall prepare a written report concerning the medical licensing fund investment transactions for the preceding fiscal year and describe in detail the investment position of the medical licensing fund as of the date of the report. The report shall be delivered to each member of the board.

(c) The secretary-treasurer shall invest the medical licensing fund in investments that yield the highest possible rate of return while providing necessary protection of the principal consistent with the operating requirements as determined by the board.

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

Issued in Austin, Texas, on March 3, 1983.

TRD-831697 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Earliest possible date of adoption:
April 11, 1983

For further information, please call (512) 452-1078.

Chapter 175. Schedule of Fees

22 TAC §175.1

The Texas State Board of Medical Examiners proposes amendments to §175.1, concerning the schedule of fees. The amendments clarify the examinations which are included in the initial licensure fee; set forth a fee for each time the applicant is rescheduled for the examination; set forth a fee for the distinguished professor and state health agency annual permits; and raise the duplicate and endorsement fees.

Florence Allen, accountant, and Jean Davis, administrative technician, have 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.

Ms. Davis has also determined that for each year of the first five years the rule as proposed is in effect it is not expected to affect the public, it pertains only to physicians applying for licensure.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be an increase in cost to applicants of \$50 for holders of state health agency permits in 1983, and \$50 for each year from 1984-1987 if the permit is renewed; \$50 for holders of distinguished professor permits in 1983, and \$50 in 1984 if the permit is renewed; \$15 for an endorsement applicant in 1983; and \$10 for a duplicate license applicant in 1983. In the hypothetical situation of an applicant who makes application for the December 1983 full examination but postpones each test session for two years (the maximum length of time an application is valid), the cost to the applicant will be \$650 in 1984 for the June and December exams, and \$325 in 1985 for the June exam. In the hypothetical situation of a reciprocity applicant who makes application for the December 1983 FLEX Day 3 and medical jurisprudence examinations but postpones each test session for two years (the maximum length of time an application is valid), the cost to the applicant will be \$350 in 1984 for the June and December exams and \$175 in 1985 for the June exam.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711.

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

§175.1 Fees. The board shall charge the following fees:

- (1)-(2) (No change.)
- (3) Licensure by examination (includes one FLEX and jurisprudence examination fee)—\$300
 - [(A) FLEX and jurisprudence exams—\$300
 - [(B) FLEX-Full—\$300
 - [(i) First day only—\$75
 - [(ii) Second day only—\$75
 - [(iii) Third day only—\$150
 - [(iv) Jurisprudence—\$25]
- (4) Licensure by reciprocity (includes one jurisprudence examination fee)—\$300 [Jurisprudence—\$25]
- (5) Examination fees (required and payable each time applicant is scheduled for examination)
 - (A) FLEX Day 1—\$75
 - (B) FLEX Day 2—\$75
 - (C) FLEX Day 3—\$150
 - (D) Jurisprudence—\$25
- (6)[(5)] Temporary license—\$50
- (7)[(6)] Duplicate license—\$45 [35]

- (8)[(7)] Endorsement—\$40 [25]
- (9)[(8)] Reinstatement after cancellation for cause—\$150
- (10)[(9)] Reinstatement after nonpayment-late registration penalty up to and including one year—\$100
- (11)[(10)] Reinstatement for nonpayment-late registration penalty after one year—\$200
- (12) Distinguished professor annual permit—\$50
- (13) State health agency annual permit—\$50

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

Issued in Austin, Texas, on March 3, 1983.

TRD-831698 A Bryan Spires, Jr., M.D.
Secretary Treasurer
Texas State Board of Medical
Examiners

Proposed date of adoption
April 11, 1983

For further information, please call (512) 452-1078.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting and Fishing

31 TAC §§65.6, 65.33, 65.34, 65.46, 65.62,
65.72, 65.73, 65.81

The Texas Parks and Wildlife Commission proposes to amend §§65.6, 65.33, 65.34, 65.46, 65.62, 65.72, 65.73, and 65.81 of the Statewide Hunting and Fishing Proclamation. Sections 65.1-65.91 constitute the Statewide Hunting and Fishing Proclamation.

The Uniform Wildlife Regulatory Act provides the commission with responsibility for regulating by proclamation the periods of time, means, methods, manners, and places for taking wildlife resources. The Act provides a flexible law which enables the commission to deal effectively with changing conditions to prevent depletion and waste of wildlife resources.

Fluctuations in wildlife resource populations require that the sections be amended for the 1983-1984 hunting and fishing seasons.

The proposed amendments are briefly summarized as follows.

Section 65.6 redefines buck deer in Comal and Kendall Counties.

Section 65.33 provides Dimmit and Robertson Counties with the standard 51-day deer season and bag

limit of three deer, no more than two bucks, antlerless by permit only; provides Edwards, Kendall, and Real Counties with the standard archery only deer season of 30 days with a bag limit of three deer, either sex, no more than two bucks

Section 65.34 provides a no closed javelina season in Edwards, Frio, Kendall, Kerr, Medina, and Real Counties, with a bag limit of two javelina.

Section 65.46 provides standard turkey archery only season in Kendall County; provides a turkey archery only season in Edwards and Real Counties; and provides a spring gobbler only season in Bandera, Brooks, Edwards, Frio, Gillespie, Kendall, Kerr, Kimble, Medina, Reagan, and Real Counties

Section 65.62 places bag, possession, and size limits on red drum in freshwater impoundments in Comal and Robertson Counties

Section 65.72 provides minimum size lengths for cobia and Spanish mackerel.

Section 65.73 redefines saltwater throwlines as a type of trotline and clarifies text as snaglines are also a type of trotline in §65.6, restricts the use of dip nets and gaffs to only a supportive role as a device for taking fish; and simplifies the proclamation by adding counties to §65.73(b)(4) and deleting text of §65.81(i) and (j).

Section 65.81 clarifies the text by deleting two subparagraphs and placing the counties under §65.73(b)(4) which reduces duplication

Jim Dickinson, finance director, 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

Mr. Dickinson has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be optimum utilization of wildlife resources of the state based upon acknowledged wildlife management principles. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed

Comments on the proposal may be submitted to Phil Evans, Regulatory Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4974 or (800) 792-1112.

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

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

Buck deer—A deer having a hardened antler protruding through the skin[, except in Comal and Kendall Counties, where a buck deer is a deer with a forked antler].

§65.33. Deer. The general statewide bag and possession limit is no more than four deer, no more than two mule deer, only one of which may be a buck mule deer, no more than two white-tailed bucks, and no more than three antlerless deer of all species combined (see §65.6 of this title (relating to Definitions) and §65.26(d) and (e) of this title (relating to Buck Deer Permits for Duval, Maverick, Webb, and Zapata Counties), for definition of buck deer).

(1) White-tailed deer: regular open seasons, bag, and possession limits shall be as follows:

(A) In Anderson, Aransas, Bandera, Bee, Bosque, Brazoria, Brooks, Brown, Calhoun, Callahan, Cameron, Coleman, Comanche, Concho, Coryell, DeWitt, Dimmit, Duval, Eastland, Ector, Edwards, Erath, Fort Bend, Freestone, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hayes, Hidalgo, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kendall, Kimble, Kinney, Kleberg, Lampasas, LaSalle, Liberty, Limestone, Live Oak, Llano, Mason, Matagorda, Maverick, Midland, Montgomery, Nacogdoches, Newton, Nueces, Orange, Panola, Polk, Reagan, Real, Refugio, Robertson, Runnels, Rusk, San Augustine, San Patricio, San Saba, Shelby, Somervell, Starr, Taylor, Travis, Tyler, Upton, Uvalde, Victoria, Walker, Ward, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala Counties, there is an open season for white-tailed deer beginning the Saturday nearest November 15 through the first Sunday in January. The bag limit is three white-tailed deer, no more than two bucks, antlerless by permit only.

(B)-(J) (No change)

(K) In Dimmit County, there is an open season for white-tailed deer beginning the Saturday nearest November 15 through the third Sunday in December, and the bag limit is three white-tailed deer, no more than two bucks, antlerless by permit only.

(L) In Robertson County, there is an open season for white-tailed deer beginning the Saturday nearest November 15 through the first Sunday in January, unless that date falls after January 4, in which case the season will close January 1, and the bag limit is two white-tailed buck deer only.]

(M) In Kerr County, there is an open season for white-tailed deer beginning the Saturday nearest November 15 through the first Sunday in January, unless that date falls after January 4, in which case the season will close January 1, and the bag limit is three white-tailed deer, no more than two bucks, antlerless by permit only.

(N) In Andrews, Bailey, Castro, Cochran, Collin, Dallam, Dallas, Dawson, Deaf Smith, El Paso, Gaines, Grayson, Hale, Hartley, Hockley, Hudspeth, Hunt, Kaufman, Lamb, Lubbock, Lynn, Martin, Oldham, Parmer, Rockwall, Terry, Winkler, and Yoakum Counties, there is no regular open season for white-tailed deer.

(2) White-tailed deer: archery only open seasons, bag, and possession limits shall be as follows:

(A) In Anderson, Aransas, Atascosa, Bandera, Bee, Bell, Bexar, Bosque, Brazoria, Brewster, Brooks, Brown, Calhoun, Callahan, Coke, Coleman, Comal, Comanche, Concho, Coryell, Crockett, Culber-

son, DeWitt, Duval, Eastland, **Edwards**, Erath, Fort Bend, Freestone, Frio, Goliad, Gonzales, Guadalupe, Hamilton, Hardin, Harrison, Hays, Henderson, Hidalgo, Irion, Jackson, Jasper, Jeff Davis, Jim Wells, Kerr, Kimble, Kinney, Kleberg, Lampasas, LaSalle, Liberty, Live Oak, Matagorda, Maverick, Menard, Mills, Mitchell, Nolan, Pecos, Polk, Presidio, **Real**, Reeves, Refugio, Runnels, San Patricio, Schleicher, Somervell, Starr, Sterling, Sutton, Taylor, Terrell, Tom Green, Tyler, Uvalde, Val Verde, Victoria, Walker, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala Counties, there is an open season during which white-tailed deer of either sex may be taken with longbow and arrows beginning the first Saturday in October for 30 consecutive days. The bag limit is three white-tailed deer, either sex, no more than two bucks.

(B)-(F) (No change.)

(G) In Kendall County, there is an [archery only] open season **during which** [for] white-tailed deer **may be taken with longbow and arrows** [pursuant to Texas Parks and Wildlife Code, §230.012].

(i) **The archery only season begins the first Saturday in October and continues for 30 days.**

(ii) The bag limit is three **white-tailed deer, either sex**, no more than two bucks [and no more than one antlerless deer by permit only]. **No antlerless deer permit is required to take antlerless deer during the archery only season.**

(H)-(I) (No change.)

(3)-(5) (No change.)

§65.34. *Javelina: Open Seasons and Bag Limits.*

(a) (No change.)

(b) In Aransas, Atascosa, **Bandera**, Bee, Bexar, Brewster, Brooks, Cameron, Crockett, Culberson, Dimmit, Duval, **Edwards**, El Paso, **Frio**, Hidalgo, Hudspeth, Jeff Davis, Jim Wells, Karnes, **Kendall**, **Kerr**, Kimble, Kinney, Kleberg, LaSalle, Live Oak, Maverick, **Medina**, Menard, Nueces, Pecos, Presidio, **Real**, Reeves, San Patricio, Schleicher, Starr, Sutton, Terrell, Uvalde, Val Verde, Webb, Willacy, Wilson, Zapata, and Zavala Counties, there is no closed season and a bag limit of two javelina per season. The possession limit is two javelina.

(c) In Edwards, Frio, Kerr, and Real Counties, there is no closed season or bag limit for javelina.

(d) In Medina County, there is an open season for javelina beginning October 1 through the first Sunday in January, unless that date falls after January 4, in which case the season will close January 1. The bag limit is two javelina per season.]

(e) In Burnet and Travis Counties, there is an open season beginning October 1 and ending October 31, during which javelina may be taken only with longbows and arrows in compliance with Texas Parks and Wildlife Code, §127.012 and §327.012. The bag limit is two javelina per season.

(f) In Gillespie, Llano, Mason, McCulloch, and San Saba Counties, there is an open season beginning October 1 and ending October 31, during which javelina may be taken with longbow and arrows in compliance with the Texas Parks and Wildlife Code, §§186.012, 250.012, 260.012, 254.012, and 306.012. The bag limit is two javelina per season. In these counties there is an additional season beginning November 1 and en-

ding the last Sunday in February, during which javelina may be taken with longbow and arrows or firearms, and the bag limit is two javelina.

(g) In Kendall County, javelina seasons comply with the Texas Parks and Wildlife Code, §230.012 and §63.003, and the bag limits are two per season.]

(h) In all other regulatory counties, there is no open season for javelina.

§65.46. *Turkey*

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

(d) Exceptions to general open season, archery only season, or bag limits

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

(7) In Kendall County, there is an open archery season pursuant to the Texas Parks and Wildlife Code, §230.012, during which two turkeys, gobblers or bearded hens, may be taken only by longbow and arrows.]

(8) In Dimmit County, [Edwards, and Real Counties,] there is no archery only season on turkey.

(9) In Kerr County, there is an open season on turkey beginning the Saturday nearest November 15 through the first Sunday in January, unless that date falls after January 4, in which case the season will close on January 1. The archery only season as set out in subsection (b) of this section shall apply. The bag limit as set out in subsection (c) of this section shall apply.

(e) Spring turkey gobbler season

(1) In Archer, Armstrong, Atascosa, **Bandera**, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Briscoe, **Brooks**, Brown, Burnet, Caldwell, Callahan, Carson, Childress, Clay, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crockett, Crosby, Dallam, Dawson, Donley, Eastland, Ector, **Edwards**, Erath, Fisher, Floyd, **Frio**, Garza, **Gillespie**, Glasscock, Goliad, Gonzales, Gray, Hamilton, Hall, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hood, Howard, Hutchinson, Irion, Jack, Jim Wells, Jones, Karnes, **Kendall**, Kent, **Kerr**, **Kimble**, Kinney, Kleberg, Knox, Lampasas, LaSalle, Lipscomb, Live Oak, Llano, Lynn, Martin, Mason, McCulloch, **Medina**, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Pecos, Potter, **Randall**, **Reagan**, **Real**, Roberts, Runnels, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Swisher, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Young, and Zavala Counties, there is a spring season on turkey gobblers beginning the Saturday nearest April 15 for 16 consecutive days during which one gobbler may be taken.

(2)-(4) (No change.)

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

(a)-(m) (No change.)

(n) In freshwater impoundments [except in Comal and Robertson Counties], the daily bag limit on red drum is 10, and the possession limit is 20. No person may retain or possess red drum less than 16 or more than 35 inches in length.

(o)-(q) (No change.)

§65.72. *Saltwater Fish: Open Seasons, Bag, Possession, and Size Limits.* There is no closed season, bag, possession, or size limit on saltwater fish, except as provided in the Texas Parks and Wildlife Code, Chapter 66, Subchapter C, and Title 7 and as excepted in the following:

(1)-(4) (No change)

(5) it is unlawful for the captain and/or crew of a commercial fishing vessel to possess or land billfish, except swordfish; [and]

(6) it is unlawful to possess red drum less than 16 inches or greater than 30 inches,

(7) it is unlawful to possess cobia less than 37 inches in total length; and

(8) it is unlawful to possess Spanish mackerel less than 14 inches in total length.

§65.73. *Saltwater Fish Means and Methods.*

(a) (No change)

(b) In regulatory counties, only the following means and methods may be used for taking fish:

(1) Devices

(A) Pole and line, rod and reel, artificial and natural baits, [throwline, and] trotline (including throwlines, snaglines, rubber band lines, and sail lines), [cast nets and dip nets, 20 foot minnow seines for taking bait,] spear gun and spear, bow and arrow, and gig, except it is unlawful to use a spear gun and spear, bow and arrow, or gig to take red drum and spotted seatrout. **Cast nets and 20-foot minnow seines may be used for taking bait. Dip nets and gaffs may be used only in aiding to land fish caught on other legal devices except that gaffs may not be used to land fish below the minimum or above the maximum size limits.**

(B)-(G) (No change)

(L) Nets and seines

(A) (No change)

(B) No person may retain or possess red drum or spotted seatrout caught in any net or seine [other than a dip net]. **Dip nets may be used only to aid in landing red drum and spotted seatrout caught on other legal devices.**

(C)-(K) (No change)

(3) Trotlines.

(A)-(J) (No change)

(K) **Throwlines, snaglines, rubber band lines, and sail lines are types of trotlines, and all trotline regulations apply to each type of trotline except where noted.**

(4) Laguna Madre. In the waters of the Laguna Madre in Cameron, Kenedy, and Kleberg Counties [County], and the inside waters of Willacy County (as defined in Texas Parks and Wildlife Code, Chapter 77), it is unlawful to use a net or seine, except a dip net, cast net, minnow seine less than 20 feet in length for catching bait, or shrimp net or trawl as provided by Texas Parks and Wildlife Code, Chapter 77. **Black drum and sheephead fish [Drumfish] may be taken between November 1 and March 31 with nets, but only when under contract with the department, as set forth in contract regulations provided by law.**

(5)-(9) (No change.)

§65.81. *Special Coastal Laws.*

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

(i) Kleberg and Kenedy Counties: seines and nets. It is unlawful for a person to place, set, use, drag, or have

in possession a seine, net, or other device for catching fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, set line, or cast net, or minnow seine of not more than 20 feet in length, for catching fish in or on the waters lying between Padre Island and the mainland in Kleberg and Kenedy Counties, including all back bays and inlets and that back of the Laguna Madre lying in Kleberg and Kenedy Counties

(j) Willacy County seines and nets

(1) It is unlawful for a person to have in possession in or within 1/2 mile of any of the tidal waters of Willacy County west of Padre Island a seine, net, trawl, trap, or other device, for the purpose of catching fish or shrimp, other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, set line, or gig

(2) The department may issue permits under rules and regulations promulgated by the department for the taking of sheephead and black drum fish during the months of December, January, February, and March in that portion of the Laguna Madre lying in Willacy County]

(i)(k) Galveston County seines and nets.

(1)-(4) (No change)

(j)(l) Matagorda County special closed areas. No person may use a strike net, gill net, trammel net, or drag seine for the purpose of taking fish at any time:

(1)-(4) (No change)

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

Issued in Austin, Texas, on March 2, 1983

TRD-831623

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Earliest possible date of adoption
April 11, 1983

For further information, please call (512) 479-4974
or (800) 792 1112.

TITLE 34. PUBLIC FINANCE Part VIII. State Depository Board Chapter 173. Qualification of State Depositories

34 TAC §173.1

The State Depository Board proposes new §173.1, concerning procedures for qualification as a state depository

Jorge A. Gutierrez, general counsel, has determined that there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Gutierrez has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing

the rule as proposed will be increased uniformity in reporting and compliance with the Texas escheat statutes. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as they are already required to comply with the escheat statutes and related rules and regulations.

Comments on the proposal may be submitted to Jorge A. Gutierrez, General Counsel, Treasury Department, LBJ Building, 111 East 17th Street, Austin, Texas 78711.

The new rule is proposed under Texas Civil Statutes, Article 2525, which authorizes the State Depository Board to adopt rules and regulations governing the establishment and conduct of state depositories.

§173.1. Procedure for Qualification of State Depositories. The treasurer shall require each bank designated as a state depository to qualify as a state depository:

(1) by pledging sufficient collateral to secure a deposit of state funds by:

(A) depositing a depository bond signed by some surety company authorized to do business in Texas,

in an amount equal to not less than double the amount of state funds allotted, such bond to be payable to the treasurer and to be in such form as may be prescribed by the board and subject to the approval of such board; or

(B) by pledging with the treasurer any securities approved as collateral in §171.1(c) of this title (relating to Depositing, Exchanging, and Withdrawing Security Collateral);

(2) and by certifying to the treasurer that the bank has complied with Texas Civil Statutes, Article 3272b, and with any rules and regulations promulgated pursuant to that statute

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

Issued in Austin, Texas on March 1, 1983

TRD-831644 Jorge A. Gutierrez
 General Counsel
 State Depository Board

Earliest possible date of adoption
April 11, 1983

For further information, please call (512) 475-2794.

Adopted Rules

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

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 will function; 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 under which the rule was adopted.

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 13. CULTURAL RESOURCES Part III. Texas Commission on the Arts Chapter 35. Texas Arts Plan 13 TAC §35.1

The Texas Commission on the Arts adopts amendments to §35.1, without changes to the proposed text published in the December 17, 1982, issue of the *Texas Register* (7 TexReg 4367).

The amendments to the Major Institutions Program of the Texas Arts Plan provide more detailed guidelines for the program. The program awards serve as an incentive for organizations to create programs of the highest quality, thereby stimulating the economic and cultural growth of Texas. This funding to organizations will serve as a catalyst for increasing and broadening private support for major institutions which will contribute to their long term strength and stability.

The adopted revisions change the titles of the two components of the Major Institutions Program to Major Program Support and Major Operating Support. The Major Program Support guidelines are also revised. The revisions reduce the minimum budget to \$500,000, set additional review criteria, expand eligible programs, restrict the matching funds to private sector money, and require additional attachments.

No comments were received regarding adoption of these amendments.

The amendments are adopted under Texas Civil Statutes, Article 6144g, which provides the Texas

Commission on the Arts with the authority to make rules for its government and that of its officers and committees.

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

Issued in Austin, Texas, on February 28, 1983.

TRD-831576 Richard E. Huff
Executive Director
Texas Commission on the Arts

Effective date: March 21, 1983
Proposal publication date: December 17, 1982
For further information, please call (512) 475-6593.

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 9. Liquefied Petroleum Gas Division Subchapter G. Division V 16 TAC §§9.171-9.190

The Railroad Commission of Texas adopts new §§9.171-9.175, 9.178, 9.181, 9.184, and 9.186-9.190, with changes to the proposed text published in the November 2, 1982, issue of the *Texas Register* (7 TexReg 3865). Sections 9.176, 9.177, 9.179, 9.180, 9.182, 9.183, and 9.185 are adopted without

changes, and the texts of these sections will not be republished. The commission is not adopting §9.191 at this time. This action is based on a jurisdictional question. Adoption of this section will be considered upon resolution of the jurisdictional issue.

Adoption of the rules is necessary to adequately promote safety in LP-gas activities related to motor fuel and mobile fuel installations and uses. Rules previously adopted are no longer sufficient to regulate this growing aspect of the LP-gas industry.

The rules will impose more stringent safety requirements in the design and installation of LP-gas motor fuel and mobile fuel containers and systems used in the State of Texas. The rules will also cover some areas not dealt with in prior rules (e.g., school bus conversions and installations).

A public hearing concerning the proposed rules was held on December 8, 1982. Several comments, both written and oral, were received.

The following persons and/or organizations submitted comments in favor of the rules: LP-Gas Industry Advisory Committee; Perry Dwiggans, representing Border Butane and Oil Company; Leo Williams, representing Ballinger Butane Gas Company; David R. Talbott, representing Talbott Oil Company; and George Welch, representing Cass County Butane Company.

The following persons and/or organizations submitted comments against the rules: Lowry M. Carpenter, representing the Texas LP-Gas Association; Robert King, representing Longhorn Propane; Frank Magette, representing Dal-Worth Tank; Tom Brunson, representing Fisher Controls; Ed Reich, representing Industrial Manufacturing Company of Texas; Gip Brownfield, representing Ranch Butane Company; Harley Brown, representing Brown Manufacturing Company; Wayne Adam, representing Wharton Hydro Gas Service, Inc.; Jay B. Wood, representing Northwest Butane Gas Company; Glen Cavitt and Dan Moody, representing Eddins-Walcher Company; H. L. Garretson, representing Garretson Farm Supply, Inc.; John Huffhines, representing Huffhines Butane Gas Company; Guy G. Mathews, representing Certified Propane, Inc.; Frank Miller, representing Cooper Butane Company; and Wilbert Poldrack, representing Buster's Butane Gas Company.

Perry Dwiggans of Border Butane and Oil Company, Inc., submitted a comment that stated Border Butane favored adoption of the proposed rules without changes. Robert King of Longhorn Propane took the opposite position, stating that he was totally opposed to adoption of any of the proposed rules. All other comments addressed specific sections of the rules.

The Texas LP-Gas Association (TLPGA) commented that the LP-Gas Division of the Railroad Commission erred in its public benefit/cost note, specifically in the statement of anticipated economic cost to persons who are required to comply with the proposed rules. The TLPGA asserts that the increased cost of an LP-gas motor fuel installation or conversion will be in-

creased 25% due to adoption of the rules. The LP-Gas Division agrees that there will be some increase in cost but disagrees with the 25% figure. The increased cost will be related to remote filling, containers with higher working pressures (i.e., 312 p.s.i. versus 250 p.s.i.), and automatic stop fills. (Note: National standards require all containers to be manufactured after December 31, 1983, to be equipped with automatic stop fills.) Furthermore, the increased cost will primarily affect LP-gas containers and equipment installed within enclosed spaces. The division believes a 10% increase in cost or approximately \$100 is a more accurate estimate than the 25% posited by the TLPGA. Tom Brunson of Fisher Controls points out that the increase in cost will be no different than the cost in any state that has adopted National Fire Protection Association (NFPA) Pamphlet 58.

The TLPGA commented that the proposed rules were at variance 50% from national standards (NFPA Pamphlet 58). However, the oral comments of Lowry M. Carpenter, executive vice president and spokesman for the TLPGA, stated that adoption of the proposed rules would be identical to adopting NFPA Pamphlet 58. It is therefore unclear as to what the TLPGA's position is regarding consistency between §9.171-9.191 and NFPA Pamphlet 58. The commission simply responds by stating that the LP-gas enabling statute authorizes the commission to adopt national standards such as NFPA Pamphlet 58 but does not require the commission to adopt such standards or standards which are similar to such national standards.

A definition of "recreational vehicle" (RV) has been added to §9.171 for clarification purposes. The change is intended to prevent confusion as to exactly what type vehicles are included within the term "recreational vehicle." Based on this definition, "motor home" was deleted from §9.190(b) as being redundant.

The LP-Gas Industry Advisory Committee approved §9.172(a) as proposed. The TLPGA recommended that this section be amended to apply only to vehicles "licensed for use" on public roads. The TLPGA uses the example of industrial fork lifts which must occasionally cross a public road as justification for this change. The TLPGA stated that the LP-Gas Division's inspectors have cited fork lifts on public roads for violations in the past; however, no evidence in support of this assertion was offered. In fact, Division V of the LP-gas safety rules does not apply to fork lifts using LP-gas as a motor fuel. Fork lifts using LP-gas are governed by Division XI of the LP-gas safety rules.

H. L. Garretson of Garretson Farm Supply and the TLPGA suggested that §9.172(b) be changed to provide exceptions to the minimum design working pressure requirements for containers of 200 p.s.i.g. working pressure and for containers of 250 p.s.i.g. working pressure having 312 p.s.i.g. relief valves and which are installed within enclosed spaces. Provisions identical to those of §9.172(b) were adopted and have been in effect since 1970. The commission does not

believe the proposed exceptions are in the best interest of safety. Furthermore, the second suggested exception would be in direct conflict with the A.S.M.E. Code. The commission follows the recommendation of the advisory committee and does not provide for the proposed exceptions.

Another comment on §9.172(b) was submitted by Tom Brunson of Fisher Controls. Mr. Brunson suggests requiring all containers installed within any enclosure to be of 312 p.s.i.g. working pressure. Mr. Brunson bases his recommendation on the fact that enclosures have an "oven" effect in the summer sun, and many accidents result from relief valve discharge caused by exposure of motor fuel containers to higher temperatures. Mr. Brunson also points out that such a requirement is consistent with NFPA 58. The commission agrees, and therefore deletes the words "designed for occupancy" so as to require containers installed within any enclosure to have a working pressure of 312 p.s.i.g.

Several comments were received regarding limitations on water gallon capacity for both motor fuel and mobile fuel containers. Such comments were incorporated in §9.172(d) by changing "250" to "300" gallons aggregate water capacity. Section 9.189(b) has been changed to permit individual mobile fuel tanks of 500 gallons water capacity and 1,000 gallons aggregate capacity.

Frank Magette of Dal-Worth Tank Company suggested that §9.172(d) limit individual containers to 175 gallons water gallon capacity. Mr. Magette's suggestion has also been incorporated.

The advisory committee recommended requiring containers of 130 gallons water capacity or more to be baffled so as to prevent shifting of the fuel. This suggestion has been incorporated in §9.172(e) and §9.189(b).

Four sections (§§9.172(f), 9.175(e), 9.187(e), and 9.191(l)) were changed based on comments objecting to the wording "80% water gallon capacity" as the standard for filling containers. This wording was changed to "the maximum permitted filling density," which is consistent with national standards.

Jay Wood of Northwest Butane Gas Company and the TLPGA suggest that §9.173(a) be changed to permit safety relief valves to have a discharge setting of up to 125% of the working pressure of the container in which the relief valve is installed. Setting relief valves at 125% of the container's working pressure was permitted by the LP-gas safety rules in the past; however, the basic rules applicable to safety relief valves are presently being amended to adopt Underwriters' Laboratories Standard 132 and to require a relief valve to be set to start to discharge at a pressure equal to the working pressure of the container in which the relief valve is installed. (Note: A.S.M.E. containers manufactured prior to 1949 and containers manufactured under paragraphs U-68 and U-69 of the 1949 edition of the A.S.M.E. Code may have a maximum start-to-discharge setting of 125%.) The commission

will follow the unanimous decision of the advisory committee which recommended adoption of §9.173 (a) without changes.

Wilbert Poldrack of Buster's Butane Company and the TLPGA object to the requirement of §9.173(b) that containers having external safety relief valves must be retrofitted with internal safety relief valves before such containers may be reinstalled. The commentators point out that no internal relief valves are available for LP-gas tanks with ¾ inch relief valve openings. Tom Brunson points out that there are three manufacturers of ¾ inch internal relief valves which are set for 375 p.s.i.g. Mr. Brunson states that the same size valve can be manufactured for a 250 p.s.i.g. setting "if there is sufficient demand to justify the costs of U.L. listing at this setting." Mr. Brunson continues by saying that if there is insufficient demand to justify U.L. listing, he then doubts any significant economic hardship will be imposed by retiring these containers. Mr. Brunson also points out the fact that national standards have required internal relief valves on motor fuel containers since 1952. The commission agrees with Mr. Brunson's reasoning, and §9.173(b) is adopted without changes. The advisory committee also recommended adoption of this section as proposed.

Section 9.173(c) requires safety relief valve discharge to be directed upward within 15° of vertical. The TLPGA and Jay Wood request that an alternative be provided to permit the discharge of LP-gas from relief valves to be directed downward and to the rear of LPG-powered vehicles. The commission disagrees with any such provision. By directing relief valve discharge to the rear of a vehicle, the escaping gas is aimed directly at the front of any vehicle that may be to the rear with several sources of ignition located under the hood of such vehicle. Directing the discharge of gas to the rear also presents the hazard of striking a person walking near the LPG-powered vehicle. With relief valve discharge directed upward within 15° of vertical, the vapors, which are heavier than air, have time to dissipate to a level below that necessary for ignition before settling down where sources of ignition may be located.

The TLPGA commented that §9.173(d) should be changed to permit the use of LP-gas hose for safety relief valve discharge vent lines. The commission agreed and made this change. Mr. Jay Wood requested that "high pressure" be deleted and any LP-gas hose other than vapor hose be permitted. The commission believes that high pressure LP-gas hose is necessary to assure that the vent line will be able to withstand the pressure when the relief valve is in the full open position. The commission concurs with the advisory committee's recommendation for adoption without changes.

In §9.174(a), the word "protect" was deleted from the first sentence. The sentence was rewritten to require valves and fittings to be protected to "minimize the possibility" of damage to such valves and fittings. The change was made to be consistent with §9.184 (a) (relating to protecting containers from the possibil-

ity of damage). Without the change, the rule imposes an absolute requirement of protection for valves and fittings.

Wayne Adam of Wharton Hydro Gas, the TLPGA, and the advisory committee commented on the need for changing §9.175(c), concerning main shut-off valves being "readily accessible at all times." Commentors expressed concern about the application of this subsection to containers installed in the interior of vans or the luggage compartment of cars. The section has been rewritten to clarify the purpose and intent of the requirement.

John Huffhines of Huffhines Butane Gas Company, Frank Miller of Cooper Butane Company, Edward Reich of Industrial Manufacturing, and the TLPGA submitted comments opposed to the requirement of an automatic means to prevent overfilling. This requirement is found in §9.175(e) and §9.187(c). The above-named commentors assert that the technology behind automatic "stop-fill" devices is not proven and that failure of the device means that the container being serviced will be overfilled. A manufacturer of such a device, Harley Brown of Brown Manufacturing Corporation, stated that the device will normally fail in the "closed" position so that no more product can be placed into the container. The intent of requiring an automatic means of preventing overfilling is not to replace the attendant during fuel transfers, but rather to provide a back-up or fail safe device in the event the attendant does not stop filling the container when it has reached the maximum permitted filling density. Furthermore, the requirement only applies to public transportation vehicles and school buses, whereas national standards require all LP-gas containers manufactured after December 31, 1983, to be equipped with automatic means of preventing filling beyond the maximum permitted filling density. Sections 9.175(e) and 9.187(c) are adopted without changes as recommended by the advisory committee.

Guy G. Mathews of Certified Propane, Inc., commented on the possibility of problems arising from §9.178, regarding LP-gas carburetion equipment. The rule as proposed required carburetion equipment to be installed according to the manufacturer's recommendations. According to Mr. Mathews, virtually all manufacturers direct that installation of their equipment should be in accordance with NFPA 58. Since Texas has not adopted NFPA 58, it is possible a dealer could install carburetion equipment to comply with NFPA 58 and the manufacturer's recommendations, but such installation would not comply with the LP-gas safety rules for Texas. As suggested by Mr. Mathews and the advisory committee, the language in this section was changed to eliminate this possible conflict.

Mr. Mathews, Glen Cavitt of Eddins-Walcher Company, and the TLPGA objected to the language of §9.181, which they construed as not accepting a positive shut-off vaporizer as an approved automatic shut-off device. In response to these comments, the language "at some point ahead of the outlet of the reg-

ulator" was deleted. This change was also supported by the advisory committee.

Frank Miller and the TLPGA objected to the prohibition against extending a chassis or bumper for purposes of mounting LP-gas motor fuel containers as set out in §9.184(a). The TLPGA says that several recreational vehicle (RV) owners have complained about this provision, but no documentation was tendered in support of this assertion. The commentors state that NFPA 58 permits such extensions, provided the containers are adequately protected. The TLPGA also argues that the commission "lacks jurisdiction to address what can or can't be done to vehicle bumpers," inasmuch as the National Highway Traffic Safety Administration, Department of Transportation, has preempted state regulation of bumper standards as found in 49 Code of Federal Regulations Part 581. The federal bumper standard cited by the TLPGA "establishes requirements for the impact resistance of vehicles in low speed front and rear collisions" (49 Code of Federal Regulations §581.1). The scope of the federal standard does not extend to the capability of extended bumpers to carry the weight of an LP-gas container. Since the federal standard and the state rule regulate two different aspects of vehicle bumpers, no conflict exists between the federal standard and the state regulation. Moreover, the question of preemption is a judicial determination to be made by the courts. The commission accepts the recommendation of the advisory committee to adopt the rule as proposed.

Dan Moody of Eddins-Walcher Company, Frank Miller, and the TLPGA recommend deletion of the sentence "No container shall be located directly above another container," from §9.184(b). The commentors use hot oil trucks as an example of one tank being located directly above another. Ed Reich, however, stated that manifolded tanks such as those used on hot oil trucks are considered to be one tank having one serial number and nameplate. Mr. Reich added that relief valves are installed only in the upper portion of the manifolded tank. The primary purpose of §9.184(b) is to avert the possibility of the relief valve discharge from a container impinging upon a container situated directly over the discharging container. The unanimous recommendation of the advisory committee is to adopt the rule as proposed. The commission will follow the committee's recommendation.

Frank Miller and the TLPGA suggest deletion of the word "directly" from §9.184(c) so that it is clear that containers are not to be mounted on vehicle roofs. The commission agrees and has incorporated this comment in the rule. The word "proper" was also added for clarification purposes in regards to the "highest level of the vehicle" (e.g., "the highest level of the vehicle proper" is not measured to the tip of a radio antenna).

Several comments were received requesting that "camper shells" be deleted from §9.185(a), relating to interior container installations. The advisory committee recommended adoption without changes. Due to the increased hazard of containers located within

any type of enclosure, the commission agrees with the advisory committee's recommendation.

Gip Brownfield of Ranch Butane Company and Dan Moody suggested that §9.186(g) be amended to read "There shall be no fuel connection between a tractor and trailer or other vehicle units while such units are in motion." The commission has incorporated the language into the rule as requested by the commentors.

Wayne Adam and the advisory committee suggested that §9.187 be rewritten in the form of an installation "manual" to reduce paperwork and dispense with submission of drawings on school bus LP-gas motor fuel installations. The drawing requirement has been deleted, but the commission does not agree that a "manual" format would afford any significant advantage over the rule as proposed.

The TLPGA and the advisory committee commented that §9.187(h) should be changed to permit the use of LP-gas hose for relief valve discharge vent lines on school buses. High pressure LP-gas hose is acceptable for use as discharge vent lines in all installations other than school buses. The commission takes the position that extra safety measures should be taken in installing LP-gas equipment on school buses. Inasmuch as the vent line extends up the sidewall of the bus and past the windows, any break or rupture of this line could result in escaping LP-gas entering the windows of a school bus. The commission is of the opinion that it is much safer to require relief valves on school buses to be vented through metallic discharge lines which greatly reduces the possibility of an accidental break in the line.

Section 9.188, governing the use of extra liquid outlets on motor fuel containers, elicited several comments. Glen Cavitt commented on two aspects of the rule. Mr. Cavitt stated that a globe shut-off valve would be better than a "quick-action" valve in this type of service. The rule has been changed to permit either type of valve to be utilized. Mr. Cavitt also commented that limiting the use of extra liquid outlets to only motor fuel containers installed on pick-up trucks is too restrictive. The rule has been expanded to include trucks of up to one ton capacity and having open cargo space.

Several comments objected to the requirement that the liquid hose attached to the extra liquid outlet be replaced every five years. The comments point out that some hoses will need to be replaced in less than five years, while others will show virtually no signs of wear and tear for much longer than five years. The commission agrees and has incorporated these comments by deleting the five-year replacement requirement.

Gip Brownfield and others commented on the provision of §9.188 requiring the hose end and shut-off valve to be kept locked in a ventilated metal box when not in use. The commentors suggest that the hose be disconnected from the tank when not in use; however, this would result in LP-gas being vented to the atmosphere. The commission will consider amending

the rule at a later date to permit a "make and break" connection if a reasonable method of preventing the expelling of LP-gas can be devised.

Jay Wood and the TLPGA commented that §9.190(b), relating to filling motor fuel and mobile fuel containers on public transportation vehicles and RVs, should require a sign directing drivers to turn off engines, extinguish all pilot lights and open flames, and that evacuation of the vehicle is recommended. The commission agrees that posting a sign is an excellent idea, but the requirement that vehicles be vacated during the filling process must be mandatory.

The commission believes that the rules as adopted provide an adequate level of protection to the general public's safety based on public comment and economic factors considered.

Requested changes were not made in some areas due to the inherent hazard present in these areas. The adopted rules do, however, provide a framework of safety within which LP-gas can be utilized as motor fuel and mobile fuel with the least amount of risk possible, and at the same time avoid unnecessary increases in cost.

The rules are adopted under authority of the Texas Natural Resources Code, §113.051, which authorizes the commission to promulgate and adopt rules for the LP-gas industry which protect or tend to protect the health, welfare, and safety of the general public.

§9.171. *Definitions and Applicability.*

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

(1) **Approved**—Unless otherwise noted, means approved by the Railroad Commission.

(2) **Auxiliary engine**—An engine used for purposes other than propelling a vehicle.

(3) **Public transportation vehicle**—Includes, but is not limited to, taxis, buses (other than school buses), airport courtesy cars, and any vehicle for hire to transport persons.

(4) **Recreational Vehicle (RV)**—A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

(5) **School bus**—A vehicle that is sold or used for purposes that include carrying students to and from school or related events but does not include a bus designed and sold for operation as a common carrier in urban transportation.

(b) Provisions of Division V apply only to motor fuel and mobile fuel installations made after January 1, 1983.

§9.172. *Containers.*

(a) All motor fuel containers and permanently mounted mobile fuel containers shall be designed, fabricated, tested, and marked (or stamped) in accordance with Division I, Section VIII, of the edition of the A.S.M.E. Boiler and Pressure Vessel Code in effect at the time of manufacture, or in accordance with the regula-

tions of the United States Department of Transportation (D.O.T.). (Note: Motor fuel containers installed on self-propelled vehicles used on public roads shall be constructed only in accordance with Division I, Section VIII, of the edition of the A.S.M.E. Boiler and Pressure Vessel Code in effect at the time of manufacture.)

(b) The minimum design working pressure for D.O.T. containers shall be not less than 240 p.s.i.g. The minimum design working pressure for A.S.M.E. containers shall be not less than 250 p.s.i.g., except that containers installed on any vehicle within enclosed spaces (including recesses or cabinets) shall have a minimum design working pressure not less than 312 p.s.i.g.

(c) LP-gas motor fuel containers on passenger-carrying vehicles shall not exceed 200 gallons aggregate water capacity. No more than two containers shall be mounted on a vehicle.

(d) LP-gas motor fuel containers on other than passenger vehicles normally operating on the highways shall not exceed 175 gallons individual water capacity, 300 gallons aggregate water capacity. No more than two containers shall be mounted on a vehicle.

(e) All motor fuel containers of 130 gallons water capacity or more shall be baffled and shall have steel pads continuously welded to the container and supported through an arc of 120° in such a manner as to prevent the concentration of excessive stresses in the shell plate of the container.

(f) Containers covered by this section shall be equipped for filling into the vapor space only. Motor fuel and mobile fuel containers shall not be filled in excess of the maximum permitted filling density.

§9.173. Safety Relief Valves.

(a) All A.S.M.E. motor fuel and mobile fuel containers shall be equipped with internal type spring loaded safety relief valves which comply with §9.42 of this title (relating to Safety Relief Valves), §9.43 of this title (relating to Setting of Safety Relief Valves), and §9.44 of this title (relating to Construction and Marking of Safety Relief Valves).

(b) Prior to reinstallation of a motor fuel or mobile fuel container equipped with an external relief valve, such container must be retrofitted with an internal safety relief valve of proper size and capacity in compliance with §9.42 of this title (relating to Safety Relief Valves), §9.43 of this title (relating to Setting of Safety Relief Valves), and §9.43 of this title (relating to Construction and Marking of Safety Relief Valves).

(c) Safety relief valve discharge shall be directed upward within 15° of vertical so that any gas released will not impinge upon containers, any part of the vehicle, adjacent persons or vehicles, or the inside of the passenger or luggage compartment.

(d) Safety relief valve discharge vent lines shall be steel or approved high pressure LP-gas hose sized, located, and secured so as to permit sufficient safety relief valve relieving capacity. Discharge vent lines shall be able to withstand the pressure from the relief vapor discharge when the relief valve is in the full open position. A spring-loaded dust or rain cap shall be provided to minimize the possibility of the entrance of dirt or water into either the relief valve or its discharge vent line, and such dust or rain cap shall remain in place except when the relief valve

operates. In this event, it shall permit the relief valve to operate at sufficient capacity.

(e) Threaded safety relief valve collars shall be connected to the discharge vent line by means of threaded fittings or manufactured hose fittings designed specifically for this purpose.

§9.174. Protection of Valves and Fittings.

(a) Container valves, appurtenances, and connections shall be adequately protected to minimize the possibility of damage due to accidental contact with stationary objects or objects thrown up from the ground. This protection shall be provided by the container manufacturer by means of a heavy metal fitting guard with a minimum of seven gauge thickness, adequately extended to protect all valves when such valves are in full open position. The guard shall be permanently welded to the container or bolted to the guard tabs. Where used, guard tabs shall have a minimum tensile strength of 55,000 p.s.i.g. and shall be welded to the vessel at the time of fabrication. The bolts securing the guard to the container must be a minimum of 3/8 inch grade five steel machine bolts. Exception: A motor fuel container which is located within an automobile's trunk area, with parts of the vehicle providing protection and all valves and fittings protected by a vapor tight shroud, will be deemed to comply with the foregoing requirement.

(b) Float gauges, relief valves, and other container appurtenances located outside the valve guard area shall be recessed inside the container or protected by a welded guard surrounding the appurtenances.

§9.175. Container Appurtenances.

(a) All valves, gauging devices, and appurtenances shall have a minimum rated working pressure of 250 p.s.i.g.

(b) Manual shut-off valves shall be designed to provide positive closure under service conditions and shall be equipped with an internal excess flow check valve designed to close automatically at the rated flow of vapor or liquid specified by the manufacturer.

(c) Containers shall be installed in such manner that access to main shut-off valves is not hindered by the vehicle's frame, body, or any equipment or appurtenance attached to or mounted on the vehicle. This is not to be construed to prohibit the installation of containers inside a vehicle's passenger or luggage compartments where access doors to these compartments may be locked to secure the vehicle and its contents.

(d) Double back flow check valves shall be of the spring-loaded type and shall close when the flow of LP-gas is either stopped or reversed. This valve shall be installed in the fill valve opening of the container, whether used for remote or direct filling.

(e) All motor fuel and mobile fuel containers installed on public transportation vehicles shall be equipped with an automatic means to prevent filling in excess of the maximum permitted filling density.

(f) An overfilling prevention device may be installed on the container or exterior of the compartment when remote filling is used, provided that a double back flow check valve is installed in the remote fill valve opening.

(g) All container openings, except those for safety relief valves and gauging devices, shall be permanently labeled by appropriate means to designate whether they communicate with the liquid or vapor space.

(h) A solid steel plug shall be installed in unused openings.

§9.178. Carburetion Equipment. LP gas carburetion equipment shall be listed or approved equipment and recommended for such service by the manufacturer.

§9.181. Automatic Shut Off Devices. An approved automatic shut-off device shall be provided in the fuel system. This device shall prevent flow of fuel to the carburetor when the engine is not running even if the ignition switch is in the "on" position.

§9.184. Installation of Containers and Container Appurtenances

(a) Containers shall be located in a place and in a manner to minimize the possibility of damage to the container and its fittings. All containers shall be located within the physical limits of the vehicle and shall be protected by the vehicle's bumpers. Extending a chassis or bumper for the purpose of mounting containers is prohibited. Containers shall not be installed less than eight inches from the engine or exhaust system, or shall be shielded against direct heating to prevent increased internal pressure of the container.

(b) Containers not exceeding 85 gallons water capacity may be mounted in an elevated position, provided such containers are installed within the confines of an overhead steel framework which is common with or attached to the vehicle's frame and is capable of supporting 1.5 times the weight of the vehicle. No container shall be located directly above another container.

(c) Containers shall not be mounted on roofs, ahead of the front axle, or beyond the rear bumper of the vehicle, and no part of the container or its appurtenances shall be above the highest level of the vehicle proper.

(d) Containers shall be installed with as much road clearance as possible, but never less than the minimum normal road clearance of the vehicle under maximum load conditions. Minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

§9.186. Pipe and Hose Installation.

(a) The piping system shall be designed, installed, supported, and secured in such a manner as to minimize the possibility of damage due to expansion, contraction, vibration, strains, or wear.

(b) Piping shall be installed in a protected location with a minimum distance of eight inches from the exhaust, catalytic converter, and exhaust manifold, or shall be insulated to prevent heat deterioration. If piping is installed outside, under the vehicle and below any insulation or false bottom, fastenings and protection shall be provided to prevent abrasion or damage due to vibration. At a point where the piping passes through structural members or floors, a rubber grommet or bulkhead fitting shall be installed to prevent chafing. Aluminum fittings are prohibited.

(c) Fuel line piping shall be installed to enter the vehicle through the floor directly beneath, or adjacent

to, the container. If a branch line is required, the "tee" connection shall be in the main fuel line under the floor and outside the vehicle.

(d) When two containers are installed and connected by a common fuel line (liquid or vapor), a single seated back pressure check valve shall be installed in each fuel line ahead of the "tee" fitting, or a cross fitting which incorporates a hydrostatic relief valve and two backflow check valves may be used.

(e) Exposed parts of the piping system shall be of either corrosion resistant material or adequately protected against exterior corrosion.

(f) At the completion of the installation, piping systems, including hoses, shall be tested and proved free of leaks at not less than normal operating pressure.

(g) There shall be no fuel connection between a tractor and trailer or other vehicle units while such units are in motion.

(h) A hydrostatic relief valve shall be installed away from the container in each section of piping (including hose) in which liquid LP-gas can be isolated between shut-off valves so as to relieve to a safe atmosphere (away from other pressure parts of the system) the pressure which could develop from the trapped liquid. Hydrostatic relief valves shall have a pressure setting of not less than 400 p.s.i.g. nor more than 500 p.s.i.g.

§9.187. School Bus Installations.

(a) This section applies to LP-gas systems supplying LP-gas to propel school bus engines. Prior to the installation of or conversion to an LP-gas carburetion system on any form of vehicle to be used as a school bus by either public or private educational institutions, the licensee making the installation or conversion shall submit specifications and other such information as the commission may reasonably require to the LP-Gas Division for examination. Specifications shall include, but not be limited to, the number of units to be installed or converted according to such specifications, vehicle identification numbers, and the name of the licensee making such installations or conversions. Upon completion of the examination, a copy of the proposed specifications will be returned, marked either for correction or tentative approval. Final approval will follow a physical inspection of each completed installation or conversion by an inspector of the LP-Gas Division to ensure compliance. Any changes, alterations, or additions will necessitate resubmission of specifications for approval.

(b) All A.S.M.E. motor fuel containers mounted on school buses shall have a minimum design working pressure of 312 p.s.i.g. All valves and fittings shall be located in the upper portion of the container (i.e., top fitted). Exception: Vans used as school buses having containers not exceeding 40 gallons aggregate water capacity may have valves and fittings located in the lower portion of the container (i.e., inverted type container).

(c) Each container shall be fitted with an approved automatic means to prevent filling in excess of the maximum permitted filling density. The motor fuel container shall be installed on the underside of the vehicle on the streetside. Installation of the container on top or at the rear of the bus is prohibited.

(d) LP-gas containers used on school buses shall not exceed 115 gallons aggregate water capacity.

(e) The container shall be secured to the school bus frame (not to the floor of the bus) by fastenings designed with a safety factor of four, to withstand loadings in any direction equal to four times the filled weight of the container. The container shall have a minimum of two padded mounting frame brackets, continuously welded to the container at the time of manufacture, and supporting the container through an arc of 120°. Container brackets shall be secured in place using lock washers and double nutted ½ inch grade eight tensile strength bolts.

(f) Containers shall be installed with as much clearance as practical but never less than the minimum normal road clearance of the vehicle under maximum load conditions. Minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower. All container valves and fittings shall be protected by means of a heavy gauge metal guard having a minimum thickness of seven gauge steel.

(g) An 8 inch by 14 inch minimum size plumbing chamber door shall be provided in the street sidewall of the bus to allow easy access for filling or securing the service valve in the event of an emergency. The plumbing chamber door shall be hinged and latched, but not locked.

(h) All safety relief valves shall be vented through the street sidewall of the bus skirting. The relief valve discharge vent line shall be metallic pipe or tubing (other than aluminum) and shall be sized, located, and secured, so as not to restrict full discharge.

(i) The relief valve discharge vent lines shall run vertically upward and shall be secured against the outside skirting, continuing upward between windows, terminating at the rolling eaves of the bus roof. A spring-loaded dust or rain cap must be provided which will not divert the discharge of LP-gas onto the container or vehicle. A flexible high pressure LP-gas hose connection shall connect the relief valve threaded collar to the discharge vent line by means of threaded fittings or manufactured hose fittings designed specifically for this purpose. The relief valve discharge vent line and the flexible high pressure LP-gas hose shall withstand the pressure from the relief discharge when the relief valve is in the full open position.

§9.188. Use of Extra Liquid Outlet on Motor Fuel Containers. A.S.M.E. motor fuel containers fitted by the manufacturer with extra liquid outlets may be used for filling other motor fuel containers, provided the container and its appurtenances are installed and protected as follows:

(1) Motor fuel containers used in this service shall be installed and limited to trucks of up to one ton capacity with open cargo space.

(2) The cargo space shall not be enclosed at any time in a manner that would prevent a complete exposure of the container.

(3) The container's extra liquid outlet shall be fitted with an approved manual shut-off valve and an internal excess flow valve (or an approved manual shut-off valve incorporating an internal excess flow valve) designed to close automatically at the rated flow of vapor or liquid specified by the manufacturer.

(4) The manual shut-off valve shall incorporate a hydrostatic relief valve set at 400 to 500 p.s.i.g.

(5) Rigid piping is prohibited.

(6) The extra liquid opening in the container shall be located in the upper shell of the container. Any appurtenances attached to this opening shall be adequately protected against mechanical injury or dislocation. This may be accomplished by adding to the existing fitting guard or by constructing a new fitting guard with a minimum thickness of seven gauge steel. (Note: Welding shall not be permitted on the container or pressure parts except by a licensed fabricator.)

(7) The liquid hose must be of an approved type as set out in §9.54 of this title (relating to Hose Specifications) and shall not exceed 20 feet in length and ¼ inch in diameter.

(8) All transfer of product must be done by pressure differential only.

(9) The hose end must be equipped with an approved shut-off valve. When not in use, the hose end and shut-off valve shall be kept locked in a ventilated metal box to prevent tampering by unauthorized persons. The metal box shall be attached to the vehicle to prevent accidental displacement. Bottle filling from motor or mobile fuel containers is prohibited.

§9.189. Auxiliary Engines—General Provisions for Vehicle Mounting.

(a) This section includes provisions for the installation of equipment and mobile fuel containers on vehicles to supply LP-gas as a fuel to auxiliary engines and for other uses on these vehicles.

(b) Mobile fuel containers shall not exceed 500 gallons individual water capacity, 1,000 gallons aggregate capacity. All mobile fuel containers having 130 gallons water capacity or more shall be baffled and shall have steel pads continuously welded to the container and shall be supported through an arc of 120° in such a manner as to prevent the concentration of excessive stresses in the shell plate of the container.

(c) Mobile fuel containers in excess of 250 gallons water capacity to be installed on truck beds to supply fuel to auxiliary engines or equipment (other than to propel vehicles) shall require the submission of plans and specifications to the Railroad Commission for prior approval. Plans and specifications shall be complete in all detail to indicate purpose and location of container mounting, as well as the complete layout of piping system, noting piping, valves, fitting material, brand name, and model number.

(d) Gas vaporizers, regulators, and carburetion equipment to provide LP-gas as a fuel for auxiliary engines shall be installed in accordance with Division V of the LP-gas safety rules.

(e) The source of air for combustion shall be completely isolated from the driver and passenger compartments, ventilation system, or the air condition system.

§9.190. Filling of Motor Fuel and Mobile Fuel Containers.

(a) Filling of containers shall be done in a safe manner as provided in §9.47 of this title (relating to Filling Density), §9.48 of this title (relating to Transfer of Liquid), and §9.49 of this title (relating to Venting Gas or Liquid Prohibited).

(b) Any vehicle used in public transportation service or any recreational vehicle shall not be refueled while occupied. Any vehicle containing appliances shall have all pilot lights extinguished prior to refueling. Signs shall be prominently displayed, stating:

- (1) Turn off engine
- (2) Extinguish all pilot lights and open flames.
- (3) Vehicles must be vacated during the filling process.

(c) The use of a vapor return coupling to vent LP-gas to the atmosphere is prohibited. This, however, does not prohibit the use of a vapor return hose to equalize pressure when properly connected between the supply container and the container to be filled.

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

Issued in Austin, Texas, on February 28, 1983.

TRD-831557 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: March 21, 1983
Proposal publication date: November 2, 1982
For further information, please call (512) 445-1186.

16 TAC §§9.181-9.192

The Railroad Commission of Texas adopts the repeal of §§9.181-9.192, without changes to the proposed text published in the November 2, 1982, issue of the *Texas Register* (7 TexReg 3870).

The LP-gas motor fuel industry has made great strides forward and has become more widely accepted. Many school districts are converting their school buses to LG-gas from gasoline. Sections 9.181-9.192 are no longer adequate to effectively regulate the safety of LP-gas motor fuel and are being repealed. Repeal of the rules will permit adoption of new and comprehensive LP-gas motor fuel rules.

No comments were received regarding adoption of these repeals.

The repeals are adopted under the authority of the Texas Natural Resources Code, §113.051, which authorizes the commission to promulgate and adopt rules for the LP-gas industry which protect or tend to protect the health, welfare, and safety of the general public.

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

Issued in Austin, Texas, on February 28, 1983.

TRD-831556 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: March 21, 1983
Proposal publication date: November 2, 1982
For further information, please call (512) 445-1186.

TITLE 22. EXAMINING BOARDS Part IX. Texas State Board of Medical Examiners Chapter 163. Licensure

22 TAC §163.7

The Texas State Board of Medical Examiners adopts amendments to §163.7, without changes to the proposed text published in the January 28, 1983, issue of the *Texas Register* (8 TexReg 308).

Amendment to the rule was necessary because of rearrangement of other sections in the licensure chapter. The rule will reflect the proper section number for procedures applicants must follow.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on March 2, 1983.

TRD-831651 A Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Effective date: March 24, 1983
Proposal publication date: January 28, 1983
For further information, please call (512) 452-1078.

22 TAC §163.8

The Texas State Board of Medical Examiners adopts the repeal of §163.8, without changes to the proposed text published in the January 28, 1983, issue of the *Texas Register* (8 TexReg 309).

Repeal of the rule is necessary because of the insertion of a new section being simultaneously adopted. The repealed section is being moved one section farther into the order of the rules to create fluidity and better readability in the rule chapter.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Medical Practice Act, Texas Civil Statutes, Article 4495b, which provides the Texas State Board of Medical Examiners with the authority to make rules not inconsistent with the Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regula-

tion of the practice of medicine in this state, and the enforcement of the Act.

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

Issued in Austin, Texas, on March 2, 1983

TRD-831652 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Effective date: March 24, 1983
Proposal publication date: January 28, 1983
For further information, please call (512) 452-1078.

22 TAC §163.8, §163.9

The Texas State Board of Medical Examiners adopts new §163.8 and §163.9, without changes to the proposed text published in the January 28, 1983, issue of the *Texas Register* (8 TexReg 309).

The new §163.8 was needed to allow permits for certain physicians employed by state health agencies in nonclinical activities. New §163.9 addresses the matters of procedures for licensure applicants; it corresponds with old §163.8, being simultaneously repealed.

The rules will expedite the licensure procedure for state health agency physicians in nonclinical activities while continuing to subject them to basic requirements for all applicants.

No comments were received regarding adoption of the new sections.

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

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

Issued in Austin, Texas, on March 2, 1983.

TRD-831650 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Effective date: March 24, 1983
Proposal publication date: January 28, 1983
For further information, please call (512) 452-1078.

Chapter 179. Investigation Files

22 TAC §179.2

The Texas State Board of Medical Examiners adopts new §179.2, with changes to the proposed text

published in the January 7, 1983, issue of the *Texas Register* (8 TexReg 23).

This rule sets forth board procedure for obtaining necessary medical records. Implementation of the rule will facilitate the obtaining of records needed when the character or competence of a physician is in question and board investigation appears warranted.

The rule will expedite the record procurement by setting forth in explicit terms the conditions under which records are requested, and what type records are necessary.

Although no comments were received from outside sources, the board decided upon closer review to change §179.2(c), to reflect the current board practice of investigating physicians involved in suits. The rule as adopted does not limit those investigations (as the proposed rule language indicated)

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

§179.2. Request for Information and Records from Physicians.

(a) Medical records. A licensee shall furnish copies of medical records, or a summary or narrative of the records, or the original records if the board provides the licensee with a medical record release form signed as required by Texas Civil Statutes, Article 4495b, §5.08(j)(1). These records shall be furnished to the board within two weeks of the date of the board's request.

(b) Renewal of licenses. A licensee shall furnish a written explanation of his or her answer to any question asked on the application for license renewal, if requested by the board. This explanation shall include all details as the board may request and shall be furnished within two weeks of the date of the board's request.

(c) Professional liability suits. A licensee who has had three or more claims in professional liability suits filed against him or her within a three-year period shall furnish the following to the board within two weeks of the date of the board's request:

(1) all office medical records and hospital medical records (if applicable) of the injured party named in the malpractice suit; and

(2) a completed questionnaire, as designed by the board, to obtain information it deems applicable and necessary in determining the licensee's competency.

(d) Impaired physicians.

(1) The board shall require a licensee to submit to a mental and/or physical examination by physician or physicians designated by the board if the board has probable cause to believe that the licensee is impaired. Under Texas Civil Statutes, Article 4495b, an impaired physician is considered to be one who is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs,

narcotics, chemicals, or any other type of material; or as a result of any mental or physical condition.

(2) Probable cause may include, but is not limited to, any one of the following:

(A) sworn statements from two people, willing to testify before the board, that a certain licensee is impaired;

(B) a sworn statement from a representative of the Texas Medical Association's or the Texas Osteopathic Medical Association's impaired physician program, stating that the representative is willing to testify before the board that a certain licensee is impaired;

(C) evidence that a licensee left a treatment program for alcohol or chemical dependency before completion of that program;

(D) evidence that a licensee is guilty of intemperate use of drugs or alcohol;

(E) evidence of repeated arrests of a licensee for intoxication;

(F) evidence of recurring temporary commitments to a mental institution of a licensee; or

(G) medical records showing that a licensee has an illness or condition which results in the inability to function properly in his or her practice.

(e) Prescription drugs and controlled substances. The board or its authorized representative shall have the power to inspect a licensee's inventory of prescription drugs and obtain samples of those substances, and to inspect and copy records of purchases and disposals of drugs, including those listed in the Texas Controlled Substances Act or controlled substances scheduled in the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

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

Issued in Austin, Texas, on March 1, 1983.

TRD-831621 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Effective date: March 23, 1983
Proposal publication date: January 7, 1983
For further information, please call (512) 452-1078.

TITLE 31. NATURAL RESOURCES AND CONSERVATION Part IX. Texas Water Commission Chapter 263. General Rules

31 TAC §263.18, §263.19

The Texas Water Commission adopts amendments to §263.18 and §263.19, without changes to the proposed text published in the January 28, 1983, issue of the *Texas Register* (8 TexReg 313).

The amendments conform the rules to new commission procedures. As of January 1, 1983, the commission no longer employs its own hearings reporters to

report and transcribe its proceedings. This function is now performed by privatized certified shorthand reporters, and a reporting services contract has been executed with an Austin firm.

The amendment to §263.18 provides for a hearings reporter to be furnished by the commission to transcribe a proceeding upon timely written request of a party who must pay all associated costs unless the commission assesses the costs to other parties. The amendment also provides for a minimum fee to be charged if the hearing is canceled without reasonable notice to the reporter.

The amendment to §263.19 provides for the commission to receive the original and one copy of a transcript and for the sale of additional copies.

No comments were received regarding adoption of the amendments.

These amendments are adopted under the authority of the Texas Water Code, §5.262, which provides for the Texas Water Commission to adopt reasonable procedural rules.

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

Issued in Austin, Texas, on March 3, 1983.

TRD-831653 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Effective date: March 24, 1983
Proposal publication date: January 28, 1983
For further information, please call (512) 475-4514.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Fees for Copies of Records

37 TAC §1.125

The Texas Department of Public Safety adopts amendments to §1.125, without changes to the proposed text published in the January 28, 1983, issue of the *Texas Register* (8 TexReg 318).

The amendments will ensure that charges for copies of records will be assessed to those utilizing the service and not be imposed to the tax-paying public.

The amendment to subsection (d) prescribes an increase in fees for special searches of possible accidents within specific parameters. The minimum fee is increased to \$30 for one hour of search and \$15 for each additional half hour to cover equipment and administrative costs involved. Subsection (f) is added

to establish the fee to be charged for exact copies of existing magnetic tapes containing motor vehicle accident data at a rate of \$350 per accident year. Charges include administrative cost, computer time, tapes, mailing containers, postage, copy of tape layout, and copy of accident code manual.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6701d-47 and Article 4413 (33), which authorizes the Texas Department of Public Safety to provide copies of peace officer's accident reports upon request and payment of statutory fee. The Open Records Act required the department to provide accident data by parameters specified by the requestor.

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

Issued in Austin, Texas, on March 1, 1983

TRD-831596 James B. Adams
 Director
 Texas Department of Public
 Safety

Effective date: March 22, 1983
Proposal publication date: January 28, 1983
For further information, please call (512) 465-2000.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 15. Medicaid Eligibility Subchapter FF. SSI Basic Program Requirements

40 TAC §15.3112

The Texas Department of Human Resources adopts an amendment to §15.3112, without changes to the

proposed text published in the December 10, 1982, issue of the *Texas Register* (7 TexReg 4314). The amendment is necessary to comply with changes in Supplemental Security Income policy and to delete internal operating procedures from the rule. The amendment clarifies the eligibility requirements for three months prior Medicaid coverage.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on March 3, 1983.

TRD-831629 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: April 1, 1983
Proposal publication date: December 10, 1982
For further information, please call (512) 441-3355, ext. 2037.

Chapter 48. CCAD Eligibility

The Texas Department of Human Resources adopts amendments to §§48.2901-48.2904, 48.2909, and 48.3901-48.3903, and new §§48.2922-48.2927, with changes to the proposed text published in the December 21, 1982, issue of the *Texas Register* (7 TexReg 4448)

The amendments and new rules establish resource limits as one of the eligibility criteria in the CCAD Program. Limiting a client's resources allows the department to target community care services to individuals with low incomes and resources who cannot afford to purchase the services for themselves.

The amendments and new rules limit the total amount of liquid and nonliquid resources an individual or family may own and still be eligible for CCAD services. To be eligible for community care services, individuals or families may have a maximum of \$5,000 in countable resources.

The department received comments from Advocacy, Incorporated and from one individual. The following is a list of the comments and the department's response to each one.

Advocacy, Incorporated commented in favor of §48.2924, concerning resource exclusions, which allows the exclusion of a vehicle specially equipped for a handicapped person. It also commented that §48.2902(b), concerning income eligibles, includes

income limits for a one-person family which are equivalent to minimum wage. A person making slightly above minimum wage would not be eligible and might not be able to remain employed without attendant care or other community care services.

The department disagrees with the comment. The \$588.52 income limit for a one person family is the same for medical assistance only recipients in the institutional care program. Section 48.2902 was amended only to delete references to the state median income. The income limits published as part of the rule are those currently used in the CCAD Program and are not changed.

Advocacy, Incorporated also commented on §48.3903, concerning denial, reduction, or termination of services. This rule requires termination of services at the end of the month in which a client is determined ineligible for AFDC, SSI, or Medicaid. Advocacy Incorporated commented that Congress has taken action to extend benefits through the appeals process because many SSI disability denials are being appealed and overturned. The commentator requested that the proposed rule be changed to conform to the new SSI policy.

The DHR's response to the comment is as follows. Eligibility for primary home care or day activity and health services (DAHS) is based, in part, on the client's receipt of Medicaid. Loss of AFDC or SSI usually means loss of Medicaid eligibility. Clients appealing an SSI disability denial continue to receive SSI benefits, Medicaid, and thus CCAD services until the SSI appeal hearing has been held.

If the client is denied Medicaid, this results in termination of primary home care and Medicaid funded DAHS. The client, however, may qualify as an income eligible. As an income eligible, he may receive similar CCAD services such as family care or DAHS funded under the social services block grant. No change was made to the rule.

A comment from an individual stated that the rules should contain provisions for emergency requests for services. The department agrees and has incorporated the suggestion in §48.3901(f). Applicants who are in an emergency situation may receive emergency CCAD services for 30 days from the date of application. Verification of resources and income is not required if the applicant appears to be eligible based on information on his application for services. The applicant, however, must meet the age and need criteria for the appropriate CCAD service.

Minor editorial changes were also made for clarity and consistency.

40 TAC §§48.2901-48.2904, 48.2909

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

§48.2901 Eligibility for Services. An applicant/client must meet income, resource, age, and need criteria to receive Community Care for Aged and Disabled (CCAD) in-home and out-of-home services. Applicants/clients who meet the eligibility criteria for any CCAD service except information and referral are eligible for case management services. An adult who is alleged to be abused, neglected, or exploited receives adult protective services without regard to income or resources.

§48.2902. Income—Income Eligibles.

(a) To be eligible for CCAD services, the applicant/client must

- (1) receive SSI/AFDC payments, Medicaid; or
- (2) be income eligible. To be income eligible, the applicant's/client's total gross income must be equal to or less than the income figures in subsection (b) of this section.

(b) The following charts include the income eligible limits for families of various sizes.

(Applies to priority groups one, two, and three.)

Family Size	Annual \$	Monthly \$
1	7,062.27	588.52
2	9,235.27	769.61
3	11,408.28	950.69
4	13,581.28	1,131.77
5	15,754.28	1,312.86
6	17,927.29	1,493.94

(Applies only to priority group four.)

Family Size	Annual \$	Monthly \$
1	4,018.19	334.85
2	5,254.55	437.88
3	6,490.92	540.91
4	7,727.28	643.94
5	8,963.64	746.97
6	10,020.00	850.00

§48.2903. Determination of Monthly Gross Income. The applicant's/client's monthly gross income is the total of the following:

- (1) The client's total gross earnings. These earnings include money, wages, or salary received for work performed as an employee, including wages, salary, armed forces pay (include allotments from any armed forces received by a member of the family group from a person not living in the household), commissions, tips, piece-rate payments, and cash bonuses earned before deductions are made for taxes including social security, bonds, pensions, union dues, and similar deductions.

(2) Net income from nonfarm self-employment. These earnings include gross receipts minus business expenses from one's own business, professional enterprise, or partnership, which result in the individual's net income. Gross receipts include the value of all goods sold and services given. Expenses include costs of purchased goods, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (not personal income taxes or self-employment social security tax), and similar costs.

The value of salable merchandise used by the owners of retail stores is not included as part of net income

(3) Net income from farm self employment

These earnings include gross receipts minus operating expenses from operation of a farm owned by the client or the client and his partners. Gross receipts include the value of products sold, government crop loans, money from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include the cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes (not personal income taxes or self-employment social security tax), and similar expenses. The value of fuel, food, or other farm products used for family living is not included as a part of net income

(4) Social security and railroad retirement benefits. These benefits include social security pensions and survivors' benefits, permanent disability insurance payments made by the Social Security Administration, and railroad retirement insurance checks from the federal government. Gross benefits from these sources are the amounts before deductions for Medicare insurance

(5) Dividends and interest. These earnings include: dividends from stockholdings or membership in associations, interest on savings or bonds, and periodic receipts from estates or trust funds. These earnings are averaged for a 12-month period

(6) Net income from rental of a house, home-stead, store, or other property, or rent from boarders or lodgers. These earnings include net income from rental property which is calculated by subtracting from gross receipts prorated property taxes, insurance payments, bills for repair and upkeep of property, and interest on mortgage payments on the property. Capital expenditures for additions or improvements and depreciation are not deductible

(7) Net income from the lease of mineral rights. These earnings include net income which is calculated by subtracting excise taxes and property taxes from gross royalties or yearly lease payments. Federal windfall profit taxes are not deductible. These earnings are averaged over a 12-month period

(8) Income from mortgages or contracts. These payments include income the buyer promises to pay in fixed amounts over a period of time until the principal of the note is paid

(9) Public assistance or welfare payments. These payments include AFDC, SSI, and general assistance (cash payments from a county or city)

(10) Pensions, annuities, and irrevocable trust funds. These payments include pensions or retirement benefits paid to a retired person or his survivors by a former employer or by a union, either directly or through an insurance company. Periodic payments from annuities, insurance, or irrevocable trust funds are also included. Gross benefits from civil service pensions are benefits before deductions for health insurance.

(11) Veterans' pensions and compensation checks. These benefits include: money paid periodically by the Veterans Administration to disabled members of the armed forces or to survivors of deceased veterans,

subsistence allowances paid to veterans for education and on-the-job training, and refunds paid to ex servicemen as GI insurance premiums

(12) Educational loans and grants. These payments include money received as scholarships by students for educational purposes and current living costs. Include only that part actually used for current living costs. Include any maintenance or allowance used for current living costs provided by parents to a legal dependent over 18 who is a student

(13) Unemployment compensation. These payments include compensation received from government unemployment insurance agencies or private companies during periods of unemployment, and any strike benefits received from union funds

(14) Worker's compensation and disability payments. These payments include compensation received periodically from private or public insurance companies for injuries incurred at work

(15) Alimony. These payments are support paid to a divorced person by a former spouse

(16) Child support. These payments include: court-ordered child support, any maintenance or allowance used for current living costs provided by parents to a minor child who is a student, or any informal child support payments made by an absent parent for the maintenance of a minor child

(17) Regular monthly cash support payments from friends or relatives.

(18) Net income from the client's share of a life estate.

§48.2904 Income Exclusions The applicant's/client's monthly gross income excludes the following:

(1) (No change)

(2) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

(3) Earnings of a child under 14 years old

(4) Loans and grants such as scholarships, obtained and used under conditions that preclude their use for current living costs

(5) Veterans Administration aid-and-attendance benefits, VA home-bound elderly benefits, and payment to certain eligible veterans for purchase of medications. Although aid-and-attendance or home-bound elderly benefits are excluded as income, the department considers these benefits the primary source of funds for in-home provider payment

(6) In-kind income such as rent subsidies

(7) Infrequent or irregular income if the total does not exceed \$20 a month from all sources

(A) An infrequent payment is one which may not be considered a recurring factor in determining a client's monthly or quarterly income. Payments which do not exceed \$20 a month (\$60 a quarter) and which occur no more than once a quarter are received too infrequently to count. Infrequent income includes interest on a savings account if the interest is not credited or received more frequently than once a quarter from a single source.

(B) An irregular payment is one made without an agreement or understanding that it is made on a recurring basis.

(8) Reimbursement from an insurance company for health insurance claims.

§48.2909. Eligibility Priority Groups. Applicants/clients with the highest need and lowest income receive services before other applicants/clients. Applicants/clients must meet the following criteria to be eligible for each priority group.

(1) Priority Group One—Applicants/clients 18 or older, who are SSI recipients or whose incomes are equal to or less than \$588.52, and whose scores on the client needs assessment questionnaire indicate "critical" needs (60+), or applicants/clients 18 or older, who are SSI recipients or whose incomes are equal to or less than \$588.52, who are eligible for or have been denied a level of care for a Title XIX intermediate care facility or skilled nursing facility, and have a score on the client needs assessment questionnaire that indicates "medium" needs or above (40+). Applicants/clients who have been denied a level of care must apply for CCAD services within 90 days from the denial date. For applicants/clients whose eligibility is based on a denied level of care, the department grants priority one status only once, and the person may retain the status until the next assessment.

(2) Priority Group Two—Applicants/clients 18 or older, who are SSI recipients or whose incomes are equal to or less than \$588.52, and whose scores on the client needs assessment questionnaire indicate "high" needs (50-59).

(3) Priority Group Three—Applicants/clients 18 or older, who are SSI recipients or whose incomes are equal to or less than \$588.52, and whose scores on the client needs assessment questionnaire indicate "medium" needs (40-49).

(4) Priority Group Four—Applicants/clients 18 or older, who are SSI recipients or whose incomes are equal to or less than \$334.85, and whose scores on the client needs assessment questionnaire indicate "low" needs (25-39).

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

Issued in Austin, Texas, on March 1, 1983

TRD-831585 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: March 22, 1983
Proposal publication date: December 21, 1982
For further information, please call (512) 441-3355,
ext. 2037

40 TAC §§48.2922-48.2927

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

§48.2922. Resource Limits. An applicant/client is not eligible for CCAD services if the value of nonexempt resources owned by him or his family exceeds \$5,000.

§48.2923. Resources. In determining eligibility for CCAD services, the department considers the following as resources.

(1) Liquid resources including cash on hand, checking or savings accounts, money market funds, revocable trust funds, savings certificates, stocks, or bonds. Liquid resources also include the individual's or family's portion of money in a checking or savings account or a money market fund held jointly with a non-family member.

(A) Jointly held liquid resources are the resources of the applicant/client if he has unrestricted access to the funds regardless of the source. The applicant/client may move his portion of jointly held funds in a joint account to a new account. The new account may be jointly owned, but all funds in the new account are the applicant's/client's.

(B) Money received in the form of a nonrecurring lump sum payment is not considered a resource until 30 days from the date of receipt. Lump sum payments include, but are not limited to: income tax refunds; earned income tax credits or rebates; one-time bonuses from mineral rights; retroactive lump sum social security, SSI, or railroad retirement benefits; lump sum insurance settlements; one-time gifts, awards, or prizes; and refunds from rental or utility deposits. The applicant/client is responsible for reporting the receipt of a lump sum payment.

(2) Nonliquid resources including nonexempt licensed or unlicensed vehicles; buildings and land (separated from homestead) which are not producing income, or are producing income less than 6.0% of the equity value; and any other property not specifically excluded.

§48.2924. Resource Exclusions. In determining eligibility for CCAD services, the department does not consider the following as resources. Any item not listed as exempt is considered a resource.

(1) Homestead—A homestead is any structure used as a residence, including other buildings and all contiguous land. Mobile homes, houseboats, and motor homes are included in the definition of structures. Contiguous land means all land adjacent to the home, including any land separated only by roads, rivers, and streams. Land is contiguous so long as it is not separated by property owned by another person. The homestead is excluded as a resource even if the applicant/client does not live there at the time of application (unless he has purchased another residence). If the applicant/client owns two houses, the homestead is the property used by the applicant/client as a residence.

(2) Personal property—Personal property including household goods and personal effects.

(3) Property essential to employment—Tools and equipment required for employment or self-employment, and property such as livestock used for self-support.

(4) Prepaid burials—Prepaid burial arrangements, burial insurance, and burial plots.

(5) The cash surrender value of all life insurance.

(6) Vehicles—One licensed passenger car or other vehicle such as a van or truck used to provide transportation, or one unlicensed vehicle. A second vehicle may be excluded if it is specially equipped for a handicapped

person to drive or it is essential to the employment or self-employment of the family. Additional vehicles, licensed or unlicensed, are considered nonexempt resources.

(7) **Income-producing property**—Property which annually produces net income equal to or greater than 6.0% of the equity value of the property. The equity value is the current market value of the property less any recorded encumbrances.

(8) **The value of installment contracts from mortgages, notes, or loans**—The value of installment contracts for the sale of land, other property, or repayment of loans if the contract or agreement is producing income in accordance with the fair market value at the time of the agreement. An installment is a mortgage or similar contract in which the buyer promises to pay a fixed amount over a period of time until the principal of the note is paid. Even though the seller retains legal title, the property is not considered a countable resource as long as the buyer is fulfilling the contractual obligation. The payment is considered income.

(9) **Government payments**—Government payments granted for the rebuilding of homes destroyed or damaged in a disaster.

(10) **Energy assistance**—Payments or allowances made under any federal, state, or local law for energy assistance.

(11) **Food stamp allotments**—The value of food stamp allotments and USDA-donated foods.

(12) **Inaccessible resources**—The cash value of resources inaccessible to the applicant/client. Irrevocable trust funds, property in probate, or pension funds are inaccessible resources. Real property which the applicant/client or family is making a good faith effort to sell is exempt. The applicant/client or family must ask a fair price for the property in accordance with its current market value. Property is exempt if it is jointly owned and the other co-owners refuse to sell.

(13) **Mineral rights**—The value of mineral rights.

(14) **Life estates**—The life estate if it meets the characteristics of a homestead or if there is a contract restriction which prevents the holder of a life estate from selling the property. A life estate transfers to an individual(s) certain rights in a property for his lifetime.

(15) **Replacement value of excluded resources**—Replacement value of an excluded resource if it is lost, damaged, or stolen. The caseworker does not consider the cash received from an insurance company for replacing the resource for three months if it is personal property or six months if it is real property. Any cash not spent within the specified time period is considered a resource.

(16) **Monthly gross income**—All income received monthly. Monthly gross income is counted as income in the month received and excluded as a resource in that month.

(17) **Sale of a homestead**—Proceeds from the sale of a homestead up to six months after they become available to the seller. The six months gives the applicant/client time to acquire another homestead. If a new homestead is acquired, any balance from the original sale must be considered as an available resource. If, before the end of the six-month period, the applicant/client declares he has no intention of acquiring another home-

stead, the proceeds from the sale must be counted as an available resource.

§48.2925. Transfer of Resources.

(a) Applicants/clients who have transferred resources knowingly to qualify for CCAD services are not eligible to participate in the program for up to two years after the date of verification of the transfer. Disqualification applies if there is substantial evidence that the applicant/client transferred resources with prior knowledge of this policy.

(b) **Knowingly means that:**

(1) an applicant transferred nonexempt assets after his previous application was denied because of excess resources; or

(2) a client transferred excess nonexempt monies or properties after recertification of eligibility.

§48.2926. Transfers Not Affecting Eligibility. Transfer of the following does not affect eligibility:

(1) furniture, the homestead, or other items which are excluded as resources.

(2) resources, when added to other nonexempt household resources, that total less at the time of the transfer than the allowable resource maximum.

(3) income-producing property, if the same amount of income continues to be available to the applicant/client.

(4) a liquid resource spent for benefit of the applicant/client, spouse, or minor children. A liquid resource given to another person is considered a transfer if the sole reason for the gift was to qualify for services.

(5) property sold at current market value.

§48.2927. Length of Disqualification.

(a) For applicants/clients who have transferred resources knowingly, the disqualification period is based on the value of the resource, as determined by the CCAD caseworker. The disqualification period is also based on the amount of resources in excess of the resource limit.

(b) The disqualification period begins on the date of verification and extends as shown in the following table.

Amount in Excess of Resource Limit	Period of Disqualification
\$ 1—\$ 249.99	1 month
\$ 250—\$ 999.99	3 months
\$1,000—\$ 2,999.99	6 months
\$3,000—\$ 4,999.99	9 months
\$5,000—\$10,000	12 months
Over \$10,000	24 months

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

Issued in Austin, Texas, on March 1, 1983.

TRD-831586 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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 For further information, please call (512) 441-3355,
 ext. 2037.

Case Management

40 TAC §§48.3901-48.3903

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

§48.3901. Application for Services.

(a)-(b) (No change.)

(c) An applicant (for services provided with regard to income) or his representative must sign the application form. If the applicant refuses to sign the application, he is not eligible for CCAD services. The date of application is the date the applicant signs the application form or the date the department receives the signed application, whichever is later. The applicant must provide accurate information about income and resources.

(d) (No change.)

(e) The client must report promptly any changes in income, resources, or family size; loss of assistance grant or Medicaid benefits; or other changes in circumstances that affect eligibility. The client is subject to fraud prosecution if he willfully fails to report changes and continues to receive services for which he is not eligible.

(f) An applicant in an emergency situation is eligible to receive CCAD purchased services for 30 days without verification of income or resources.

(1) To be eligible, the applicant must:

(A) be a new applicant for CCAD services;

(B) appear to be eligible based on the declaration of income and resources on his application for services; and

(C) meet the age and need criteria for the CCAD service he requires.

(2) The 30-day eligibility period begins on the date of application.

(3) The applicant must provide the information to verify that his income and resources are equal to or below the CCAD eligibility limits to receive services after the 30-day period.

§48.3902. Recertification. To continue receiving services, the client must meet the CCAD eligibility requirements at the time of recertification of financial eligibility and reassessment of needs.

§48.3903. Denial, Reduction, or Termination of Services.

(a) An applicant/client may request an appeal of any decision which results in the denial, reduction, or termination of his benefits. Clients are entitled to be notified 10 days before reduction or termination of services, or in 12 days if the notice is mailed. The effective date of services reduced or terminated is shown in the following table.

If Termination or reduction is because of loss of eligibility as an income eligible, failure to meet the client needs assessment score or medical criteria for the service, or change in the client's need for the specific service.

Then Termination or reduction is effective 10 days (or 12 days if mailed) from the date of the notice unless appealed, and then services continue until the hearing officer gives a decision. The cost of providing services during that period is subject to recovery by the department from the client.

Termination is because of a loss of AFDC, SSI, or Medicaid eligibility.

Services continue only to the end of the month in which the client is determined ineligible, even if appealed.

Termination is because of lack of physician's orders for the service.

Services continue only through the date the previous orders expire, even if appealed.

Termination or reduction is based on budgetary constraints and/or change in federal law or state regulations, and services are reduced or terminated for an entire categorical client group.

Services continue only through the date of termination of a categorical client group, even if appealed.

Services continue only through the 30th day, even if appealed.

Termination is because of failure to qualify as an income eligible after the 30-day period of emergency CCAD purchased services.

(b) The client is not eligible for CCAD services in any of the following situations:

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

(3) Physician requests service termination (Medicaid services only).

(4) (No change.)

(5) Client becomes ineligible for Medicaid and social services block grant services, unless he is eligible for protective services.

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

Issued in Austin, Texas, on March 1, 1983.

TRD-831587

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: March 22, 1983

Proposal publication date: December 21, 1982

For further information, please call (512) 441-3355, ext. 2037.

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. 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*.

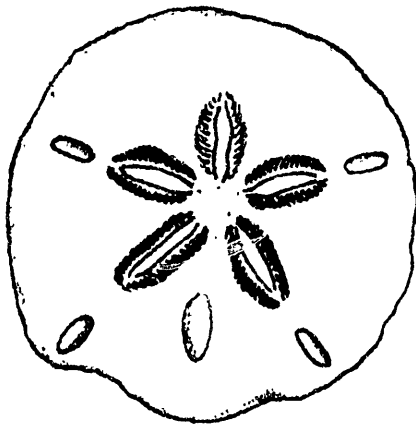
Open Meetings

Texas Department on Aging

Friday, March 18, 1983, 10 a.m. The Texas Board on Aging of the Texas Department on Aging will meet at 210 Barton Springs Road, Austin. Items on the agenda summary include approval of the minutes of the prior meeting; a resolution commending service of outgoing chairman Ed Palm; an address by new chairman Bob Gibbons; financial report for the period ending January 31, 1983; actions of the executive director regarding fiscal year 1983 budget or plan amendments requests of AAAs; legislative report regarding Texas Department on Aging issues; action of the executive director regarding biennial budget hearings; consideration of adoption of revised fiscal manual; a report of the Citizens Advisory Council and camp project, February 14-17, 1983; confirmation of advisory council members, and of appointment of the chairman and vice chairman of the Citizens Advisory Council; consideration of the study on employment of older people and approval for publication and distribution, the two-year state plan for fiscal year 1984-1985, the public hearing plan; and discussion of the funding formula.

Contact: Chris Kyker, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: March 1, 1983, 4:34 p.m.
TRD-831609



Texas Department of Agriculture

Tuesday, March 29, 1983, 10 a.m. The Agricultural Protective Act Unit of the Produce Recovery Fund Board of the Texas Department of Agriculture made an addition to the agenda of a rescheduled meeting to be held in Room 1046, Stephen F. Austin Building, 17th Street and North Congress Avenue, Austin. The addition concerns a contested case hearing regarding allegations of nonpayment of produce to Hoblitzelle Farms, Mercedes, by 4R Fruit & Vegetable Company, Mission, as authorized by the Texas Agriculture Code, Chapters 101-103, Docket 64-82-APA. The meeting was orig-

inally scheduled for March 9, 1983, at 10 a.m., as published at 8 TexReg 675.

Contact: Bill Quicksall, P.O. Box 12847, Austin, Texas 78711, (512) 475-4304.

Filed: March 4, 1983, 4:41 p.m.
TRD-831703

Texas Air Control Board

Friday, March 18, 1983, 9:30 a.m. The Regulation Development Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will discuss and consider public hearings to be held for revisions to Regulation IV.

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

Filed: March 7, 1983, 2:39 p.m.
TRD-831723

Friday, March 18, 1983, 10:30 a.m. The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. Items on the agenda summary include approval of the February 11, 1983, minutes; reports; response to the Environmental Protection Agency proposed state implementation plan

actions of February 3, 1983; consideration of a request for an extended compliance date for AMI Tuboscope (Regulation V), and the state implementation plan revision concerning alternate emission reduction by Exxon Company, U.S.A., Baytown, Harris County; a report on air quality; the hearing examiner's report; and new business.

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

Filed: March 7, 1983, 2:40 p.m.
TRD-831724

Texas Committee on the Purchases of Products and Services of Blind and Severely Disabled Persons

Wednesday, March 9, 1983, 3 p.m. The Texas Committee on the Purchases of Products and Services of Blind and Severely Disabled Persons met in emergency session in Suite 509, 314 West 11th, Austin. According to the agenda, the committee discussed and acted upon highway litter pick-up contracts. The emergency status was necessary because litter pick-up contracts in Stephenville and Beaumont are to be effective in March 1983.

Contact: Austin Scott, P.O. Box 64420, Dallas, Texas 75206, (214) 821-2377.

Filed: March 7, 1983, 3:23 p.m.
TRD-831727

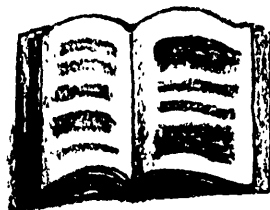
Interagency Council on Early Childhood Intervention

Wednesday, March 9, 1983, 9:30 a.m. The Interagency Council on Early Childhood Intervention met in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary included public comments; approval of the February 9 and February 28, 1983, minutes; chairman and staff reports; monitoring of ECI funded programs; research and evaluation; discussion of responsibility for provision of services for the visually and auditorially handicapped, deaf, and blind; the ECI state plan; public awareness and training; the ECI complaint system; the ECI budget; ECI program organization and personnel; discussion of the Gulf Coast Regional Mental Health and Mental Retardation Center audit and program income; grant review and award pro-

cedures; and rules for the funding of ECI programs. The council also met in executive session.

Contact: Pam Farley, 1100 West 49th Street, Austin, Texas, (512) 458-7342.

Filed: March 1, 1983, 4:08 p.m.
TRD-831599



Texas Education Agency

Friday, March 11, 1983, 6:30 a.m. The Committee for Internal Rules of the State Board of Education of the Texas Education Agency will meet in Room Hill Country-B, Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda, the committee will discuss travel for board members and an amendment to board operating rules.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 1, 1983, 4:25 p.m.
TRD-831600

Friday, March 11, 1983. Committees of the State Board of Education of the Texas Education Agency will meet in the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Times, committees, rooms, and agendas follow.

8:30 a.m. The Committee for Rules, Budget, and Finance will meet in Room 101-E to consider organization of the State Commission on Standards for the Teaching Profession; major duties and responsibilities of the State Board of Education; fiscal audits, records, and reports of regional education service centers; minimum standards for operation of proprietary schools; proposed operating rules and repeal of existing rules of State Board of Education committees and the Good Neighbor Scholarship Program; public school finance; and the Chapter 2 block grant.

8:30 a.m. The Committee for Special Populations will meet in Room 214 to consider the board position on proposed federal regulations for the Migrant Education Program; replicability of the St. Edward's summer school migrant program, project model, to other colleges and universities; and special education rule revisions.

8:30 a.m. The Committee for Vocational Education and High Technology will meet in Room 101 to consider notice of a public hearing on the annual program plan for vocational education for fiscal year 1984 and the accountability report for fiscal year 1982, responses to recommendations in the unified report from the Advisory Council for Technical-Vocational Education in Texas, and vocational education study.

8:30 a.m. The Committee of the Whole will meet in the Joe Kelly Butler Board Room to consider a report of recommendations for implementing the Texas Education Code, §21.101 (House Bill 246), Proclamation 59 of the State Board of Education advertising for bids for textbooks, and a legislative update.

2 p.m. The Committee for Instruction, Research, and Evaluation will meet in Room 101 to consider the program handbook and instructional guide for school bus driver's training in Texas, the list of approved subjects and courses for grades 7-12, allocation of vocational teacher units, general certification requirements, requirements for provisional junior high or high school certificates, and recommendations on readoption of textbooks.

2 p.m. The Committee for Investment of the permanent school fund will meet in Room 101-E to consider the presentation by InterFirst Company regarding economic forecasts, review of stocks, and the investment program; the recommended investment program for March; a review of securities transactions; review of portfolio; estimated funds available for the March investment program; and a report of the investment officer.

2 p.m. The Committee for Teacher Preparation, Support Services, and Litigation/Appeals will meet in Room 214 to consider hearings and appeals rules, a request for authorization to submit an application for a grant to continue operation of the Office of Technical Assistance, and an update on teacher education.

Contact: Ramon L. Bynum, 210 East Anderson Lane, Austin, Texas 78701, (512) 475-6400.

Filed: March 1, 1983, 4:24 p.m.
TRD-831601-831607

Saturday, March 12, 1983, 8:30 a.m. The State Board of Education of the Texas Education Agency will meet in the Joe Kelly Butler Board Room, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Items on the agenda sum-

mary include appeals on decisions of the commissioner of education; motions for rehearing; agency administration; the Good Neighbor Scholarship Program, appointment of a trustee for the Randolph Field Independent School District, the appointment of trustees for the Fort Sam Houston Independent School District, organization of the State Commission on Standards for the Teaching Profession, major duties and responsibilities of the State Board of Education; fiscal audits, records, and reports of the regional education service centers, minimum standards for operation of proprietary schools; new rules and repeal of existing rules of the State Board of Education committees and the Good Neighbor Scholarship Program; notice of a public hearing on the annual program plan for vocational education for fiscal year 1984 and the accountability report for fiscal year 1982; the board position on proposed federal regulations for the migrant education program; the program handbook and instructional guide for school bus driver's training in Texas; the list of approved subjects and courses for grades 7-12; allocation of vocational teacher units, general certification requirements; requirements for provisional junior high or high school certificates; recommendations on re-adoption of textbooks; estimated funds available for the March program regarding investment of the permanent school fund, rules concerning hearings and appeals, request for authorization to submit an application for a grant to continue operation of the Office of Technical Assistance for Desegregation; approval of travel for board members; a report of recommendations for implementing the Texas Education Code, §21.101 (House Bill 246); and Proclamation 59 of the State Board of Education advertising for bids on textbooks.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 1, 1983, 4:28 p.m.
TRD-831608

Tuesday, March 15, 1983. Committees of the Texas Elementary and Secondary School Planning Council of the Texas Education Agency will meet in Room 214, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Times, committees, and agendas follow.

8 a.m. The committee on Planning, Research, and Curriculum will consider the Chapter II evaluation process and discuss the implementation of House Bill 246, the status on the Spanish language achievement

test (spring 1983 field testing and norming), and the project on effective schools.

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

Filed: March 7, 1983, 3:33 p.m.
TRD-831732

10:30 a.m. The Committee on Interagency Coordination, Policy Development, Communication Services, and School Support will hear a report on the new textbook adoption process and a legislative update; consider workshops to familiarize school personnel with the 1980 census data; and entertain suggestions for the annual meeting of the Statewide Advisory Commission on Education Service Centers by ESC board chairmen.

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

Filed: March 7, 1983, 3:33 p.m.
TRD-831731

1 p.m. The Committee on Finance and Program Administration will consider special education services and costs, the special education rules revision process; the Education Service Center consolidated application; needed revisions in the federal audit process, the funding outlook update, and miscellaneous concerns.

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

Filed: March 7, 1983, 3:32 p.m.
TRD-831729

2:45 p.m. The Committee on Professional Development and Support will discuss copyrighted materials; computer information and the agenda for the media managers May 5-6, 1983, meeting, and proposed regional meetings to acquaint local school personnel with sources of student financial assistance.

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

Filed: March 7, 1983, 3:32 p.m.
TRD-831730

Wednesday, March 16, 1983, 8:30 a.m. The Texas Elementary and Secondary School Planning Council of the Texas Education Agency will meet in the conference room, fourth floor, Teacher Retirement System Building, 1001 Trinity Street, Austin. The council will consider reports from the commissioner of education; the Committee on Planning, Research, and Curriculum; the Committee on Interagency Coordination, Policy Development, and School Support; the Committee on Finance and Program

Administration; the Committee on Professional Development and Support, and the selection of a person to complete Mac Fullerton's unexpired term on the Executive Council of the American Association of Education Service Agencies.

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

Filed: March 7, 1983, 3:31 p.m.
TRD-831728

Texas Employment Commission

Wednesday, March 9, 1983, 1 p.m. The Texas Employment Commission met in Room 644, Texas Employment Commission Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission met to consider and act on higher level appeals in unemployment compensation cases and set the date for the next meeting.

Contact: Courtenay Browning, Room 608, Texas Employment Commission Building, Austin, Texas, (512) 397-4415.

Filed: March 1, 1983, 3:30 p.m.
TRD-831594

Texas Health Facilities Commission

Friday, March 18, 1983, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

Certificates of Need

Dallas Medical Imaging, Dallas
AS82-1004-085

Huntsville Memorial Hospital, Huntsville
AH82-0921-051

St. Luke's Episcopal Hospital, Houston
AH82-0903-029

National Medical Enterprises, Inc., and
Dallas Rehabilitation Institute, Dallas
AH82-0701-090

Oak Cliff Medical and Surgical Hospital,
Dallas
AH82-1004-083

Motions for Rehearing/Petitions for Reconsideration

Adolescent Services of Arlington, Inc.,
Arlington
AH82-0528-096

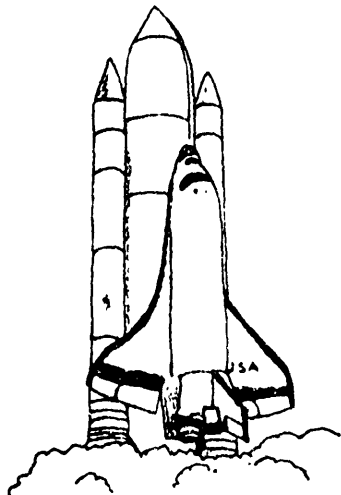
Sunrise Psychiatric Hospital, Arlington
AH82-0720-053

Texas Register

A routine business meeting will be held after the open meeting.

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763, (512) 475-6940.

Filed: March 7, 1983, 9:28 a.m.
TRD-831708



University of Houston System

Monday, March 7, 1983. Committees of the Board of Regents of the University of Houston System will meet in the ballroom, University of Houston Downtown College Center, Houston. Times, committees, and agendas follow.

9 a.m. The Academic Affairs Committee will discuss and/or approve personnel recommendations, commissioning of peace officers, grants and contracts, the School of Accountancy and Taxation, the affiliation agreement with Harris County Hospital District and UHCC, and the regental parking policy.

Contact: Patricia A. Bailey, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: March 3, 1983, 10:28 a.m.
TRD-831627

10 a.m. The Building Committee will discuss and/or approve the awarding of contracts for CC-MCIP 1983, the CM-Architecture Building, the CM-Business Administration Building; project approvals for the Conrad N. Hilton College of Hotel and Restaurant Management, and restripe parking lots; for DC-award of contract for furniture and equipment for the library; demolition of the McBride property and temporary parking lot; for system-construction and minor capital improvement status reports for December 1982 and January 1983,

and the financial status of construction projects, December 1982 and January 1983; approval of the program guide for telecommunications project; and the landscaping of Cullen Boulevard esplanade between Freeway and Elgin.

Contact: Patricia A. Bailey, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: March 3, 1983, 10:28 a.m.
TRD-831626

State Board of Insurance

The State Board of Insurance met in Room 414, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Friday, March 4, 1983, 9 a.m. According to the agenda, the board met in emergency session to consider the Information Services Division report respecting legislative action and inquiries. The emergency status was necessary because the board has had numerous legislative inquiries which require immediate attention.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: March 3, 1983, 2:06 p.m.
TRD-831633

Wednesday, March 9, 1983, 9 a.m. According to the agenda, the board met in emergency session to consider proposed legislation regulating investments for insurers, respecting life, accident, and health gross premium tax; agents and agent's license; unearned premium reserves, and workers' compensation insurance. The emergency status was necessary because legislation had to be considered in time to be introduced before the end of the 60-day period for free filing of bills.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: March 4, 1983, 3:32 p.m.
TRD-831702

Friday, March 11, 1983, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider the Information Services Division report respecting legislative action and inquiries.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: March 3, 1983, 2:06 p.m.
TRD-831634

Tuesday, March 15, 1983. The Commissioner's Hearing Section of the State Board

of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow.

9 a.m. A public hearing in Docket 7103—reinsurance agreement whereby Anderson-Clayton Brothers Mutual Beneficial Association, Terrell, will be reinsured by Clayton Life Insurance Company, Terrell.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 7, 1983, 1:11 p.m.
TRD-831718

10:30 a.m. A public hearing in Docket 7104—reinsurance agreement whereby Anderson-Clayton Brother Burial Association, Terrell, will be reinsured by Clayton Life Insurance Company, Terrell.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 7, 1983, 1:12 p.m.
TRD-831719

Wednesday, March 16, 1983, 9 a.m. The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos, Austin. According to the agenda, the board will hold a public hearing to consider commercial automobile casualty insurance rating plans, manual rules and policy forms for both voluntary and Texas auto insurance plan policies, physical damage rating plans, manual rules and policy forms, and rates incidental thereto.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: March 8, 1983, 9:10 a.m.
TRD-831742

The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

Wednesday, March 16, 1983, 2 p.m. A public hearing in Docket 7061—revocation of a Group II insurance license issued to Porter Fledge.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: March 7, 1983, 1:12 p.m.
TRD-831720

Monday, March 21, 1983, 1:30 p.m. A public hearing in Docket 7100—application for renewal of the insurance agent's license of Felipe Lopez Garcia.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 7, 1983, 1:12 p.m.
TRD-831721

Texas Advisory Commission on Intergovernmental Relations

Friday, March 18, 1983. Committees of the Texas Advisory Commission on Intergovernmental Relations, and the full commission will meet in the Texas Law Center, 15th and Colorado, Austin. Times, rooms, committees, and agendas follow

8:30 a.m. In Room 201, the Committee on Operations and Funding will review the 1983 budget status, the 1984-1985 budget request status, and Sunset legislation status

Contact: Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: March 7, 1983, 4:24 p.m.
TRD-831736

9:15 a.m. In Rooms 202-203, the New Federalism Committee will review the status report on projects, progress on the Community Development Block Grant project, and the update on recent federal-state developments (1984 budget and New Federalism issues).

Contact: Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: March 7, 1983, 4:23 p.m.
TRD-831735

9:15 a.m. In Room 201, the State-Local Issues Committee will consider a status report on projects, review of the progress on indigent medical care issues, and the planning manual for small cities.

Contact: Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: March 7, 1983, 4:22 p.m.
TRD-831734

10:45 a.m. In Rooms 202-203, the full commission will consider reports of the executive director, the meeting of the state ACIRs, committees, and from the staff on block grants, New Federalism issues, and the federal budget

Contact: Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: March 7, 1983, 4:18 p.m.
TRD-831733

Lamar University

Saturday, March 5, 1983, 10 a.m. The Finance-Audit Committee of the Lamar Un-

iversity Board of Regents met in emergency session in the Board of Regents Room, Main Campus, Beaumont. According to the agenda, the board met in executive session to review contracts and contract proposals. The emergency status was necessary because this was the only time a quorum could meet prior to the next full board meeting.

Contact: Andrew Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8404.

Filed: March 3, 1983, 1:47 p.m.
TRD-831615

Wednesday, March 9, 1983, 8 a.m. The Personnel Committee of the Lamar University Board of Regents met in the Board of Regents Room, Main Campus, Beaumont. According to the agenda, the committee met in executive session to review personnel recommendations and evaluations.

Contact: Andrew Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8404

Filed: March 3, 1983, 1:46 p.m.
TRD-831616

Wednesday, March 9, 1983, 9:30 a.m. The Board of Regents of Lamar University met in the Board of Regents Room, Main Campus, Beaumont. Items on the agenda included approval of the February 16, 1983, minutes; the president's reports, review of the John Gray Institute budget, authorization of bids for construction projects; review of architect plans for Montagne Activity Center; and review of evaluation policy for department heads. The board also met in executive session.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8404.

Filed: March 2, 1983, 1:47 p.m.
TRD-831617

Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, March 22, 1983, 10 a.m. The Texas Low-Level Radioactive Waste Disposal Authority will meet in Suite 175, 1300-C East Anderson Lane, Austin. Items on the agenda include approval of the previous meeting minutes; the general manager's report and communications; approval of appointments to the proposed citizens advisory panel; and discussion and

approval for publication of Chapters 449 and 451 of the authority rules.

Contact: Lawrence R. Jacobi, Jr., P.E., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

Filed: March 8, 1983, 9:10 a.m.
TRD-831743

Board of Pardons and Paroles

Monday-Friday, March 21-25, 1983, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency, and take action upon gubernatorial directives.

Contact: John W. Byrd, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: March 8, 1983, 9:11 a.m.
TRD-831745

Texas Parks and Wildlife Department

Thursday, March 10, 1983, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department met in the Hyatt Regency Hotel, Austin. According to the agenda summary, members of the commission planned to have dinner at 7 p.m. Although this function was primarily a social event and no formal action was planned, the commission may have discussed items on the public hearing agenda scheduled for 9 a.m., March 11, 1983.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas, (512) 479-4806.

Filed: March 1, 1983, 2:21 p.m.
TRD-831591

Friday, March 11, 1983, 7:30 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in the Hyatt Regency Hotel, Austin. According to the agenda summary, members of the commission plan to have

breakfast at 7:30 a.m. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for 9 a.m., March 11, 1983.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: March 1, 1983, 2:20 p.m.
TRD-831592

Friday, March 11, 1983, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. Items on the agenda include approval of the January 6, 1983, public hearing court reporter minutes; presentation of service plaques; Howse grazing lease in Palo Duro Canyon State Park, Armstrong and Randall Counties, telephone easement, Kerrville State Recreation Area, Kerr County; termination of concession contract with John Hensley Queen Isabella State Fishing Pier, Cameron County; awarding concession contract, Lake Brownwood State Recreation Area; sale of parklands, Texas State Railroad State Historical Park, Cherokee County; interpretive development for Admiral Nimitz State Historical Park, Gillespie County; Hill Country State Natural Area, Bandera County; competitive bidding rules; proposed threatened and endangered plant rules; Varner-Hogg Plantation State Historical Park Preservation Plan and Program, Brazoria County; interim recreational uses, Franklin Mountains State Park, El Paso County; and pending land offers.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: March 2, 1983, 1:45 p.m.
TRD-831618

Friday, March 11, 1983, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. According to the agenda, the commission will conduct a briefing session on the status of the zoning proposal for waterfowl hunting.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: March 1, 1983, 2:22 p.m.
TRD-831589

Friday, March 11, 1983, noon. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. According to the agenda, the

commission will discuss potential acquisitions, the settlement of pending litigation matters, and personnel matters.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: March 2, 1983, 1:45 p.m.
TRD-831619

State Pension Review Board

Wednesday, March 9, 1983, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board met in Room G-25-B, Senator Traeger's Office, State Capitol, Austin. The committee discussed upcoming legislation.

Contact: Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332.

Filed: March 1, 1983, 10:17 a.m.
TRD-831580

Texas State Board of Pharmacy

Tuesday, March 22, 1983, 9 a.m. The Texas State Board of Pharmacy will meet in Room 117, Sam Houston Building, 14th and Brazos Streets, Austin. According to the agenda, the board will be administering the Texas Jurisprudence Examination and conducting reciprocity hearings for licensure as pharmacists.

Contact: Priscilla Jarvis, 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: March 3, 1983, 2:40 p.m.
TRD-831649

Texas State Board of Examiners of Psychologists

Thursday-Saturday, March 10-12, 1983, 9 a.m. daily. The Texas State Board of Examiners of Psychologists will meet in Suite C-270, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider ethical principles, HSP training, substantial equivalency, rehabilitation guidelines, jurisprudence exam, supervision guidelines, retention of records, rules, complaints, opinion letters, application files, minutes; House Bill 247; and administrative hearings.

Contact: Patti Bizzell, Suite C-270, 1300 East Anderson Lane, Austin, Texas 78752, (512) 458-3295.

Filed: March 2, 1983, 3:28 p.m.
TRD-831622

Public Utility Commission of Texas

Friday, March 4, 1983, 1:30 p.m. The Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Items on the agenda included budget matters; appropriations; pending legislation and litigation; and the appeal in Dockets 4989 and 5011—application of General Telephone Company of the Southwest for optional measured service within the City of Webster and application of General Telephone Company of the Southwest for a rate increase. The commission also met in executive session. The emergency status was necessary for the commission to take immediate action on the pending legislation and pending appeal.

Contact: Carolyn E. Shellman, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 4, 1983, 11:27 a.m.
TRD-831667

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

Thursday, March 10, 1983, 10 a.m. A pre-hearing conference in Docket 4751—application of Wise Electric Cooperative, Inc., for authority to change electric rates.

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

Filed: March 2, 1983, 10:05 a.m.
TRD-831611

Thursday, March 10, 1:30 p.m. An emergency prehearing in Docket 4989—application of General Telephone Company of the Southwest for optional measured service within the City of Webster and Docket 5011—application of General Telephone Company of the Southwest for a rate increase. The emergency status was necessary for the proceeding to be processed in accordance with statutory deadlines.

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

Filed: March 4, 1983, 11:28 a.m.
TRD-831668

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

Monday, March 14, 1983, 1:30 p.m. A pre-hearing in Docket 4244—application of

Denton Utilities, Inc., for sale of facilities and transfer of a portion of its service area to Encino Park Municipal Utility District 1 within Bexar County.

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

Filed: March 3, 1983, 2:39 p.m.
TRD-831647

Tuesday, March 15, 1983, 1:30 p.m. A prehearing in Docket 4940—application of Greenbelt Electric Cooperative, Inc., for authority to change rates.

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

Filed: March 4, 1983, 2:29 p.m.
TRD-831696

Wednesday, March 16, 1983, 10 a.m. A rescheduled hearing on the merits in Docket 4816—inquiry into the quality of service rendered by Baumgart Water Supply Corporation. The meeting was originally scheduled for March 1, 1983.

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

Filed: March 2, 1983, 10:04 a.m.
TRD-831612

Wednesday, March 16, 1983, 1:30 p.m. A prehearing in Docket 5016—application of Chandler Water Company for a rate/tariff change within Henderson County.

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

Filed: March 4, 1983, 4:49 p.m.
TRD-831704

Friday, March 18, 1983, 1:30 p.m. A prehearing conference in Docket 5033—petition of View Caps Water Supply Corporation for a cease and desist order against the City of Abilene, Taylor County.

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

Filed: March 3, 1983, 2:38 p.m.
TRD-831646

Tuesday, March 22, 1983, 1:30 p.m. A rescheduled hearing in Docket 4583—complaint of C. P. Moore against Peoples Telephone Company and United Telephone Company of Texas, Inc. The hearing was

originally scheduled for March 8, 1983, as published at 7 TexReg 4468.

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

Filed: March 4, 1983, 10:26 a.m.
TRD-831666

Thursday, March 24, 1983 10 a.m. A prehearing in Docket 5009—application of H & J Water Company for a rate increase within Harris and Montgomery Counties.

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

Filed: March 4, 1983, 10:28 a.m.
TRD-831669

Friday, April 15, 1983, 9:30 a.m. A prehearing in Docket 4989—application of General Telephone Company of the Southwest for optional measured service within the City of Webster and Docket 5011—application of General Telephone Company of the Southwest for a rate increase.

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

Filed: March 4, 1983, 2:27 p.m.
TRD-831695

Monday, April 18, 1983, 9 a.m. A hearing on the merits in Docket 4989—application of General Telephone Company of the Southwest for optional measured service within the City of Webster and Docket 5011—application of General Telephone Company of the Southwest for a rate increase.

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

Filed: March 4, 1983, 2:27 p.m.
TRD-831694

Monday, May 16, 1983, 10 a.m. A prehearing conference in Docket 4581—application of Valley Municipal District 2 for certificates of convenience and necessity for water and sewer service within Cameron County.

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

Filed: March 7, 1983, 2:37 p.m.
TRD-831725

Monday, June 27, 1983, 10 a.m. A hearing in Docket 4581—application of Valley Municipal District 2 for certificates of convenience

and necessity for water and sewer service within Cameron County.

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

Filed: March 7, 1983, 2:37 p.m.
TRD-831726

Friday, July 8, 1983, 9 a.m. A hearing on the merits in Docket 4689—application of Natural Bridge Caverns, Inc., et al. to amend the certificate of convenience and necessity of Southwestern Bell and Guadalupe Valley Telephone Cooperative within Comal County.

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

Filed: March 3, 1983, 2:39 p.m.
TRD-831648

Railroad Commission of Texas

Monday, March 7, 1983, 3:45 p.m. The Oil and Gas Division of the Railroad Commission of Texas submitted an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerned consideration of the situation involving the possible flaring of casinghead gas and/or shutting-in of wells, in the Kurten (Woodbine), Kurten (Buda), Bryan (Woodbine), and Bryan (Buda) fields. The emergency status was necessary because of the possibility of physical waste occurring in these fields.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

Filed: March 7, 1983, 1:36 p.m.
TRD-831722

Monday, March 8, 1983, 10:30 a.m. The Oil and Gas Division of the Railroad Commission of Texas met in emergency session in the commissioner's third floor conference room, 1124 IH 35 South, Austin. Items on the agenda included consideration of entry of an emergency order concerning wells flaring casinghead gas in the Kurten (Austin Chalk, Buda, Georgetown, Sub-Clarkesville, Woodbine, Upper Woodbine, 9484), Kurten, Northwest (Georgetown), Bryan (Buda, Woodbine), and Bryan, North (Georgetown) fields. The emergency status

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was necessary because of the possibility of physical waste occurring in these fields.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

Filed: March 8, 1983, 8:09 a.m.
TRD-831739

Monday, March 14, 1983, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Divisions, meeting rooms, and agendas 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: March 4, 1983, 11:09 a.m.
TRD-831673

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, equipment acquisitions, and personnel matters.

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

Filed: March 4, 1983, 11:12 a.m.
TRD-831674

The Flight Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas, 78704, (512) 445-1103.

Filed: March 4, 1983, 11:10 a.m.
TRD-831675

The Gas Utilities Division will meet in Room 107 to consider Dockets 3757, 3763, 3945-3950, 3952, 3953, 3692, and the director's report.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: March 4, 1983, 11:13 a.m.
TRD-831676

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. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: March 4, 1983, 11:13 a.m.
TRD-831677

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

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

Filed: March 4, 1983, 11:15 a.m.
TRD-831679

Additions to the above agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

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

Filed: March 4, 1983, 11:11 a.m.
TRD-831678

Consideration of Docket 20-79,352—whether or not to adopt a proposed amendment to statewide Rule 27 (gas to be measured).

Contact: Patrick Thompson, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: March 4, 1983, 11:15 a.m.
TRD-831680

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: March 4, 1983, 11:12 a.m.
TRD-831681

The Office of the 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 review, and other budget, administrative, and personnel matters.

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

Filed: March 4, 1983, 11:11 a.m.
TRD-831682

The Surface Mining and Reclamation Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

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

Filed: March 4, 1983, 11:09 a.m.
TRD-831683

The Transportation Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: March 4, 1983, 11:14 a.m.
TRD-831684

Thursday, March 17, 1983, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the Midland Hilton, Wall and Lorraine Streets, Midland. According to the agenda summary, the division will conduct a statewide oil and gas hearing.

Contact: Harriett Trammell, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed: March 4, 1983, 11:16 a.m.
TRD-831685

Texas Real Estate Commission

Monday, March 14, 1983, 9:30 a.m. The Texas Real Estate Commission will meet in the Houston City Club, 9 Greenway Plaza, Houston. According to the agenda summary, the board will discuss minutes of the February 14, 1983, commission meeting, staff reports for January 1983, possible legislation, and the 1984-1985 budget request report; and consider motions for rehearing and/or probation, final action on the proposed repeal of 22 TAC §537.133(b) relating to nonresident licensees, the proposed amendment of 22 TAC §535.92(g) relating to renewal applications of corporations and partnerships, and school matters. The commission will also meet in executive session.

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

Filed: March 4, 1983, 10:28 a.m.
TRD-831670

School Land Board

Tuesday, March 15, 1983, 10 a.m. The School Land Board will meet in the General Land Office, Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous board meeting minutes; application for suspension of state leases; pooling agreement amendment applications; pooling applications; excess acreage applications; requests to appear

before the board by Glynn R. Chandler concerning appraisal of minerals on two excess acreage applications, Terrell County; and by Charlie Williams concerning a cabin permit on coastal public lands; an easement application; and cabin permit transfers, a rebuilding request, and terminations.

Contact: Linda K. Fisher, Room 835, 1700 North Congress Avenue, Austin, Texas, (512) 475-4307.

Filed: March 7, 1983, 4:37 p.m.
TRD-831738

State Securities Board

Monday, March 14, 1983, 10 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will discuss the minutes of the last meeting; previously published proposals to amend securities dealer and salesman registration application forms and to delete an examination exemption for officers, managing agents, and employees of banks who apply for dealer registration and providing partial waiver of examination requirements for persons registering for the purpose of dealing only in options on foreign currencies; recognizing a restricted dealer registration for the purpose of dealing only in options on foreign currencies; amendments to §109.4, concerning a limited offering exemption; a new staff proposal to require registered dealers to report certain administrative orders, convictions, or court orders to the commissioner, §113.3(10) and (11) and §113.4(g), relating to dealer compensation; the proposed NASAA rules of conduct for dealers and agents; the state auditor's letter of July 7, 1983; proposed legislation to amend the Texas Securities Act; and general agency operations.

Contact: Richard D. Latham, P.O. Box 13167, Austin, Texas 78711, (512) 474-2233.

Filed: March 4, 1983, 1:42 p.m.
TRD-831688

Teacher Retirement System of Texas

Friday, March 11, 1983, 9 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet in the board room, 1001 Trinity, Austin. Items on the agenda summary include approval of minutes; review of investments for the quarter ending February 28, 1983; review of discussions and recommendations at the IAC

meeting; report from the Audit Committee; request from a member for legislation concerning disability benefits; update on legislation; and reports of the general counsel, executive secretary, and the Member Benefits Division.

Contact: Mary Godzik, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

Filed: March 1, 1983, 10:38 a.m.
TRD-831582



State Commission on Standards for the Teaching Profession

Tuesday-Thursday, March 22-24, 1983, 8 p.m. Tuesday, and 8:30 a.m. Wednesday and Thursday. The Committee on Certification Programs and Requirements of the State Commission on Standards for the Teaching Profession will meet in Room 105, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda summary, the committee will review levels and requirements of provisional certificates, endorsements, and reconsider the interim framework for the provisional certificate.

Contact: Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: March 4, 1983, 2:19 p.m.
TRD-831689

Thursday, March 24, 1983. Committees of the State Commission on Standards for the Teaching Profession will meet in Room 101-E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Times, committees, and agendas follow.

10 a.m. The Interim Reports Committee will review interim reports from Southwestern Adventist College and Texas A&I University.

Contact: Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: March 4, 1983, 2:21 p.m.
TRD-831693

11:30 a.m. The Committee on Standards and Procedures for Institutional Approval will discuss rationale statements for institutional standards, conditions of approval for pilot programs, and proposed institutional library standards and report on block grant funding for teacher centers.

Contact: Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: March 4, 1983, 2:20 p.m.
TRD-831691

1:30 p.m. The Committee on Certification Programs and Requirements will review statute, State Board of Education rule, and agency procedures concerning certification of applicants with criminal convictions and discuss plans for invitational workshops to develop descriptors for professional certificate programs, issues related to program standards study, the status of pre-professional skills test validation studies, and individual programs.

Contact: Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: March 4, 1983, 2:21 p.m.
TRD-831692

Friday, March 25, 1983, 9 a.m. The State Commission on Standards for the Teaching Profession will meet in Room 101, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Items on the agenda summary include State Board of Education actions relative to 19 TAC §141.3, general requirements of teacher certification; and 19 TAC §141.101, requirements for junior high or high school certificates; individual programs for Abilene Christian University, Lamar University, Our Lady of the Lake University, Southwest Texas State University, Texas Lutheran College, Texas Tech University, Texas Wesleyan College, The University of Texas at Tyler, and University of Houston at Clear Lake City; committee reports from the Interim Reports Committee, the Committee on Certification Programs and Requirements, and the Committee on Standards and Procedures for Institutional Approval; and visiting team reports from Austin College and Southwestern Adventist College.

Contact: Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: March 4, 1983, 2:20 p.m.
TRD-831690

Texas Turkey Producers Board

Wednesday, April 6, 1983, 1 p.m. The Texas Turkey Producers Board of the Texas Department of Agriculture will meet in the meeting room, 8140 Burnet Road, Austin. According to the agenda, the board will consider approval of the semi-annual budget; summer turkey promotion; the TRA exhibit, discussion of a future Turkey Day seminar; and the financial report.

Contact: Bill Powers, P.O. Box 9589, Austin, Texas 78766, (512) 451-6816.

Filed: March 3, 1983, 11:48 a.m.
TRD-831628

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin. Days, times, rooms, and agendas follow.

Monday, March 14, 1983, 10 a.m. In Room 118, the commission will consider water district bond issues, use of surplus funds, release from escrow, filing and setting of a hearing date for a district creation, water quality permits, amendments, and renewals, final decisions on water use applications, motions for rehearing, and filing and setting hearing dates.

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

Filed: March 3, 1983, 3:26 p.m.
TRD-831663

Additions to the above agenda:

Application of Indian Springs Lake Estates for approval of construction plans and specifications for a project authorized under Permit 3134 (Application 3337), and an application by the City of Ballinger for approval of construction plans and specifications for a project authorized under Certificate of Adjudication 14-1072A.

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

Filed: March 4, 1983, 3:22 p.m.
TRD-831700

Tuesday, March 29, 1983, 9:30 a.m. In Room 118, the commission will conduct a hearing on the following applications.

Application TA-4568 of South Texas Construction Company for a permit to divert and use 25 acre-feet of water for a one-year period from roadside ditches and Olmos Creek, tributaries San Antonio River and from the San Antonio River, San Antonio

River Basin, for industrial (highway construction) purposes in Wilson County.

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

Filed: March 3, 1983, 3:31 p.m.
TRD-831656

Application TA-4566 of South Texas Construction Company for permit to divert and use 15 acre-feet of water for a one-year period from the Guadalupe River, Guadalupe River Basin, for industrial (highway construction) purposes in Gonzales County.

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

Filed: March 3, 1983, 3:30 p.m.
TRD-831657

Application TA-4569 of Jewel Fitzgerald for a permit to divert and use 920 acre-feet of water for a one-year period from unnamed tributaries of Willow Marsh Ditch and from Willow Marsh Ditch and from an unnamed tributary of Cane Bayou, all tributaries of Robinson Lake, tributary of East Bay, Neches-Trinity Coastal Basin, for irrigation (rice crops) purposes in Chambers County.

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

Filed: March 3, 1983, 3:30 p.m.
TRD-831658

Application TA-4559 of J. H. Strain & Sons, Inc., for a permit to divert and use 50 acre-feet of water for a two-year period from Sweetwater Creek, tributary Clear Fork Brazos River, tributary Brazos River, Brazos River Basin, for industrial (highway construction) purposes in Nolan County.

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

Filed: March 3, 1983, 3:29 p.m.
TRD-831659

Wednesday, April 6, 1983, 10 a.m. In Room 119, the commission will consider Application 4327 of Thomas G. Vandivier for a permit to divert 57 acre-feet of water per year directly from the Navidad River, tributary of the Lavaca River, Lavaca River Basin, for irrigation purposes in Lavaca County.

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

Filed: March 3, 1983, 11:30 a.m.
TRD-831635

Wednesday, April 6, 1983, 10 a.m. In Room 118, the commission will consider the adjudication of all claims of water rights in

the Brazos II River Segment of the Brazos River Basin.

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

Filed: March 4, 1983, 3:22 p.m.
TRD-831701

Wednesday, April 6, 1983, 2 p.m. In Room 118, the commission will consider Application 2190B of North Central Texas Municipal Water Authority and the Texas Water Development Board for an amendment to Permit 1995 to increase the storage capacity of Millers Creek Reservoir. Permit 1995 authorizes the impoundment of 25,520 acre-feet of water on Millers Creek, tributary of the Brazos River, Brazos River Basin, in Baylor and Throckmorton Counties.

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

Filed: March 3, 1983, 11:30 a.m.
TRD-831639

Thursday, April 7, 1983, 10 a.m. In Room 618, the commission will consider the following applications.

Application 4330 of Ronald D. Clough and wife, Johnnie M. Clough, for a permit to divert and use 130 acre-feet of water per annum from San Bernard River, Brazos-Colorado Coastal Basin, for irrigation purposes in Wharton County.

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

Filed: March 3, 1983, 11:30 a.m.
TRD-831636

Application 4329 of Billy F. Price and wife, Janie M. Price, for a permit to directly divert and use not to exceed 260 acre-feet of water per annum from the San Bernard River, Brazos-Colorado Coastal Basin, for irrigation purposes in Brazoria County.

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

Filed: March 3, 1983, 11:29 a.m.
TRD-831637

Application 4331 of Ale T. Veenstra and Mildred Reitz Veenstra for a permit to divert directly from the Colorado River, Colorado River Basin, up to 300 acre-feet of water for irrigation purposes in Bastrop County.

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

Filed: March 3, 1983, 11:29 a.m.
TRD-831638

Application 4332 of Charles T. Trefney, trustee, *et al.*, for a permit to divert and

use 400 acre-feet per annum directly from the Colorado River, Colorado River Basin, for irrigation purposes in Colorado County

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

Filed: March 3, 1983, 11 29 a m.
TRD-831640

Friday, April 8, 1983, 10 a.m. In Room 618, the commission will hold a rescheduled hearing to consider Application 4302 of A Dean Mabry, *et al.*, for a permit to impound two acre-feet of water in an existing reservoir formed by an overflow dam on Little Blanco River, tributary of Blanco River, tributary of Guadalupe River, Guadalupe River Basin, Blanco County, for recreational use. The meeting was originally scheduled for February 25, 1983, as published at 8 TexReg 342

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

Filed: March 3, 1983, 3 29 p m
TRD-831660

Tuesday, April 12, 1983, 10 a.m. In Room 119, the commission will consider the following applications

Application 1964D of Guadalupe Blanco River Authority for an amendment to Permit 1886 as amended to change the purpose of use from municipal to industrial, of 1,316 acre-feet of water per annum authorized to be appropriated, diverted, and used from Canyon Reservoir on the Guadalupe River, Guadalupe River Basin, in Comal County, and to increase the amount of water authorized to be diverted from the Guadalupe River Basin for use for industrial purposes in the Lavaca-Guadalupe Coastal Basin.

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

Filed: March 3, 1983, 11:28 a m.
TRD-831641

Application 4328 of the City of Plano for a permit to use an existing reservoir, for recreational purposes. The city plans to build a new dam to replace one that is deteriorating on Spring Creek, tributary of Rowlett Creek, tributary of the East Fork Trinity River, tributary of Trinity River, Trinity River Basin, in Collin County

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

Filed: March 3, 1983, 11:28 a.m.
TRD-831642

Wednesday, April 13, 1983, 10 a.m. In Room 119, the commission will consider the following applications

Application 4334 of T R Denver and wife, Hazel C Denver, for a permit to maintain seven existing dams and reservoirs with a total capacity of 166.6 acre-feet of water on unnamed tributaries of Caney Creek, tributary of Little Cypress Creek, tributary of Big Cypress Creek, Cypress Basin, for domestic and livestock and recreational purposes in Wood County

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

Filed: March 3, 1983, 11 27 a m
TRD-831643

Application 4333 of Emilio Nicolas, Jr., *et al.*, for a permit to authorize the diversion of not to exceed 60 acre-feet of water per annum from a 30 acre-foot capacity reservoir located on Rocky Creek, and directly from Rocky Creek, tributary of Pedernales River, tributary of Colorado River, Colorado River Basin, for irrigation purposes in Blanco County

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

Filed: March 3, 1983, 11 27 a m
TRD-831645

Thursday, April 14, 1983, 10 a.m. In Room 618, the commission will consider the following applications

Application 4335 of T E Duke for a permit to maintain four off channel reservoirs, to divert 400 acre-feet of water per annum from Mernard Creek and Trinity River, Trinity River Basin, to maintain the level of the reservoirs and to use the reservoirs for recreational purposes in Polk County

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

Filed: March 3, 1983, 3 32 p m
TRD-831654

Application 4336 of John S Runnells II, doing business as Runnells-Pierce Ranch, for a permit to divert and use 219 acre-feet of water per annum from Caney Creek, tributary of East Matagorda Bay, Brazos-Colorado Coastal Basin for irrigation purposes in Matagorda County

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

Filed: March 3, 1983, 3 31 p m.
TRD-831655

Friday, April 15, 1983, 10 a.m. In Room 618, the commission will hold a rescheduled hearing to consider Application 4325 of the

Western Company of North America for a permit to authorize the construction of, and the impoundment of water in, two dams and reservoirs, on Big Fossil Creek, tributary of West Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational use and to authorize the diversion and use of not to exceed 20 acre-feet of water for construction of the dams and related facilities in Tarrant County. The meeting was originally scheduled for March 31, 1983, as published at 8 TexReg 609

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

Filed: March 3, 1983, 3 28 p m.
TRD-831661

Friday, April 15, 1983, 10 a.m. In Room 124A, the commission will hold a rescheduled hearing to consider Application 4310 of Brewster Farms, Inc., for a permit to directly divert 84 acre-feet of water from the Leona River, tributary of the Lho River, tributary of the Nueces River, Nueces River Basin, for irrigation purposes in Zavala County. The hearing was originally scheduled for March 15, 1983, as published at 8 TexReg 494

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

Filed: March 3, 1983, 3 27 p m.
TRD-831662

Regional Agencies Meetings Filed March 1

The Brazos Valley Development Council, Board of Directors, met at the Brazos Center, 3232 Briarcrest Drive, Bryan, on March 10, 1983, at 7 p m. Information may be obtained from Glenn J Cook, P O Drawer 4128, Bryan, Texas 77805-4128, (713) 822-7421

The Copano Bay Soil and Water Conservation District 329 met at 106 South Alamo Shay Plaza, Refugio, on March 9, 1983, at 8 30 a m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334

The San Patricio County Appraisal District, Board of Directors, met in Room 226, courthouse annex, Sinton, on March 10, 1983, at 9.30 a m. Information may be obtained from Bennie L Stewart, P O Box 938, Sinton, Texas 78387, (512) 364-5402.

The Taylor County Central Appraisal District, Board of Directors, met in the

Grand Jury Room, third floor, Taylor County Courthouse, Abilene, on March 9, 1983, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 676-9381.
TRD-831581

Meetings Filed March 2

The Dallas County Appraisal District, Board of Directors, met at 2601 Live Oak, Dallas, on March 9, 1983, at 7:30 a.m. Information may be obtained from Jerry Yeatts, 2601 Live Oak, Dallas, Texas 75204, (214) 826-0030. The Appraisal Review Board met at the same location on March 8, 1983, at 10 a.m. Information may be obtained from Rick Kuehler, 2601 Live Oak, Dallas, Texas 75204, (214) 826-0030.

The High Plains Underground Water Conservation District I, Board of Directors, met in the conference room, 2930 Avenue Q, Lubbock, on March 10, 1983, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.
IRD 831610

Meetings Filed March 3

The Bexar-Medina-Atascosa Counties Water Control and Improvement District I, Board of Directors, met at the district office, Highway 81, Natcha, on March 7, 1983, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natcha, Texas 78059, (512) 663-2132.

The Bosque County Review Board met in the appraisal office, Bosque County Courthouse, Meridian, on March 10, 1983, at 9 a.m. The Appraisal Board also met at the courthouse on the same day at 7 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2019.

The Central Appraisal District of Erath County, Board of Directors, met at 1191 South Loop, Stephenville, on March 9, 1983, at 10 a.m. Information may be obtained from James Bachus, 1191 South Loop, Stephenville, Texas 76401, (817) 965-5434.

The Region VIII Education Service Center, Board of Directors, will meet in Room 107, 100 North Riddle, Mount Pleasant, on March 15, 1983, at 6 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle, Mount Pleasant, Texas 75455, (214) 572-6676.

The Garza County Appraisal District, Board of Directors, met at the appraisal office, courthouse, Post, on March 8, 1983, at 7 p.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3939.

The Hale County Appraisal District, Board of Directors, will meet at J. Bar Steak House, 2003 West Fifth Street, Plainview, on March 11, 1983, at noon. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Middle Rio Grande Development Council, Regional Alcoholism Advisory Committee, met in the city council chambers, Uvalde, on March 9, 1983, at 2 p.m. The Criminal Justice Advisory Committee will meet at the same location on March 16, 1983, at 2 p.m. Information may be obtained from Ramon S. Johnson, Del Rio National Bank Building, third floor, Suite 306, Del Rio, Texas 78840, (512) 774-3878.

The Permian Basin Regional Planning Commission, Board of Directors, met in the conference room, 2514 Pliska Drive, Midland, on March 9, 1983, at 1:30 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on March 8, 1983, at 7 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.
IRD-831624

Meetings Filed March 4

The Capital Area Rural Transportation System, Board of Directors, met at 2520 IH 35 South, Austin, on March 10, 1983, at 10 a.m. Information may be obtained from Nancy Kowieski, 2201 Post Road, #103, Austin, Texas 78704, (512) 443-0904.

The Hays County Central Appraisal District, Board of Directors, met in the Hays County Independent School District board room, Buda, on March 7, 1983, at 9 a.m. Information may be obtained from Donna Mangham, P.O. Box 1287, San Marcos, Texas 78666, (512) 396-4777.

The Palo Pinto Appraisal District, Board of Directors, met in the courtroom, county courthouse, Palo Pinto, on March 10, 1983, at 7 p.m. Information may be obtained

from Ruth Henderson, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

The Swisher County Appraisal District, Board of Directors, met at Omer's Cafe, Highway 87, Tulia, on March 10, 1983, at 7:15 a.m. Information may be obtained from Nan Davis, 130 North Armstrong, Tulia, Texas 79088, (806) 995-3015.

The West Central Texas Council of Governments, Criminal Justice Advisory Committee, will meet at 1025 East North 10th Street, Abilene, on March 17, 1983, at 10 a.m. Information may be obtained from Les Wilkerson, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

The Wise County Appraisal District, Board of Directors, met at 206 South State, Decatur, on March 10, 1983, at 9:30 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.
TRD-831664

Meetings Filed March 7

The Bastrop County Appraisal District, Board of Directors, met in the conference room, Bastrop County Courthouse, 803 Pine Street, Bastrop, on March 10, 1983, at 2 p.m. Information may be obtained from Roy Humble, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316.

The Coryell County Appraisal District, Board of Directors, met at 105 North Seventh Street, Gatesville, on March 10, 1983, at 7 p.m. Information may be obtained from Darrell Eisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, Pampa, on March 10, 1983, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Hockley County Appraisal District, Board of Directors, will meet at 913 Austin Street, Levelland, on March 21, 1983, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on March 15, 1983, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (713) 892-4011.

The Middle Rio Grande Development Council, Area Agency on Aging, Area Advisory Council on Aging, will meet in the reading room, Uvalde Civic Center, Uvalde, on March 23, 1983, at 11 a.m. The Board of Directors will meet at the same location on the same day at 2 p.m. Information may be obtained from Anna M. Howenshine and Paul A. Edwards, respectively, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Nortex Regional Planning Commission, General Membership Committee, will meet at McBride Seafood and Steak, 5400 Seymour Highway, Wichita Falls, on March 17, 1983, at noon. The North Texas State Planning Region Consortium will meet at the same location, on the same date, at 1 p.m. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on March 16, 1983, at 2 p.m. The Board of Trustees of the Employees Retirement Trust will meet at the same location immediately following the Board of Directors meeting. Information may be obtained from Fred N. Pfeiffer and James W. Thompson, respectively, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The South Texas Development Council, STD Corporation Board of Trustees, met in emergency session in conference room one, Building S-1, Laredo International Airport, Laredo, on March 8, 1983, at 11 a.m. Information may be obtained from Robert Mendiola, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Upshur County Appraisal District, Board of Directors, will meet at the district office, Warren and Trinity Streets, Gilmer,

on March 14, 1983, at 7 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas, (214) 843-3736.

The West Central Texas Council of Governments, Ombudsman Task Force—Aging Department, will meet in the small conference room, 1025 East North 10th Street, Abilene, on March 11, 1983, at 1:30 p.m. Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.
TRD-831705

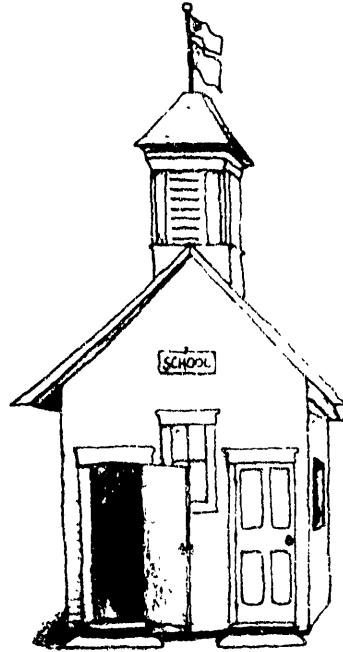
Meeting Filed March 8

The Lamar County Appraisal District, Board of Directors, will meet at 1523 Lamar Avenue, Paris, on March 14, 1983, at 3 p.m. Information may be obtained from L.F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.
TRD-831740

The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor and the status of these bills.

A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon the bill.



Bills Submitted to the Governor

March 1

SB 307 Relating to the conveyance of certain state-owned real property in Fort Bend County.

Sponsors: Sharp and Brown

Bills Signed by the Governor

February 24

SB 213 Relating to notice and probable cause hearings in connection with orders of protective custody.

Effective Date: February 24, 1983

March 3

SB 307 Relating to the conveyance of certain state-owned real property in Fort Bend County.

Effective Date: March 3, 1983

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission)

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of February 21-25, 1983.

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

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

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Delhi Gas Pipeline Corporation, Streetman; natural gas gathering; Carter Bloxom Station; 9285; new source

National Can Corporation, Houston; manufacture of aluminum cans; 8501 East Freeway; 5461A; modification

Coating Applicators Division, Twin City Leasing, Houston; chemical coating blast cleaning; 7134 Satsuma Drive; 6390A; new source

Reynolds & Williams, Inc., Hooks; asphaltic concrete; (location not available); 9286; new source

Phillips Petroleum Company, Cistern; petroleum; (location not available); 9287; new source

Shell Oil Company, Denver City; oil recovery unit; (location not available); 9288; new source

Shell Oil Company, Denver City; sulfur recovery unit; (location not available); 9289; new source

Poe Feed & Milling Company, Inc., McKinney; feed processing plant; 400 East La Street; 449A; modification

Calfeed Texas, Inc., Hereford; methane generation plant; (location not available); 9290; new source

Issued in Austin, Texas, on February 28, 1983.

TRD-831598 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: March 1, 1983
For further information, please call (512) 451-5711,
ext. 354.

Banking Department of Texas Applications To Acquire Control of a State Bank

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

On February 17, 1983, the banking commissioner received an application to acquire control of Ellington Bank of Commerce (in organization), located in an unincorporated area of Harris County, by John H. Moon, Sr., of Pasadena.

On March 1, 1983, notice was given that the application would not be denied.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 1, 1983.

TRD-831620 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: March 2, 1983
For further information, please call (512) 475-4451.

On February 22, 1983, the banking commissioner received an application to acquire control of First State Bank of Rising Star, Rising Star, by Bill E. Read of Coahoma.

On February 28, 1983, notice was given that the application would not be denied.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 28, 1983.

TRD-831595 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: March 1, 1983
For further information, please call (512) 475-4451.

Texas Coastal and Marine Council Resolutions

Whereas, striving for energy independence is in the national interest by improving our balance of payments and creating a stronger defense posture, and

Whereas, extensive activities related to energy exploration, development, and production on federal Outer-Continental Shelf (OCS) lands increase demands for additional facilities and services from the governmental units of Texas, and

Whereas, energy-related activities on OCS lands produce economic, social, and environmental impacts in the bays, estuaries, beaches, and coastal areas of Texas, and

Whereas, resource development on inland federal lands historically have provided to states and local communities income to mitigate impacts through revenue sharing and severance taxes, with the states' projected share of such receipts for 1982 estimated to be \$800 million, and

Whereas, the state and coastal communities lack adequate financial resources to handle impacts from OCS activities inasmuch as the state cannot tax OCS activities and does not derive any direct income from such activities, and funds developed by coastal communities through annexation and taxation of the state's submerged lands are inadequate to offset impacts of OCS activities, and

Whereas, the opposing thrusts of accelerated offshore leasing activities and the termination of the Coastal Energy Impact Program increase the potential for greater impacts from OCS activities and eliminate funds to mitigate such impacts, respectively, and

Whereas, a shared community of interest extends throughout the nation, the states, and respective communities to manage, develop, and preserve our coastal areas and associated resources in an orderly and beneficial manner;

Now therefore be it resolved that the Texas Coastal and Marine Council urges the 98th Congress to extend the federal inland revenue sharing program with the states by enacting a legislative program to apportion revenues from OCS resource exploration, development, and production activities to coastal states to mitigate these impacts; and be it further

Resolved, that revenue sharing from federal OCS activities with coastal states on an equitable basis would be a significant factor enabling states to assist coastal cities and counties to mitigate impacts from OCS activities; and be it further

Resolved, that copies of this resolution be sent to members of the 98th Congress, the governor, the lieutenant governor, the speaker of the house of the State of Texas, and appropriate state agencies.

Issued in Austin, Texas, on February 17, 1983.

TRD-831583 Charles L. Branton
Executive Director
Texas Coastal And Marine
Council

Filed: March 1, 1983
For further information, please call (512) 475-4578.

Whereas, the Gulf Intracoastal Waterway contributes to the well-being of our nation's ports and associated foreign trade activities and is an important link in our national security and defense systems, and

Whereas, the waterway and tributaries constitute a vital water transportation artery providing substantial economic benefits, including income, employment, and business and recreational opportunities to Texas and the nation, and

Whereas, the total annual volume of shipments in Texas on the waterway averages over 60 million tons and the direct economic contribution annually for Texas is almost \$2 billion, and

Whereas, the importance of the waterway was recognized by the naming of the State Highway and Public Transportation Commission as the nonfederal sponsor of the waterway for Texas in the Texas Coastal Waterway Act of 1985, and

Whereas, historically the federal government has provided funds for maintenance and development of the waterway and related tributaries in Texas, and future federal funds to maintain and develop waterways may be reduced or eliminated entirely, and

Whereas, the policy of the State of Texas is to support marine commerce and the economy of Texas by providing for the shallow-draft navigation of the state's coastal waters in an environmentally sound fashion, and

Whereas, to fulfill the policy for marine commerce, the State of Texas must assume a greater role, including financial responsibility, to maintain and develop the Gulf Intracoastal Waterway in Texas for future economic and social benefits.

Now therefore be it resolved by the Texas Coastal and Marine Council that the Texas Legislature take appropriate actions enabling the State Highway and Public Transportation Commission to enter into contracts to maintain and develop the Gulf Intracoastal Waterway and tributaries in Texas, and be it further

Resolved, that action be taken to remove the conflict existing between the Texas Constitution, forbidding the pledging of the credit of the state, and Public Law 91-611, §221, requiring Corps of Engineers' contracts to stipulate that nonfederal sponsors must legally hold and save the United States free from any damages incurred in the construction and maintenance of waterway projects, and be it further

Resolved, that the legislature provide funds to cover necessary operational and maintenance costs of the Gulf Intracoastal Waterway and tributaries in Texas if the Congress limits or withdraws such services, and be it further

Resolved, that copies of this resolution be sent to the governor, the lieutenant governor, and the speaker of the House of Representatives of the State of Texas.

Issued in Austin, Texas, on February 17, 1983.

TRD 831584 Charles L. Branton
Executive Director
Texas Coastal and Marine
Council

Filed: March 1, 1983
For further information, please call (512) 476-4678.



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 rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period ⁽¹⁾	Type of Transaction	
	Commercial ⁽³⁾ Consumer ⁽²⁾ /thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
03/14/83-03/20/83	18%	18%
Monthly Rate Ceiling (Variable Commercial Only)		
03/01/83-03/31/83	18%	18%
Quarterly Rate Ceiling		
04/01/83-06/30/83	18%	18%
Annual⁽⁵⁾ Rate Ceiling		
04/01/83-06/30/83	20.48%	20.48%

- (1) Dates set out above are inclusive
- (2) Credit for personal, family, or household use
- (3) Credit for business, commercial, investment, or other similar purpose.
- (4) Same as (3) above, except excluding credit for agricultural use
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on March 7, 1983.

TRD-831706 Sam Kelly
Consumer Credit Commissioner

Filed: March 7, 1983
For further information, please call (512) 475-2111.

Region IX Education Service Center Application for Place on Ballot

Applications for a place on the ballot for election to the board of directors of the Region IX Education Service Center, 301 Loop 11, Wichita Falls, may be obtained at the Region IX office between the hours of 8:30 a.m. and 5 p.m. beginning Tuesday, March 1, 1983.

Open for election are place one, currently filled by James Irl Montgomery, Wichita Falls, and place seven, currently filled by L. D. "Jack" Jones, Seymour. Board members are elected to three-year terms. Notice of filing must be received at the headquarters office in person or by certified mail not later than 5 p.m. on March 18, 1983.

Any citizen of the United States who is over 21 years of age, a resident of the region being served by the center, who is not engaged professionally in education or who is not a member of a school district board of trustees, a county board of trustees, or a board of an institution of higher education which is eligible for membership on the joint committee, may be elected to the board of direc-

tor membership. No member of the board nor member of his or her immediate family shall be in the business of vending or servicing materials or equipment to regional service centers.

Issued in Wichita Falls, Texas, on March 3, 1983.

TRD-831710 Don Brewer
Acting Director
Region IX Education Service
Center

Filed: March 7, 1983
For further information, please call (817) 322-6928.

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

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

Should any person wish to become a party to any of the applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to the application must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Arlington Memorial Hospital Foundation, Inc.,
Arlington

AH80-0111-011A(022483)

CN/AMD—Request to extend the completion deadline from July 31, 1983, to January 31, 1984, in Certificate of Need AH80-0111-011, which authorized a major construction and renovation project involving 104,500 square feet of new construction and 87,600 square feet of renovation.

Ruben Gomez, M.D., P.A., Brownsville
AS83-0225-132

DR—Request for a declaratory ruling that a certificate of need is not required for Ruben Gomez, M.D., P.A., to operate Palm Boulevard Surgical and Maternity Clinic, a 2,790 square foot, privately-owned, outpatient birthing center located at 15 West Madison in Brownsville.

Texas Omni-Physicians Limited Partnership,
Atlanta, Georgia

AH83-0225-134

NIEH—Request for a declaratory ruling that a certificate of need is not required for Texas Omni-Physicians Limited Partnership, a limited partnership to be formed by Omni Health Services, Inc., a Georgia corporation, to acquire 100% of the leasehold interest, with option to purchase, Northeast Memorial Hospital from the current lessee, Health Management Associates, Inc., and Houston Hospital Management Associates, Inc. Northeast Memorial Hospital is an existing, 84-bed hospital located in Houston.

Duane E. Starkey, Houston

AH83-0228-140

NIEH—Request for a declaratory ruling that a certificate of need is not required for Duane E. Starkey to acquire by purchase Dayton Memorial Hospital, an existing, 24-bed hospital located in Dayton, from Dayton Memorial Hospital, Inc.

Issued in Austin, Texas, on March 7, 1983.

TRD-831707 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: March 7, 1983

For further information, please call (512) 475-6940.

Texas Department of Health Availability of Environmental Analysis

The Texas Department of Health, Bureau of Radiation Control, has completed an analysis to determine the generic environmental impacts associated with those radioactive waste storage and processing facilities for which detailed environmental information is not required under Part 44, "Licensing of Radioactive Waste Processing and Storage Facilities," of the Texas regulations for control of radiation. The analysis has been prepared to justify the delineation of requirements for the various classifications of waste processing and storage facilities and to demonstrate potential environmental impacts associated with Class B facilities. The justification for fewer requirements for Class B facilities than Class C facilities can be found in this analysis. The environmental analysis concentrates on Class B facilities, but certain overlapping aspects of Class A and Class C facilities are also treated (e.g., transportation, waste stream categories).

The analysis is titled "Environmental Analysis of Class B Radioactive Waste Processing and Storage Facilities in Texas." Copies of the environmental analysis are available upon written request from the Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on March 4, 1983.

TRD-831711 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 7, 1983

For further information, please call (512) 835-7000.

Information relative to this specific radioactive material license may be obtained by contacting David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on March 4, 1983.

TRD-831714 Hermas L. Miller
Deputy Commissioner for
Management and
Administration
Texas Department of Health

Filed: March 7, 1983

For further information, please call (512) 835-7000.

Intent to Issue Radioactive Material License

The Texas Department of Health (TDH) intends to issue a radioactive material license to Pasadena Chemical Corporation, P.O. Box 3447, Pasadena, Texas, 77501.

The radioactive material license authorizes Pasadena Chemical Corporation to sell phosphogypsum by-product material in bulk amounts to purchasers who will mix this material with cement and/or fly ash and use in the greater Houston/Beaumont/Galveston area as an aggregate material for the following purposes: underground bedding for utility lines; subbase and base material for open industrial and commercial storage areas or parking lots; subbase and base material for road, street, and highway construction; and the following industrial soil stabilization uses—pipe bedding, tank ditches and dikes, and private plant roads (base course/subbase).

The TDH Bureau of Radiation Control has determined that the issuance of this license will have no significant impact on the human environment and that the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health, safety, and the environment. The licensee's equipment, facilities, and procedures are adequate to minimize danger to public health, safety, and the environment. The issuance of the license will not be inimical to public health and safety or have a detrimental impact on the environment. The licensee satisfies any applicable special requirements in the Texas Regulations for Control of Radiation (TRCR), Part 41.

The basis for these conclusions is set out in a document titled "Environmental Assessment Related to the Use of Phosphogypsum in an Aggregate Mixture." Copies of this document are available upon written request from the Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas, 78756.

This notice affords the opportunity for a public hearing upon written request by a person affected as required by Texas Civil Statutes, Article 4590f, §11(b), as amended. A written hearing request must be received by David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756, by 5 p.m. on or before Tuesday, April 12, 1983.

Public Hearings

A complaint has been filed by the Texas Department of Health against Iso-Tex, Inc., Radioactive Material License 11-1937, Friendswood. The licensee is notified that a hearing concerning the allegations in the complaint will be held on Monday, March 28, 1983, at 1:30 p.m. in Room T-604, Texas Department of Health, 1100 West 49th Street, Austin. The hearing will be conducted pursuant to Texas Civil Statutes, Article 4590f, the regulations promulgated thereunder, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

This hearing is being held to receive evidence concerning the allegations in the complaint and to determine what action should be taken if the allegations are justified. Any party can appear in person or by counsel and be heard.

A hearing will be held to consider Application 1557 of Western Waste Industries of Texas, Inc., to operate a proposed Type V municipal solid waste transfer station to be located in the northwest corner of Pasadena adjacent to the Pasadena-Houston city limits line, on State Highway 225 (1401 West Pasadena Freeway), approximately 9/10 of a mile west of the intersection of Shaver Street and State Highway 225, in Harris County. The hearing will be on Wednesday, March 30, 1983, at 9 a.m. in the city council chamber, Pasadena.

A hearing will be held to consider Application 1470 of the joint enterprise—Harry Benjamin & Garza Sand Pit, Inc., to operate a proposed Type IV municipal solid waste disposal site (brush, construction-demolition waste, and rubbish) to be located approximately 1.15 miles south of the intersection of Fondren Road and South Main Street (U.S. 90A), on the east side of Fondren Road and the north side of Chasacreek Drive in Houston, in Fort Bend County. The hearing will be held on Tuesday, May 10, 1983, at 9 a.m. in the meeting room, Holiday Inn Central, 4640 South Main, Houston.

Issued in Austin, Texas, on March 4, 1983

TRD-831713 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 7, 1983

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

Uranium By-Product Material License Amendment

Notice is hereby given by the Texas Department of Health that the radioactive material license held by Chevron Resources Company, Karnes County, License 9-2402, has been amended to clarify and modify previous license wording as follows. Licensee is authorized to receive by-product material as defined by Texas Regulations for Control of Radiation, §43 2(a)(2), for disposal in its mill tailings pond.

The Texas Department of Health, Bureau of Radiation Control, has determined that the amendment has no significant impact on the human environment. The licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health, safety, and the environment. The licensee's equipment, facilities, and procedures are adequate to minimize danger to public health, safety, and the environment. The issuance of the license amendment will not be inimical to public health and safety, or have a detrimental impact on the environment. The licensee satisfies any applicable special requirements in the Texas Regulations for Control of Radiation (TRCR), Parts 41 and 43.

This notice affords the opportunity for a public hearing upon written request by a person affected as required by Texas Civil Statutes, Article 4590f, §11(b), as amended, and as set out in TRCR §43.100(d). A written hearing request must be received within 30 days from the date of this notice by David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756. Should no request for a public hearing be timely filed, the license amendment will remain in effect.

Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas, 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on March 4, 1983.

TRD-831712 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 7, 1983
For further information, please call (512) 835-7000.

Texas Judicial Council Announcement of Meeting

The Texas Judicial Council will meet at the Texas Law Center, 1414 Colorado, Austin, on Friday, March 18, 1983, at 10 a.m. According to the agenda summary, the council will discuss reports on staff activities and the Committee on Municipal Judges Continuing Legal Education, and proposed legislation. For further informa-

tion, please contact C. Raymond Justice, 1414 Colorado, Austin, Texas 78711, (512) 475-2421.

Issued in Austin, Texas, on March 4, 1983.

TRD-831699 Jim Hutcheson
Chief Counsel
Texas Judicial Council

Filed: March 4, 1983
For further information, please call (512) 475-2421.

The Legislature Correction of Error

In the March 4, 1983, issue of the *Texas Register* (8 Tex-Reg 784), Senate Bill 373, relating to supplemental appropriations to the Senate and State Purchasing and General Services Commission required by fire damage to the Capitol, was incorrectly listed as a house bill.

Railroad Commission of Texas Public Hearing

The Railroad Commission of Texas will conduct a public hearing regarding possible revisions to the existing Dallas-Fort Worth commercial zone.

The public hearing will be held on March 24 and 25, 1983, at 9 a.m. daily, at the Ramada Inn, Dallas-Fort Worth Airport, 120 West Airport Freeway, Irving.

This public hearing will be conducted in compliance with the general and special rules of practice and procedure before the Transportation Division. Cross-examination of witnesses will be allowed, and the presiding examiner may ask questions of any person testifying.

For further information, please contact Walter Wendlandt, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Issued in Austin, Texas, on March 4, 1983.

TRD-831686 Walter Wendlandt
Acting Director
Transportation Division
Railroad Commission of Texas

Filed: March 4, 1983
For further information, please call (512) 445-1186.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the periods of February 21-25, and February 28-March 4, 1983.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the names of the applicants and the cities in which the facilities are located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of February 21-25, 1983

Ashland Chemical Company, Garland; solid waste; to be located on a 5.516 acre tract of land south of West Miller Road and east of Jupiter Road on Wood Drive in the City of Garland, Dallas County; HW50007-001; new permit

West Cedar Creek Municipal Utility District, Kemp; treated wastewater plant; on the west bank of Cedar Creek Lake approximately six miles west of the City of Mabank adjacent to the north right-of-way of County Line Road in Henderson County; 10983-01; renewal

Ben Wheeler Water Supply Corporation, Ben Wheeler; treated wastewater plant; 3.7 miles east northeast of Ben Wheeler and 0.6 mile north of FM Road 858 in Van Zandt County; 02044; renewal

City of Rosenberg; treated wastewater plant; approximately 2,000 feet southwest of the intersection of U.S. Highway 59 and State Highway 36 south of Rosenberg in Fort Bend County; 10607-02; amendment

Westlake Municipal Utility District 1, Houston; treated wastewater plant; 800 feet north of the intersection of Saums Road and Barker-Cypress Road and on the north side of South Mayde Creek in Harris County; 11284-01; amendment

West Harris County Municipal Utility District 10, Houston; treated wastewater plant; at 9606 Rio Grande Street, approximately ¼ mile east of Jones Road on the north bank of White Oak Bayou, 1,300 feet north of the intersection of West Road and Rio Grande Street in Harris County; 12171-01; amendment

Mills Road Municipal Utility District, Houston; treated wastewater plant; approximately 22 miles northwest of the Houston central business area, north of Louedd Road, south of Mills Road, west of Perry

Road, and east of Jones Road on the south side of Harris County flood control ditch P161-00-00 in Harris County; 11907-01; renewal

City of Freeport; treated wastewater plant; in the City of Freeport at 123 Slaughter Road, north of State Highway 36 in Brazoria County; 10882-02; amendment

Firestone Synthetic Rubber & Latex Company, Orange; treated wastewater plant; on the south side of FM Road 1006 approximately one mile east of the intersection of FM Road 1006 with State Highway 87, southwest of the City of Orange, Orange County; 00454; renewal

State Department of Highways and Public Transportation, Dallas; treated wastewater plant; along and within the right-of-way of IH 35 East at a point approximately 1.4 miles north of FM Road 329 in Ellis County; 11958-01 and 11959-01; renewal

Harris County Municipal Utility District 186, Houston; treated wastewater (domestic); at 7926 State Highway 6, approximately ¼ mile northeast of the intersection of State Highway 6 (FM Road 1960) and FM Road 529 (Spencer Road) approximately 2 1/8 miles southwest of the intersection of U.S. Highway 290 and FM Road 1960 (Jackrabbit Road) and State Highway 6 in Harris County; 11947-01; amendment

Brittmoore-Tanner Business Park, Ltd., Houston; treated domestic sewage; approximately ½ mile southwest of the intersection of Brittmoore Road and Tanner Road approximately 4½ miles north of IH 10 in Harris County; 12689-01; new permit

Albert H. Korenek, Houston; treated domestic sewage plant; 3318 County Road 89 approximately 1½ miles southwest of the intersection of FM Road 1128 and FM Road 518 in Brazoria County; 12680-01; new permit

Johnson County Fresh Water Supply District 1, Joshua; treated wastewater plant; approximately one mile upstream of the crossing of Village Creek and FM Road 731 in Johnson County; 10532-01; renewal

Magnolia Independent School District, Magnolia; treated domestic sewage plant; adjacent to Bear Branch on the east side of FM Road 2978, at a point approximately 1.1 miles south of the intersection of FM Roads 1488 and 2978 in Montgomery County; 12703-01; new permit

Issued in Austin, Texas, on February 25, 1983.

TRD-831555 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: February 28, 1983
For further information, please call (512) 475-4514.

Period of February 28-March 4, 1983

Grimes County Municipal Utility District 1, Houston; treated domestic sewage; approximately 0.8 mile generally west of the intersection of FM Road 2445 in Grimes County; 11437-01; new permit

City of Franklin; treated wastewater plant; approximately 1,000 feet southeast of U.S. Highway 79, approximately one mile southwest of the intersection of U.S. Highway 79 and FM Road 46 in the City of Franklin in Robertson County; 10440-01; amendment
Larry D. Pike, Fort Worth; treated domestic wastewater; approximately 600 feet west of IH 35 West, two miles north-northwest of the intersection of IH 35 West and FM Road 917, approximately 4.5 miles south-southeast of the intersection of IH 35 West and State Highway 174 in Johnson County; 12700-01; new permit

Green Ridge Municipal Utility District, Houston; treated domestic wastewater plant; at the intersection of South Belt and West Fuqua Street, adjacent to the west boundary of the Mayfair Park Subdivision southwest of the City of Houston in Fort Bend County; 10960-01; amendment

Coe Utilities, Incorporated, Pinehurst; treated wastewater plant; approximately 1.25 miles due west of the FM Road 149 crossing the Montgomery-Harris County line, approximately 1.5 miles southwest of Decker Prairie in Montgomery County; 12687-01; new permit

Diamond Shamrock Corporation, Hamilton; agricultural treatment facilities (plant); on the east side of U.S. Highway 281 at a point approximately 8.9 miles north of the City of Hamilton in Hamilton County; 02623; new permit

Grant Road Public Utility District, Houston; treated wastewater plant; approximately 30 miles northwest of downtown Houston approximately 1/2 mile south of Grant Road near the Kluge Road crossing of Little Cypress Creek in Harris County; 11887-01; renewal

Solesbee Construction, Inc., Baytown; treated domestic wastewater plant; at 3806 FM Road 1942 approximately one mile north-northwest of the intersec-

tion of Barbers-Hill Road and Garth Road in Harris County; 12691-01; new permit

Bob Smith, Stafford; treated wastewater plant; at 9401 Windfern Road, approximately 300 feet south of Zaka Road and approximately three miles north from the intersection of Windfern Road and U.S. Highway 290 in Harris County; 12698-01; new permit

Orange County Water Control and Improvement District 1, Vidor; treated wastewater plant; approximately 8,300 feet southeast of the intersection of FM Road 105 with IH 10 and approximately 500 feet northwest of the intersection of Heritage Drive and Orange Street within Vidor, Orange County; 11548-01; renewal

Cominco American, Inc., Camex Division, Borger; treated wastewater plant; on the north side of FM Road 1551 approximately two miles southwest of the City of Borger in Hutchinson County; 01295; amendment

Gaf Corporation, Texas City; treated wastewater plant; south of Industrial Avenue and west of State Highway 146 south of the Galveston County Industrial Water Authority storage reservoir in Galveston County; 01263; renewal

Trinity River Authority of Texas, Trinity County Regional Water Supply System, Huntsville; treated wastewater plant; approximately 2.3 miles north of the intersection of State Highways 980 and 19 on the east side of State Highway 19 in Trinity County; 02622; new permit

Issued in Austin, Texas, on March 4, 1983.

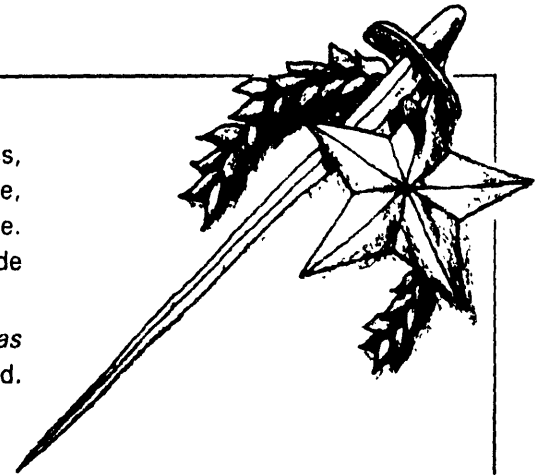
TRD-831672 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: March 4, 1983
For further information, please call (512) 475-4514.

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