

3500.6
2263
4/7

FILE COPY,

Volume 4, number 17, March 2, 1979
Pages 677 - 714

TEXAS REGISTER

TEXAS STATE LIBRARY

MAR 01 1979

TEXAS DOCUMENTS

In This Issue...

General Land Office proposals on exploration and development rules; proposed adoption date—April 13. 682

Gas utilities regulations proposed for amendment on April 2 by Railroad Commission 684

School Land Board rules on coastal public lands proposed for April 13 adoption 685

Rule on administration of medications adopted by Texas Department of Mental Health and Mental Retardation; effective date—March 15 696

Texas Water Development Board's adoptions on levee improvement districts and approval of plans for reclamation projects; effective date—March 15 697

Legislative report 708



Office of the Secretary of State

NOTES ON THE ISSUE

Rules concerning state-owned lands in the coastal area are being proposed by the General Land Office and the School Land Board, which are both under the regulation of the General Land Office commissioner. The School Land Board has rulemaking authority over almost all coastal activities, such as easements, dredging, oil and gas leases, and cabin permits. Money from these activities is dedicated by law to the Public Free School Fund, which helps finance elementary schools. The commissioner of the General Land Office handles such activities as pipeline easements, transmission lines, rights-of-way, prospecting, mineral exploration permits, and most surface mining and mining operations. Revised rules on permits for geophysical and other surveys on public coastal lands are being proposed by the commissioner of the General Land Office. New rules on standards for permits, leases, and easements of state-owned lands in the coastal area are being proposed by the School Land Board.

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

Artwork: Gary Thornton

TEXAS REGISTER

The *Texas Register* (ISSN 0362-4781) is published twice weekly, at least 100 times a year, except March 9, June 1, November 27, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 12887, Austin, Texas 78711, telephone (512) 475-7886.

The *Register* contains executive orders of the governor; summaries of attorney general's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas.

Subscriptions are \$25 for one year. Back issues, when available, are \$1 each.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the Texas Register Division director provided no such republication shall bear the legend "*Texas Register*" or "Official" without the written permission of the director, Texas Register Division. Published under the Texas Civil Statutes, Article 6252-13a. Second-class postage is paid at Austin, Texas.

POSTMASTER: Please send Form 3579 changes to the Texas Register, P.O. Box 12887, Austin, Texas 78711.



*George W. Strake, Jr.
Secretary of State*

Texas Register Division

Bill Lalla, Director
Linda Camp
Mary Barrow
Bobby Duncan

Pam Fridrich
Magdalena Cortez
Charlotte Scroggins
Brenda Mills

Bill Pratt
Becky Willard
Vickie Price
Deborah Marlatt

The Governor

Appointments

- 680 *330th Family District Court*
- 680 *State Board of Insurance*
- 680 *78th Judicial District of Texas*
- 680 *125th Judicial District of Texas*
- 680 *Texas Tech University*

The Attorney General

Requests for Opinions

- 681 *RQ-28 (authority of Industrial Accident Board to release information regarding a claim file to agencies)*
- 681 *RQ-29 (authority to hold local option election to reverse result of prior election if less than one year has elapsed)*
- 681 *RQ-30 (authority of Texas Indian Commission to exercise same powers for nonreservation Indians as for reservation Indians)*

Proposed Rules

General Land Office

- 682 *Exploration and Development*

Railroad Commission of Texas

- 684 *Gas Utilities Division*

School Land Board

- 685 *Land Resources*

Adopted Rules

General Land Office

- 696 *Exploration and Development*
- 696 *Legal Division*

Texas Department of Mental Health and Mental Retardation

- 696 *Client (Patient) Care*

School Land Board

- 697 *Land Resources*

Texas Water Development Board

- 697 *Levee Improvement Districts and Approval of Plans for Reclamation Projects*

Open Meetings

- 699 *Texas Animal Health Commission*
- 699 *Texas Coastal and Marine Council*
- 699 *Coordinating Board, Texas College and University System*
- 699 *Texas Department of Health*
- 700 *State Board of Insurance*

701 *Texas Advisory Commission on Intergovernmental Relations*

701 *State Board of Morticians*

701 *Board of Nurse Examiners*

701 *Texas Parks and Wildlife Department*

702 *Texas State Board of Pharmacy*

702 *Board of Plumbing Examiners*

702 *Texas Prosecutors Coordinating Council*

702 *Board of Registration for Public Surveyors*

702 *Public Utility Commission of Texas*

703 *Railroad Commission of Texas*

704 *Teacher Retirement System of Texas*

704 *Texas Turnpike Authority*

704 *University of Texas System*

705 *Texas Water Commission*

706 *Regional Agencies*

The Legislature

Legislative Report

708 *Energy*

708 *Education*

708 *Human Services*

708 *Insurance*

708 *Economic Development*

708 *Criminal Justice*

708 *State and Local Governments*

709 *Constitutional Revision*

709 *Consumer Affairs*

House of Representatives

709 *Bills Introduced*

Senate

710 *Bills Introduced*

711 *Meetings*

712 *Confirmation of Gubernatorial Appointments*

Legislative Information System of Texas

712 *Toll-Free Telephone Number*

In Addition

Department of Banking

713 *Notice of Applications*

Credit Union Department

713 *Change of Office Location*

Texas Health Facilities Commission

713 *Notice of Applications*

Texas Register

714 *Notice of Schedule Variation*

Appointments

The following appointments have been submitted to the Senate of the 66th Legislature, Regular Session, for confirmation:

330th Family District Court

To be judge, Dallas County, until the next general election and until her successor shall be duly elected and qualified:

Theo Bedard of Dallas, Dallas County, is replacing Steven G. Condos of Dallas County, who served as a recess appointee on the resignation of Judge Oswin Chrisman, but whose term expired when he was not confirmed by the Senate.

State Board of Insurance

To be a member for a six-year term to expire January 31, 1985:

William P. Daves, Jr., of Dallas, Dallas County, is replacing Ned Price of Austin, Travis County, whose term expired.

78th Judicial District of Texas

To be judge, Wichita County, until the next general election and until his successor shall be duly elected and qualified:

John Keith Nelson of Wichita Falls, Wichita County, is replacing Judge Stanley C. Kirk of Wichita Falls, Wichita County, who resigned.

125th Judicial District of Texas

To be judge, Harris County, until the next general election and until his successor shall be duly elected and qualified:

W. B. Edwards of Houston, Harris County, is replacing Judge Lewis Dickson of Houston, Harris County, who resigned effective at the end of the day, February 28, 1979.

Texas Tech University

To be members of the Board of Regents for six-year terms to expire January 31, 1985:

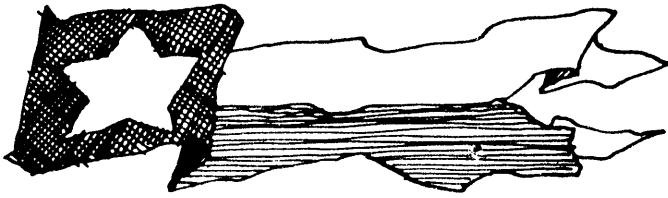
B. Joe Pevehouse of Midland, Midland County, is replacing Andrew J. Kemp, Jr., of Fort Worth, Tarrant County, whose term expired.

Dr. Nathan C. Galloway, Jr., of Odessa, Ector County, is replacing Judson F. Williams of El Paso, El Paso County, whose term expired.

Issued in Austin, Texas, on February 19, 1979.

Doc. No. 791119 William P. Clements, Jr.
Governor of Texas

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



Requests for Opinions

Summary of Request for Opinion RQ-28

Request from Cue D. Boykin, chairman, Texas Industrial Accident Board, Austin.

Summary of Request:

(1) May the Industrial Accident Board release information regarding a claim file to the agencies, such as the State Bar, the Department of Human Resources, the Social Security Administration, and the U.S. Treasury Department?

(2) Are prehearing conferences and formal hearings of the board open meetings?

Doc. No. 791114

Summary of Request for Opinion RQ-29

Request from Bill Coody, chairman, Liquor Regulation Committee, House of Representatives, Austin.

Summary of Request: May a local option election be held to reverse the result of a prior election if less than one year has elapsed?

Doc. No. 791142

Summary of Request for Opinion RQ-30

Request from William P. Hobby, chairman, Legislative Budget Board, Austin.

Summary of Request:

(1) Does the 1977 amendment to Article 5421 allow the Texas Indian Commission to exercise the same powers and carry out the same responsibilities for the Kickapoo Indians and intertribal councils as those set out for the Alabama-Coushatta and Tigua Indian tribes? Specifically, does the statute, as amended, constitute pre-existing law on which state appropriations to the Kickapoo and intertribal councils may be based? Second, may the Texas Indian Commission enter into contracts on behalf of the Kickapoo Indians or the intertribal councils?

(2) What is the extent of the authority of the Texas Indian Commission to enter into contracts on behalf of, or as a member party of the Texas Intertribal Indian Housing Agency, with regard to programs for nonreservation Indians?

(3) What is the liability of the State of Texas to each of the parties to any such contract executed for the benefit of nonreservation Indians?

(4) In the event of substantial default by homebuyers in the HUD-Mutual Help Homeownership Opportunity Program, should such program be implemented, could the State of Texas be held liable for administrative charges of the Texas Intertribal Indian Housing Agency, including any required payments to local governments in lieu of taxes?

Issued in Austin, Texas, on February 21, 1979.

Doc. No. 791143

C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

For further information, please call (512) 475-5445.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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

General Land Office

Exploration and Development

Exploration Permits for Geophysical and Other Surveys 126.16.01

The General Land Office proposes to amend two rules relating to permits for geophysical and other surveys on state-owned lands in the coastal area. The Texas Natural Resources Code, Section 31.102, requires a permit from the commissioner of the General Land Office or compliance with rules established by the commissioner of the General Land Office for geophysical and other surveys on state-owned lands in the coastal area. It was necessary to amend Rule 126.16.01.001 to differentiate between high velocity explosives and other energy sources for geophysical surveys. This differentiation grows out of new surveying technology. Rule .005 was also revised to include new practices and mentions some old ones not in the existing rule.

The substance of Rule .005 had been previously included as part of proposed Rule 135.18.04.021, which appeared in the December 12, 1978, *Texas Register*. The commissioner's decision to publish these rules as amendments to the existing rule is more appropriate to the situation.

The proposed amendments have no fiscal implications for the state or units of local government according to General Land Office staff.

Comments on the proposed amendments should be submitted to Mike Hightower, program manager/director for Environmental Management, General Land Office, 1700 North Congress, Austin, Texas 78704, (512) 475-1166, before 5 p.m. Friday, April 13, 1979.

These amendments are proposed under the authority of the Texas Natural Resources Code, Section 31.107.

.001. Definitions.

(a) *Areas within tidewater limits: islands, salt-water lakes, bays, inlets, marshes and reefs below mean*

higher high tide, and that portion of the Gulf of Mexico within the jurisdiction of Texas.

(b) *Applicant: a field exploration party and the person, company, or companies contracting for an exploration permit.*

(c) *Commissioner: the commissioner of the General Land Office.*

(d) *Exploration: geological, geophysical, and other surveys and investigations, including seismic methods for the discovery and location of oil, gas, or other mineral prospects, which may or may not involve the use of explosives.*

(e) *High-velocity explosive: dynamite, ammonium nitrate, or other explosives, excluding detonating cord, sleeve-enclosed explosive devices, and pneumatic, acoustic, and vibrating sources.*

(f) *Other energy sources for geophysical exploration: pneumatic, acoustic, and vibrating devices, detonating cord, and sleeve-enclosed explosive devices for geophysical and other surveys.*

(g) *Seismic explorations: any geophysical exploration method which involves the use of explosives.*

(h) *Shot: the use and detonation of powder, dynamite, ammonium nitrate, or other high-velocity explosive.*

(i) *Shrimping fleet: 10 or more boats trawling for shrimp within an area not more than one mile in diameter.*

[(a) "Explorations" means geological, geophysical, and other surveys and investigations, including seismic methods for the discovery and location of oil, gas, or other mineral prospects, which may or may not involve the use of explosives.

[(b) "Seismic explorations" means any geophysical exploration method which involves the use of explosives.

[(c) "Shot" means the use and detonation of powder, dynamite, nitroglycerin, or other explosives.

[(d) "Applicant" means a field exploration party and the person, company, or companies contracting for an exploration permit.

[(e) "Areas within tidewater limits" means island, salt water lakes, bays, inlets, marshes and reefs within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas.

[(f) "Commissioner" means the commissioner of the General Land Office.

[(g) "Shrimping fleet" means 10 or more boats trawling for shrimp within an area not more than one mile in diameter.]

.005. Operations.

(a) General.

(1) *Use of wheeled or tracked vehicles on state-owned lands in the coastal area.*

(A) *Only vehicles with wide, low-pressure rubber tires shall be used in coastal wetlands.*

(B) *Marsh buggies and rubber-tired vehicles shall not use the same track twice in emergent tidal coastal wetlands.*

(C) *Marsh buggies shall avoid submerged grassbeds wherever possible. If a track is made, the same track shall be used every time to minimize the area of disturbed habitat.*

(D) Vehicles shall avoid dense stands of vegetation wherever possible.

(E) Staging and work areas shall not be established in vegetated coastal wetlands or vegetated dune areas.

(2) No high-velocity explosive or other energy source shall be discharged:

(A) within a radius of 100 feet of an oyster reef;

(B) from March 1 to September 15 within a radius of one mile of a major resort beach.

(3) All pipes, buoys, and markers used in surveys shall be distinctly and permanently marked with the name or initials of the permittee.

(4) Drilling of holes and placement of buoys and markers shall be done in such a manner as to prevent disturbance of fish or damage to fishing gear.

(5) Upon completion of the survey:

(A) all buoys and markers shall be removed from inland waters, except those required by the United States Coast Guard;

(B) all drill holes above mean high water in coastal wetlands shall be plugged up to original land surface level;

(C) in the gulf and bays, all rigging and material shall be removed and the bottom restored to its original condition.

(b) High-velocity explosives.

(1) High-velocity explosives shall not be discharged:

(A) in the water closer than five feet from the bottom if the bottom sediment would be significantly disturbed;

(B) in bays or inland waters within one mile of the mouth of a river unless properly buried;

(C) within a radius of one mile of a shrimping fleet;

(D) if the shot is in excess of 40 pounds.

(2) If buried in drill holes, high-velocity explosives shall be detonated no less than 10 feet beneath the bottom in the Gulf of Mexico, or no less than 20 feet beneath the bottom in coastal public lands unless special permission is granted.

(3) High-velocity explosives suspended in water:

(A) shall be designed to disintegrate and neutralize within a short time;

(B) using inflated floats, shall use two floats, each capable of supporting the shot at the proper depth;

(C) which fail to discharge shall be removed from the water if this can, in the opinion of the party chief, be done without danger to any member of the party and shall not be abandoned until all attached floats are destroyed.

(4) High-velocity explosives buried beneath the bottom through pipes:

(A) may be discharged with the pipe in place provided the pipe is secured to a float or other device to prevent its loss;

(B) may be left in place overnight provided all wires are properly shunted, the charges are anchored at least two feet below the bottom of the pipes, and the location is not within 1,320 feet of any shoreline generally open to the public.

(c) High-velocity explosives, detonating cord, and sleeve-enclosed explosive devices should not be discharged:

(1) except during daylight hours;

(2) from October 15 to April 15 in whooping crane habitat as designated by the United States Fish and Wildlife Service;

(3) from March 1 to September 1 within a radius of 1,000 feet of a rookery;

(4) so long as one or more visible schools of fish are within a one-mile radius of the shot;

(5) within a radius of 300 feet of any structure marked oyster bed or marked red snapper bank;

(6) within a radius of 300 feet of any dredged channel;

(7) prior to employing industry-approved methods to drive away marine life in the area to be shot;

(8) in the Gulf of Mexico, within a radius of one mile of a natural pass, jettied pass, fish pass, or river mouth.

(d) Pneumatic, acoustic, or vibrating sources may be operated within one-half mile of a shrimping fleet.

(1a) Except as hereinafter provided, the following regulations shall apply to all shots discharged in the waters of the Gulf of Mexico:

(1) Shots shall either be suspended in the water at a depth not greater than one-half the distance from the surface to the bottom (and in no event nearer to the bottom than five feet) or buried at least 10 feet below the bottom.

(2) When shots are buried in the Gulf of Mexico, the procedure, except for the required burial depth, will be the same as that provided in these rules and regulations governing shots discharged in the bays and inland waters.

(3) No shots shall be discharged closer than one mile to any pass, jetty, mouth of a river, or other entrance from inland waters to the Gulf of Mexico without a permit applied for and issued in accordance with the procedure specified herein for securing permits for shots larger than 40 pounds.

(4) Irrespective of the minimum depth specified above, all buried shots shall be placed below the bottom at a sufficient depth to prevent cratering.

(5) All shot charges suspended in the water by floats shall be of such type and packaged in such manner that same will disintegrate and neutralize in the water within a short time, and any suspended charge which fails to discharge shall be immediately removed from the water if same can, in the opinion of the party chief or manager, be done without endangering the life of any member of the party, but, in no event, shall any such undischarged suspended charge be abandoned without destroying the floats attached thereto.

(6) Where inflated floats are used, all charges will be suspended from dual floats either of which will be capable of retaining the charge at the proper depth.

(b) The following regulations shall apply to all shots discharged in the bays, inland waters, or within one mile of the mouth of any river.

(1) Shots shall be buried at least 20 feet beneath the bottom through pipes, and when the pipes are allowed to remain in place until the charge is fired, a substantial float or suitable device shall be attached securely to the pipe to prevent it from being lost when the charge is fired.

(2) Buried charges, if properly anchored at the required depth where all are removed or properly anchored two feet below the bottom of the pipes where pipes are left standing, may be left overnight and discharged the following day provided all wires are properly shunted so as to prevent accidental discharge.

(3) No charges left overnight shall be located closer than 1,320 feet to any shore line generally open to the public.

(4) Where shots are discharged within the pipe, all the pipe remaining above the shallowest seismic shot will be removed immediately.

(c) All pipes, buoys, and other markers used in connection with the seismic work shall be distinctly marked with the name or initials of the permittee using same.

(d) If the pipes, buoys, and other markers are of materials that would cause damage to any boat which may collide with them, the pipes, buoys, or markers shall be properly flagged in the daytime and properly lighted at night so that they are visible for one nautical mile on a clear, dark night.

(e) All buoys and other markers shall be anchored by sash weights or similar weights which cannot cause injury to the nets of commercial fishermen, and all such buoys and markers and all weights and markers placed in the inland waters shall be removed after they have served their purpose, except those buoys placed in the water in accordance with rules and regulations of the Department of the Army or the United States Coast Guard.

(f) No seismic operations shall be conducted in or on any of the islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State of Mexico within the jurisdiction of the State of Texas and landward from the 15-foot water depth line without the presence of an inspector assigned to the operation by the commissioner or his designated representative.

(g) No shots shall be discharged within 500 feet of any dredged channel, nor within 300 feet of any dock, pier, causeway, and other structures, nor a marked oyster bed or marked red snapper bank. No shots shall be discharged except during daylight hours. No shots shall be used in excess of 40 pounds. The commissioner may, upon application and after investigation, permit shooting in other than daylight hours and may also permit the use of large shots in areas specified by the commissioner and upon such terms and conditions as will be in keeping with the intent and purpose of these rules. The application for use of shots in excess of 40 pounds shall specify the maximum size shots to be used, describe the area by tract number for which such application is made, and specify the period of time for which permit is requested, not to exceed 60 consecutive days.]

Issued in Austin, Texas, on February 23, 1979.

Doc. No. 791157

Bob Armstrong
Commissioner
General Land Office

Proposed Date of Adoption: April 13, 1979

For further information, please call (512) 475-1166.

Railroad Commission of Texas Gas Utilities Division

Substantive Rules of the Gas Utilities Division 051.04.03.011

The Railroad Commission of Texas is proposing to amend Rule 051.04.03.011 to provide for a definition of a "gas-gathering utility" and a special annual report for such gas utilities. This amendment makes appropriate revisions to the text of the current rule on annual reports to allow a separate report for gas-gathering utilities.

This amendment imposes no additional fiscal requirements on state government according to the staff of the Gas Utilities Division of the Railroad Commission of Texas.

Public comment on amended Rule .011 is invited. Persons should submit their comments in writing to Joseph J. Piotrowski, Jr., director, Gas Utilities Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Revised Civil Statutes Annotated, Article 6056 (1962), Article 1446c (Supplement 1979), Sections 27 and 28, and Article 6252-13a, Sections 4 and 5 (Supplement 1979).

.011. Annual Report. Each "gas utility," "public utility," or "utility" under the jurisdiction of the Railroad Commission of Texas, **except as hereinafter provided**, shall file with the commission each year a [an] **general** annual report showing that information required by the commission to enable it to properly regulate natural gas utilities within the state. This **general** annual report shall be made on a form approved by the Gas Utilities Division, printed and distributed to all gas utilities by the division. **The [This] general annual report or gathering annual report as described hereinafter** shall be made on a calendar year basis with the **reports [report]** being due not later than 90 days after December 31 of each calendar year.

Any utility under the regulation of the Federal Energy Regulatory Commission (FERC) alleging that it makes no intrastate sales and engages in no intrastate transportation may file a copy of its FERC Form 2 or such other annual report as may be required by that agency in lieu of the Annual Report form prescribed by the Gas Utilities Division. Such report shall be accompanied by a sworn statement that the foregoing criteria have been met, and shall be accompanied or supplemented by such other information as the Gas Utilities Division may require. If, upon examination, the Gas Utilities Division determines that a utility filing under this provision should properly have filed an annual report on the form prescribed by the division, the utility shall be notified and required to file the appropriate report.

Each "gas-gathering utility," as hereinafter defined, shall file a gathering annual report on a special form approved by the Gas Utilities Division, printed and distributed to such "gas-gathering utilities" by the division. Those "gas utilities," "public utilities," or "utilities" under the jurisdiction of the Railroad Commission of Texas which are engaged in other jurisdictional activities

other than gathering shall be required to file the General Annual Report form.

A "gas-gathering utility" shall be defined as a gas utility or public utility which employs a pipeline or pipelines and ancillary facilities thereto in the first taking or the first retaining of possession of gas produced, which extends from any point where gas is produced, purchased, or received to the trunk line or main line of transportation where gas is sold or delivered, without regard to the size, the length, or the amount of gas carried through such pipeline or pipelines to the trunk line or main line of transportation, thus having as its primary function the collecting and processing of gas as a preliminary incident to the transportation after it has been severed from the earth by production.

The extent of the "gas-gathering utility" system described herein shall apply regardless of whether or not a gas plant is located on the pipeline or pipelines comprising a "gas-gathering utility" system. In determining the applicability of the above definition, the commission shall determine if the primary function of the pipeline or pipelines is "gathering" rather than relying solely on the configuration or location of the facilities comprising the system.

This rule is made to comply with the orders issued in Gas Utilities Docket Nos. 1, 2, 5, and 6, which orders are hereby incorporated into this rule.

Doc. No. 791163

051.04.03.017

The Railroad Commission of Texas is proposing to amend Rule 051.04.03.017 to provide that "gas-gathering utilities," as defined in Texas Railroad Commission's Gas Utility Division Special Substantive Rule .011, be required to file their annual reports under the NARUC System of Accounts but shall not be required to operate thereunder. The amendments make the appropriate changes in the text of the present rule to accomplish the above described changes.

This amendment imposes no additional fiscal requirements on state government according to the staff of the Gas Utilities Division of the Railroad Commission of Texas.

Public comment on amended Rule .017 is invited. Persons should submit their comments in writing to Joseph J. Piotrowski, Jr., director, Gas Utilities Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Revised Civil Statutes Annotated, Article 1446c (Supplement 1979), and Article 6252-13a, Sections 4 and 5 (Supplement 1979).

.017. *System of Accounts.* Except as provided below, each gas utility, as defined by Texas Revised Civil Statutes Annotated, Articles 6050 (1962) and 1446c (Supplement 1979), shall utilize the National Association of Regulatory Utility Commissioners' (NARUC) Uniform System of Accounts for Class A and B Utilities (1976 edition or as subsequently amended) [(1972 edition)] for all operating and reporting purposes [; provided,]. However, [that] a utility also required to report to the Federal Energy Regulatory Commission

under that agency's system of accounts may limit the use of the NARUC accounts to any reporting or audit requirements of the Railroad Commission of Texas. Any utility operating under the FERC account system pursuant to this provision shall maintain a readily accessible cross-reference system between that system and the NARUC account system. Such accounts shall be used regardless of any conflicting classification of such utility by virtue of its annual gas-operating revenues. Further, those "gas-gathering utilities," as defined in Texas Railroad Commission Gas Utility Division Substantive Rule .011, shall not be required to operate under the National Association of Regulatory Utility Commissioners' (NARUC) Uniform System of Accounts for Class A and B Utilities (1976 edition or as subsequently amended), but shall be required to report under those accounts for annual report purposes pursuant to Texas Railroad Commission, Gas Utility Division Substantive Rule .011. This uniform system of accounts shall be applicable to all gas utility and gas utility related operations regardless of location, except for those utilities permitted to file a FERC Form 2 in lieu of an annual report by Rule .011 or those "gas-gathering utilities" as described herein.

Issued in Austin, Texas, on February 20, 1979.

Doc. No. 791164 Joseph J. Piotrowski, Jr., Director
Gas Utilities Division
Railroad Commission of Texas

Proposed Date of Adoption: April 2, 1979

For further information, please call (512) 475-2747.



School Land Board

Land Resources

Coastal Public Lands 135.18.01

(Editor's note: The texts of the following rules proposed for repeal are not being published. The rules may be examined in the offices of the General Land Office, Stephen F. Austin Building, Austin, or in the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The School Land Board proposes to repeal existing Rules 135.18.01.001-.008. The board proposes to adopt new rules which provide definitions, clarify board policy, clarify appli-

ation requirements, and set out standards which must be met before the board will consider granting a permit, lease, or easement.

The proposed repeals have no fiscal implications for the state or units of local government according to School Land Board staff.

Comments on the proposed repeals should be submitted to Mike Hightower, program manager/director for Environmental Management, General Land Office, 1700 North Congress, Austin, Texas 78701, (512) 475-1166, before 5 p.m. Friday, April 13, 1979.

These repeals are proposed under the authority of the Texas Natural Resources Code, Sections 32.061, 32.062, 33.011, and 33.064.

- .001. *Policy, Scope of Rules, Definitions.*
- .002. *Leases.*
- .003. *Easements.*
- .004. *Permits.*
- .005. *Registration of Structures.*
- .006. *Shoreline Alteration Projects.*
- .007. *Exemptions.*
- .008. *Federal, State, and Local Laws and Regulations.*

Doc. No. 791153

Lease of State-Owned Lands and Flats 135.18.02.001-.004

(Editor's note: The texts of the following rules proposed for repeal are not being published. The rules may be examined in the offices of the General Land Office, Stephen F. Austin Building, Austin, or in the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The School Land Board proposes to repeal existing Rules 135.18.02.001-.004. The board proposes to adopt new rules which provide definitions, clarify board policy, clarify application requirements, and set the standards which must be met before the board will consider granting a lease.

The proposed repeals have no fiscal implications for the state or units of local government according to School Land Board staff.

Comments on the proposed repeals should be submitted to Mike Hightower, program manager/director for Environmental Management, General Land Office, 1700 Congress, Austin, Texas 78701, (512) 475-1166, before 5 p.m. Friday, April 13, 1979.

These repeals are proposed under the authority of Sections 61.116 and 61.117, Texas Water Code.

- .001. *Application; Nature of Original Lease; Sublease; Termination.*
- .002. *General Limitations; Exchange of Lands; Notice of Lands Used by a District.*
- .003. *Hearing Procedure.*
- .004. *Content of Draft Environmental Impact Statement.*

Doc. No. 791154

135.18.02.005-.008

Proposed rules governing the leasing of state-owned lands and flats were published as Rules 135.18.04.005-.006 in the December 12, 1978, *Texas Register*. The School Land Board proposes to withdraw Rules 135.18.04.005-.006 and substitute Rules 135.18.02.005-.008. The board also proposes to repeal existing Rules 135.18.02.001-.004.

The board believes that the existing rules repeat the wording of Sections 61.116 and 61.117 of the Texas Water Code to a great degree without clearly stating the policies the board will apply in deciding whether or not to grant leases for navigational purposes. The proposed rules state more simply and clearly the board's position. Rule .007 acknowledges the established requirements of the National Environmental Policy Act and eliminates the extremely long list of environmental issues to be addressed. Several of the changes made in the rules are a result of the many comments received since December 12, 1978.

The proposed rules have no fiscal implications for the state or units of local government according to School Land Board staff.

Comments on the proposed rules should be submitted to Mike Hightower, program manager/director for Environmental Management, General Land Office, 1700 North Congress, Austin, Texas 78701, (512) 475-1166, before 5 p.m. Friday, April 13, 1979.

These rules are proposed under the authority of the Texas Water Code, Sections 61.116 and 61.117.

.005. *Definitions.*

- (a) Board: the School Land Board of Texas.
- (b) District: a navigation district organized under any special or general law for creation of navigation districts. The term "district" also applies to any incorporated city in this state which owns and operates wharves, docks, and other marine port facilities.
- (c) Navigation: marine commerce and immediately related activities, including but not limited to port development; channel construction and maintenance; commercial and sport fishing; recreational boating; industrial site locations; transportation, shipping, and storage facilities; pollution abatement facilities; and all other activities necessary or appropriate to the promotion of marine commerce. Residential development is specifically excluded.
- (d) State-owned lands and flats: any lands belonging to the state which are covered or partly covered by the water of any of the bays or other arms of the sea.

.006. *Mineral Leasing on Navigation District Lands Acquired Under Vernon's Civil Statutes, Article 8225.*

- (a) Leasing of tracts for oil, gas, or mineral exploration and development shall follow the procedures set out in Rules 135.16.01.001-.003. A lessee shall also follow the procedures in General Land Office Rules 126.16.01.001-.012 to obtain a permit for geophysical exploration and in General Land Office Rules 126.18.02.001-.006 to obtain an easement for any pipeline necessary to operation of the leased tract.
- (b) A district must file a description of any new project proposed for those lands patented to the district by the state.

.007. Lease of State-Owned Lands and Flats to a District for Navigation Purposes.

(a) General. This rule prescribes, in addition to the definitions of Rule .005, the general policies of Rule 135.18.04.003, and procedures of Rule 135.18.04.004, those special policies, practices, and procedures to be followed by the board in connection with the review of applications for board leases for navigation purposes on state-owned lands and flats pursuant to Sections 61.116 and 61.117, Texas Water Code.

(b) Policies of the board.

(1) The lease application and any related permit or easement applications for any proposed project shall be considered at the same time.

(2) The lease shall be for navigational purposes only.

(3) The lease shall include preliminary plans and shall outline project specifications, and the project shall conform to those plans and specifications.

(4) The lease shall be limited to those phases of the project presented to the board, and a lease shall not be construed to indicate approval of any future phases of a project.

(c) Content of application. In making application for a lease of state-owned lands and flats, the district shall satisfy the requirements of Rule 135.18.04.004 and also submit the following to the commissioner:

(1) The name, address, and telephone number of the district and the name of the agent authorized by the district to execute documents.

(2) Proof of eligibility to qualify as a district: date and statutory authority under which the district was formed and is operating, the names of district commissioners and commission chairman (at the time of application submission), and a map of all leaseholds of state-owned lands and flats.

(3) A description of the lands and flats sought to be leased or subleased.

(4) A draft or final environmental impact statement (EIS) conforming to the requirements of the National Environmental Policy Act (Public Law 91-190, 42 United States Code 4321, et seq.) or an environmental report that conforms to Rule 135.18.04.009, prepared in accordance with federal guidelines and regulations in effect at the time that the application materials are submitted to the board. However, an environmental impact statement is not required if the proposed project requires no dredging, filling, or bulkheading.

(5) Proof satisfactory to the board that the project is consistent with public convenience and necessity. Supporting materials should include:

(A) a statement of the conformity of the project as proposed with existing state, regional, and local land, air, water, recreation, transportation, and other such plans, and an explanation of any variance between the project and any such plans;

(B) an economic analysis of the impact of the proposed project of the local area; and

(C) a statement of how the proposed project would fill any recognized local, state, or federal need.

(6) The applicant's offer as to consideration and requested term for the lease or sublease of the state-owned lands.

(7) A filing fee.

(d) Maintenance operations.

(1) A district may perform maintenance dredging of channels across state-owned lands and flats and discharge

the dredged material onto state-owned lands and flats, provided:

(A) the district used these lands and flats for this purpose prior to and during May 27, 1975; and

(B) the district submitted acceptable maps and drawings depicting the structures and boundaries of the state-owned lands and flats used to the General Land Office before the effective date of these rules.

(2) A district must file notification of maintenance dredging with the General Land Office giving the date of dredging, the location of the dredging and of the dredged material disposal site, and the expected date of completion.

(e) No district may expand any operations on state-owned lands and flats without obtaining a lease from the board. Expansions include:

(A) widening or deepening of a navigation channel;

(B) disposal of dredged material on a new site on state-owned lands and flats;

(C) any other proposed operation which requires use of state lands.

(f) Oil, gas, and mineral leases.

(1) Lessees must observe the environmental codes specific to lands leased to districts.

(2) Lessees must apply to the General Land Office for appropriate permits or easements in connection with their lease.

(g) Any district granted a lease under these rules must adhere to the project performance standards under Rule 135.18.04.008.

.008. Subleases.

(a) Districts may sublease lands leased from the state under the provisions of these rules to third parties for navigation purposes, but such sublease and any amendments thereto shall be subject to the approval of the board according to the requirements set forth in Rule .007(c)-(g).

(b) If the work, improvements, and uses specified in the sublease were included in the district's original lease and were authorized by the board or if the state-owned lands and flats to be subleased were included in the final amended lease to the district, no approval by the board will be required; however, the district must submit a copy of the sublease, and any amendments thereto, to the board for a determination that the sublease was contemplated by the district in the district's original lease. No environmental impact statement will be necessary for any sublease which requires no dredging, filling, or bulkheading, and which would not have a substantial impact upon the environment, or which requires only insubstantial dredging, filling, or bulkheading, as determined by the board; nor will a district in obtaining approval for a sublease under any circumstances be required to reveal the name of the tenant to whom the sublease is to be made.

Doc. No. 791155

**State-Owned Lands in the Coastal Area
135.18.04**

The School Land Board proposes to adopt new rules which provide definitions, clarify board policy, clarify application requirements, and set out the standards which must be met before the board will consider granting a permit, lease, or easement.

The board proposes to withdraw proposed Rules 135.18.04.001, .004-.006, .008, .018-.019, and .021-.022, which were published in the December 12, 1978, issue of the *Texas Register* (3 TexReg 4299), and substitute the following proposed Rules 135.18.04.001-.009.

The substitutions reflect the many and varied comments received since December 12 and include a number of substantive changes. First, several definitions, including those for coastal natural resource areas, state-owned lands and flats, and state-owned water bottoms have been replaced by a definition of gulf lands and a definition of areas within tidewater limits. Second, the board's policy toward proposed projects which would be constructed wholly or partially on state-owned coastal lands and toward projects which would directly and significantly affect state-owned coastal lands has been clarified. Third, a system to monitor oil and gas operations has been developed in lieu of a requirement for a project plan. Fourth, the implementation date of both the ecological system and social and economic components of the activity assessment routine has been postponed. Fifth, the rule governing leases of state-owned lands to navigation districts has been moved to a separate subchapter and includes a clear statement of the policy toward maintenance dredging.

The proposed rules have no fiscal implications for the state or units of local government according to School Land Board staff.

Comments on the proposed rules should be submitted to Mike Hightower, program manager/director for Environmental Management, General Land Office, 1700 North Congress, Austin, Texas 78704, telephone (512) 475-1166, before 5 p.m. Friday, April 13, 1979.

These rules are proposed under the authority of Texas Natural Resources Code, Sections 32.061, 32.062, 33.011, and 33.064.

.001. Scope of Rules. These are rules of practice for the surface estate of state-owned lands in the coastal area and supersede any other rules of the School Land Board to the extent of any conflict.

.002. Definitions.

(a) "Adverse impact" means changes in physical, biological, or chemical relationships in state coastal wetlands or in areas within tidewater limits that on balance significantly diminish the value of these areas; and changes in socioeconomic factors which on balance have significant negative effects on communities.

(b) "Applicant" means a person applying for a permit, lease, or easement but excluding a person nominating tracts for oil and gas leases or a person requesting a pooling agreement.

(c) "Areas within tidewater limits" means islands, salt-water lakes, bays, inlets, marshes, and reefs below mean higher high tide and that portion of the Gulf of Mexico within the jurisdiction of Texas.

(d) "Board" means the School Land Board of Texas.

(e) "Bulkhead" means a structure usually built parallel to and abutting the shoreline to prevent shorefront property from eroding or sliding into the water.

(f) "Channel" means a waterway created by the moving of soil, sand, gravel, shell, or other material from its natural setting to increase water depth.

(g) "Coastal area" means the geographic area comprising all the counties of Texas having any tidewater shoreline, including that portion of the Gulf of Mexico within the jurisdiction of the State of Texas.

(h) "Coastal public lands" means all or any portion of state-owned submerged land, the water overlying that land, and all state-owned islands or portions of islands in the coastal area.

(i) "Coastal wetlands" means marshes and other areas of high biologic productivity where seawater is present during times other than and in addition to storms or hurricanes as defined by the Beaufort Wind Scale. Coastal wetlands do not, however, include any areas seaward of the line of mean annual low spring tide, nor do they include any mainland area where seawater is present only during storms or hurricanes as defined by the Beaufort Wind Scale. The presence at a given point of vegetation characteristic of marshes containing seawater shall be prima facie evidence that seawater is present at such point during times other than and in addition to storms or hurricanes as defined by the Beaufort Wind Scale.

(j) "Commissioner" means the commissioner of the General Land Office of Texas, who serves as chairman of the School Land Board.

(k) "Contaminating substance" means any substance, excluding freshwater and normal-salinity seawater that exists within, is introduced into, or is released within areas within tidewater limits and could cause adverse impacts.

(l) "Cumulative impacts" means the significant impacts which will result from a proposed project considered together with the measurable impacts of existing projects in the area of the proposed project.

(m) "Dredged material" means material that is excavated, dredged, or moved on or from lands in the coastal area.

(n) "Dredging" means excavating, displacing, or moving material from lands in the coastal area for the purpose of deepening a body of water or for obtaining fill material. Prop-washing is included in this definition.

(o) "Fill material" means any material purposely placed to alter the elevation of the land or to level or stabilize the land surface or water bottom, excluding any material discharged into coastal waters primarily to dispose of waste.

(p) "Groin" means a structure usually built perpendicular to the shore to protect it from erosion or to trap sand and other sediment.

(q) "Gulf lands" means the state-owned lands extending from the three-marine-league line shoreward to the line of mean high tide, excluding bays and arms of the Gulf.

(r) "Island" means any body of land surrounded by the waters of a saltwater lake, bay, inlet, estuary, or inland body of water within the tidewater limits of this state, including man-made islands resulting from dredging or other operations.

(s) "Littoral owner" means the owner of any public or private land bordered by or contiguous to coastal public land.

(t) "Marina" means a pier or group of piers, extending onto or over the water, which is used for the purpose of mooring, harboring, or storing boats, pleasure craft, or small commercial vessels.

(u) "Mean higher high tide" means the 18.6-year average of the highest level of the two daily tides as measured by a tidal gauge.

(v) "Other areas of high biologic productivity" means areas in coastal wetlands that contain seawater, are adjacent to or within marshes, and contain submerged, benthic, sparse emergent, or no vegetation. These areas may include small water bodies, creeks, pans, and bare spots. They contribute to or perform the same functions as marshes.

(w) "Owner" means a property owner or a property owner's legal representative.

(x) "Permit" means a license, certificate, approval, registration, or similar form of permission issued by the board authorizing use of state-owned lands in the coastal area. This excludes easements and leases.

(y) "Person" means any individual, firm, partnership, association, corporation which is public or private and profit or nonprofit, trust, political subdivision, agency of the state, or agency of the federal government.

(z) "Pier" means a structure, usually of open construction, extending out into or over the water from the shore.

(aa) "Project" means the planning, construction, operation, maintenance, or modification of facilities, structures, channels, equipment, or material necessary to serve a particular purpose.

(bb) "Rookery" means the nesting or breeding place of a colony of birds.

(cc) "Seawater" means any water containing a concentration of one-twentieth of one percent or more by weight of total dissolved inorganic salts derived from the marine waters of the Gulf of Mexico.

(dd) "Sensitive aquatic habits" means water environments that sustain coastal wildlife or fishery resources and are easily disturbed by structures, operations, or facilities. These areas include oyster reefs, grassflats, and bay and lagoon margins. For the purpose of these rules, sensitive aquatic habits may be adjacent to but are distinct from coastal wetlands.

(ee) "Shoreline" means the Gulf Coast Low Water Datum as established by the National Ocean Survey.

(ff) "Structure" means any temporary or permanent improvement to real property.

(gg) "Structures for protection from coastal hazards" means levees, pumping stations, seawalls, groins, bulkheads, riprap, and other structures whose principal purpose is to protect lives and property from coastal natural hazards such as storms, hurricanes, and erosion.

(hh) "Submerged lands" means the land beneath any saltwater lake, bay, inlet, estuary, or inland water within tidewater limits, excluding beaches bordering on and land beneath the waters of the open Gulf of Mexico.

(ii) "Washover channels" means local breaches through barrier islands or peninsulas in the Gulf of Mexico resulting from storm-generated high waters, current, or wave action. Washover channels are topographically lower than the beach itself.

(jj) "Wharf" means a structure, usually constructed parallel to the shoreline, that may extend into or over the water from the shore and that provides a mooring place for vessels to receive and discharge cargo.

.003. Policies for Management of State-Owned Lands in the Coastal Area.

(a) Management goals and objectives.

(1) Pursuant to the powers and duties of the board, it is the goal of the board to manage state lands in the coastal area in a manner which furthers the following objectives:

(A) the orderly development of the mineral estate;

(B) the orderly growth of navigation necessary to the economic well-being of the state; and

(C) the maintenance of the productivity and stability of the renewable resources of the surface estate for present and future generations as they provide:

(i) habitat necessary for sustained populations of commercially and biologically important species of fish and wildlife,

(ii) protection of coastal residents from natural coastal hazards,

(iii) recreational opportunities to the general public,

(iv) aesthetic values which improve the quality of life of coastal residents and visitors.

(2) It is also the goal of the board to establish a process for decision-making which furthers the long-term interests of the people of Texas and which reduces conflict between objectives to the maximum extent practicable.

(3) The board does not purport to have administrative control over the activities of any private landowner; nor does the board purport to have the authority to regulate, control, or restrict the use or development of the property of a littoral owner. However, the board does intend to act as do other landowners and to exercise the state's common law rights when an activity on adjacent property has a significant, adverse impact on state land. The standards the board shall consider when exercising permitting, easement, or leasing authority; when exercising common law rights; or when commenting to other agencies are contained in this subchapter.

(b) The board shall evaluate projects or those portions of projects proposed to be located on state lands in the coastal area and shall take such management actions as it is authorized to take and which it deems proper to further the long-term interests of the people of Texas. The management actions which may be available to the board or commissioner with regard to actual or proposed projects include but are not limited to:

(1) granting, granting with stipulations, or denying applications for permits, leases, or easements;

(2) commenting favorably, conditionally, or adversely on applications for permits submitted to other governmental agencies in accordance with applicable rules and executive orders;

(3) certifying land as critical coastal wetlands for acquisition by the state;

(4) promulgating performance standards for projects on or directly and significantly affecting state-owned lands in the coastal area as public notice of practices acceptable to the board.

(c) The board shall employ the following criteria in evaluating projects for possible management action.

(1) The following types of projects located in areas within tidewater limits are generally permissible, subject to the other criteria contained in this section:

(A) exploration for and extraction of oil, gas, and geothermal resources;

(B) exploration for and extraction of other mineral resources;

(C) access channels required for mineral extraction;

(D) power transmission lines;

- (E) access roads for approved projects;
- (F) pipelines;
- (G) structures for protection from coastal hazards;
- (H) recreational facilities, if dredging or filling is not required;

(1) structures for purposes connected with ownership of littoral property

(2) The following types of projects may be permissible if the board finds that the net social, economic, and environmental impacts of the project are beneficial and meet the criteria contained in this section

- (A) structures for navigation;
- (B) harbor and port facilities;
- (C) highways, causeways, and bridges;
- (D) recreational facilities, if dredging and filling is required;

- (E) waste storage and disposal;
- (F) surface drainage structures and impoundments;

- (G) industrial facilities;
- (H) all other projects not listed in Rule .003(c)(1).

(3) The board will not grant an easement for a private residence to be built on state lands.

(4) The board may allow access roads or channels when the applicant can demonstrate that no other means of access is practicable

(5) The board may allow groins only if a serious erosion problem exists, if there is no practicable alternative means of stabilizing the shoreline, and if the proposed structure will not create adverse shoaling.

(6) When any person proposes to undertake any activity or place on coastal public lands any structure or place on the boundary line between coastal public lands and private property any structure which alters the shoreline, the board may require that the boundary line be established by an on-the-ground survey and require submission of a survey plat and field notes and such other information as may be deemed necessary by the board.

(7) The board shall consider the relative permanence of the effects of those portions of projects located on or directly and significantly affecting areas within tidewater limits.

(8) The board shall consider the extent to which those portions of projects on or directly and significantly affecting areas within tidewater limits will meet the performance standards applicable to that type of project, specified in Rule .008.

(9) The board may require submission of a project plan for a proposed project only partially on state-owned lands to determine whether the project will directly and significantly affect state-owned lands.

(10) The board shall consider the extent to which those portions of a project on or directly and significantly affecting areas within tidewater limits or the purpose of such a project can be practicably accomplished through the use of alternative sites which are more consistent with the management objectives specified in Rule .003(a) and the performance standards specified in Rule .008.

(11) The board shall consider the direct and cumulative impacts of those portions of projects which are on or directly and significantly affect state-owned coastal wetlands, vital areas that constitute a productive and valuable public resource.

(12) The board shall consider government agency comments on and nominations of areas of particular concern. The board will designate these areas as areas of environmental value which need special monitoring or protection.

(13) The board shall consider the national interest in those portions of projects on or directly and significantly affecting state lands in the coastal area that are relevant to the planning and siting of facilities, including energy facilities, which are necessary to meet requirements that are other than local in nature.

(d) The board hereby delegates to the commissioner the authority to:

- (1) receive all written communications for the board;
- (2) establish and carry out, to the extent funding permits, a review of state lands in the coastal area to identify:

- (A) unauthorized uses of those lands;
- (B) violations of the terms and conditions of permits, leases, or easements issued by the board; and
- (C) projects on state lands which have direct and significant impacts adverse to the standards of the board;

(3) process applications for permits, leases, or easements from the board, including but not limited to:

- (A) determining, according to rules of the board, the administrative completeness of the application and notifying the applicant of the completeness or deficiencies of the application;

(B) receiving filing fees and monies for permits, leases, or easements authorized by the board and depositing such funds in the proper account in accordance with state law;

(4) evaluate and report to the board the probable impacts of those portions of projects on or directly and significantly affecting areas within tidewater limits in conformance with the policies, standards, and estimation techniques contained in these rules;

(5) make detailed recommendations to the board regarding management actions necessary to further the goals and objectives specified in Rule .003(a).

.004. Processing of Board Permits, Leases, and Easements.

(a) Application requirements. Any person proposing to undertake a project requiring board authorization as specified in these rules must apply for a permit, lease, or easement. Applications for permits, leases, or easements must be prepared in accordance with these instructions and in accordance with other application procedures which vary, depending on the purpose and use of state-owned lands. The application form for a particular type of permit, lease, or easement may be obtained from the General Land Office, 1700 North Congress, Austin, Texas 78701. Variations of the application form exist for different types of uses.

(b) Content of application.

(1) The application shall contain the name, address, and telephone number of the applicant or of the corporate officer authorized to make the application. The application shall be signed by the person who desires to undertake the project or by a duly authorized agent if accompanied by a statement designating the agent. It shall be accompanied by a five-dollar nonrefundable processing fee made payable to the General Land Office.

(2) In addition, the application shall include:

- (A) a reasonably adequate legal description of the land in which rights are sought as specified by Rule .004(d)(4);

(B) a statement of the legal instrument sought and the time period for which it is desired;

(C) a description of the entire project for which use of any state-owned lands in the coastal area is sought as specified in Rule .004(d)(3) and (4);

(D) the consideration proposed to be paid for the use of the state-owned lands in the coastal area.

(3) Project description.

(A) General. The project description shall include necessary drawings, sketches, plans, maps, or plats indicated on the application form; the names and addresses of adjoining property owners; the location and dimensions of adjacent structures relevant to the permit, lease, or easement for which application is being made; and a list of the approvals required by other state, federal, or local agencies, including all approvals received or denials already made.

(B) If the project involves construction, modification, repair, or removal of a structure, the application shall include a description of any associated filling, dumping, excavating, or dredging.

(C) If the project involves dredging or discharge of dredged or fill material in or affecting state lands in the coastal area, the application shall include a description of the source of the material; the type, composition, and quantity of material; the methods of dredging, transportation, and disposal; and the location of the disposal site.

(4) Maps and plats. Legal descriptions of lands in which rights are sought and project descriptions shall include maps or certified survey plats in accordance with the instructions of the particular type of permit, lease, or easement.

(c) Nature of permit, lease, or easement.

(1) A permit, lease, or easement, if granted, shall be subject to these rules in addition to those terms and conditions prescribed in the permit, lease, or easement. The permit, lease, or easement shall be for a specific purpose. An applicant, by accepting a permit, lease, or easement to occupy or otherwise place a structure on state-owned land or water surface areas in the coastal area, agrees and consents to comply with and be bound by the following:

(A) All structures on these state-owned lands shall be subject to inspection at any time by the board, commissioner, or their authorized representatives.

(B) The applicant shall keep the commissioner informed at all times of the applicant's address and the name and address of any agent authorized by the applicant to receive service of notice.

(C) The rights granted by the permit, lease, or easement shall not be exercised in a manner that unduly prevents or interferes with the management, administration, or granting of other rights by the board in any part of the area included in the permit, lease, or easement.

(D) The board reserves the rights to review any maintenance dredging and disposal activities required for any project authorized by a permit, lease, or easement unless maintenance dredging or disposal is authorized in the permit, lease, or easement.

(E) The applicant agrees to pay to the General Land Office, when due, the necessary fee or rent determined by the board to be adequate compensation for the use of public lands.

(F) The applicant agrees to indemnify the board and commissioner against any and all liability for damages to life, person, or property arising from his occupation or use of the area covered by the interest or permit granted.

(2) Failure to comply with these rules and regulations and terms of the permit, lease, or easement subject the permit, lease, or easement to forfeiture.

.005. Mineral Exploration, Production, and Transportation on State Lands in the Coastal Area.

(a) Environmental codes.

(1) The lessee is required to comply with the codes which are indicated as enforceable by the General Land Office in the "Notice for Bids Booklet" published at the time of lease sale (beginning with the first sale after February 1979).

(2) A lessee may request a waiver or revision of a code if evidence can be shown that the code is unduly restrictive or inappropriate. The board must rule on the request to change the code within 30 days of the receipt of the request.

(3) Those codes enforceable by the board are:

(A) Dredging.

DA--No dredging

DB--No dredging in water less than four feet deep as measured from mean low water

DC--No dredging in water less than six feet deep as measured from mean low water

DD--No dredging to a depth exceeding six feet as measured from mean low water

DE--No dredging in NE quarter of tract

DF--No dredging in NW quarter of tract

DG--No dredging in SE quarter of tract

DH--No dredging in SW quarter of tract

DI--Use diaphragms and silt curtains to reduce turbidity

DJ--No dredging within 500 feet of shoreline

DK--No dredging within 1,000 feet of shoreline

DL--No dredging within 1,500 feet of shoreline

DM--No dredging within 2,000 feet of shoreline

(B) Spoiling.

SA--No spoiling

SB--No spoiling in water less than four feet deep measured from mean low water

SC--No spoiling in water less than six feet deep measured from mean low water

SD--Place and contain spoil on land above mean high water and above contiguous marshes

SE--Use existing spoil banks

SF--No spoiling in NE quarter of tract

SG--No spoiling in NW quarter of tract

SH--No spoiling in SE quarter of tract

SI--No spoiling in SW quarter of tract

SJ--No spoiling within 500 feet of shoreline

SK--No spoiling within 1,000 feet of shoreline

SL--No spoiling within 1,500 feet of shoreline

SM--No spoiling within 2,000 feet of shoreline

SN--Place spoil banks in a direction which will not create detached tidal pools and avoid continuous spoil banks

SO--Confine spoil with levees

(C) Channels.

CA--Utilize existing channels only

CB--Extend existing channels

CC--Utilize one channel for production of tract

CD--Utilize no more than two channels for

- production of tract
- CE—Backfill access channel if well is non-producing
- (D) Drilling.
- OA—No drilling on this tract; directional drilling should be considered
- OB—No drilling in water less than four feet deep as measured from mean low water
- OC—No drilling in water less than six feet deep as measured from mean low water
- OD—Sensitive resource areas should be avoided; coordinate drilling pad location(s) and access routes with the General Land Office
- OE—Utilize no more than one drill site per quarter tract
- OF—Utilize no more than one drill site per tract
- OG—Utilize no more than two drill sites per tract with spacing of at least one-half mile apart and confine facilities within a 300-foot diameter area for up to five wells or 500-foot diameter area for more than five wells
- OH—Drill only from deep water portion of tract or existing channel
- OI—Confine drilling to NE quarter
- OJ—Confine drilling to NW quarter
- OK—Confine drilling to SE quarter
- OL—Confine drilling to SW quarter
- OM—Avoid drilling and construction of any platforms on the top or slopes of any grouper or snapper banks
- ON—No drilling within 500 feet of shoreline
- OO—No drilling within 1,000 feet of shoreline
- OP—No drilling within 1,500 feet of shoreline
- OQ—No drilling within 2,000 feet of shoreline
- OR—No drilling within one mile of shoreline
- OS—No drilling within 1-1/2 miles of shoreline
- OT—Retain drilling wastes on land
- OU—No drilling muds, other than those attached to washed drill cuttings, shall be discharged into the Gulf of Mexico either during or following drilling operations
- (E) Time limitations.
- TA—No drilling or construction between March 15 and September 15 (recreational beach usage)
- TB—No construction, dredging, or drilling between October 15 and April 15; no permanent structures higher than 15 feet above mean low water (whooping crane habitat)
- TC—No disturbance of rookery at any time; no drilling, dredging, or construction within 1,000 feet of rookery; no geophysical surveying within 1,000 feet of rookery between March 1 and September 1
- TD—No disturbance of rookery at any time; no drilling, dredging, or construction within 1,000 feet of rookery; no geophysical surveying within 1,000 feet of rookery between February 15 and September 1
- TE—No geophysical surveying with explosives allowed within one mile of Gulf shoreline
- from March 15 to September 15
- (F) Miscellaneous.
- MA—No special recommendations
- MB—Production activities and rights-of-way in submerged grass beds and marshes should be avoided; specific work should be coordinated with the General Land Office
- MC—Place all bulk crude storage facilities in containment levees on land above mean high water and above contiguous marshes
- MD—No wheeled or tracked vehicles on submerged grass beds below mean low water
- ME—No landfill roadways placed on land below mean high water
- MF—No dredging, spoiling, or drilling within 500 feet of any shell reef
- MG—Avoid reefs during pipeline construction and geophysical surveying
- MH—Work within this tract should be coordinated with private oyster lease owner; contact the General Land Office for information
- MI—Safety fairways and anchorage areas are subject to regulations cited in 33 CFR 209.135 and laying of pipelines will be subject to special routing and burial requirements regulated by the Corps of Engineers
- MJ—Detect and avoid state archeological landmarks and other cultural resources; coordinate with Antiquities Committee and state historic preservation officer
- (b) Project plans.
- (1) The board may require a project plan of operations to be filed with the General Land Office. A project plan will be requested only when required information on the project is not available from the Corps of Engineers public notice.
- (2) A plat showing all production facilities and ancillary facilities for the purpose of gathering, storing, compressing, treating, processing, separating, transporting, or otherwise making the resource ready for sale or use must be filed with the General Land Office. The plat must be dated and filed 30 days after production begins. A revised plat must be dated and filed whenever the resource passes through an additional facility.
- (3) If a lessee holds more than one lease in an area and the leased tracts are adjacent and share facilities, the required information may be filed in one plat.
- (4) Rule .005(b)(1)-(3) does not waive or otherwise limit the right of the state to acquire any additional information authorized by a lease agreement or state law.
- .006. *Permits Authorizing Limited Continued Use of Heretofore Unauthorized Structures on Coastal Public Lands.*
- (a) The board may issue permits authorizing limited continued use of heretofore unauthorized structures on coastal public lands where such use is sought by one claiming an interest in any such structure but is not incident to the ownership of littoral property.

(b) Application for a permit shall follow the general procedures of Rule .004.

(c) The term of a permit will be the period considered by the board to be in the best interest of the state and in no event may exceed five years.

(d) The board may renew existing permits upon receipt from the permittee of a renewal request accompanied by the required fees. Upon approval by the board, a new grant of interest right may be authorized.

(e) Permits granted pursuant to this section shall be subject to the following policies.

(1) The board may not grant a permit authorizing the continued use of any structure located within 1,000 feet of:

(A) privately owned littoral property, without the written consent of the littoral owner;

(B) any federal or state wildlife sanctuary or refuge;

(C) any federal, state, county, or city park bordering on coastal public lands.

(2) Such structures may be used only for noncommercial recreational purposes.

(3) The board may not grant any permit which would be in violation of the public policy of this state as expressed in these rules; nor may it grant any permit for any structure not in existence on August 27, 1973.

(4) In the event a structure for which a permit has been issued is severely damaged or destroyed by any means, no major repairs or rebuilding may be undertaken by the permit holder without the approval of the board.

(5) A permit authorizing continued use of heretofore unauthorized structure on coastal public lands shall be deemed automatically revoked and terminated if the coastal public land where the structure is located is subsequently leased for public purposes or exchanged for littoral property or if such land is conveyed to a navigation district as provided by law.

(6) Every permit shall provide that in the event the terms of the permit are broken the board may terminate the permit.

(f) All structures for which a permit is required pursuant to this rule have been declared by law to be the property of the state, and any construction, maintenance, or use of such structure, except as authorized in this section, is declared a nuisance per se and is expressly prohibited.

(g) Any structure for which a permit is required located in a rookery may be permitted only if these restrictions are met:

(1) Pets shall not be permitted on the island between March 1 and September 1.

(2) During the period of March 1 through September 1, activities shall be limited to the immediate area of the permitted structure(s) unless special permission is granted by a representative of the General Land Office.

(3) Activities resulting in excessive noise or which are obviously harmful to birdlife, such as the use of fireworks, use of firearms, or large open fires, shall be specifically disallowed during the nesting season of March 1 through September 1.

(4) Vegetation removal, such as clearing brush or cutting limbs, without written consent from the General Land Office is prohibited.

(h) The board may approve, approve with qualifica-

tions, or deny a request for the undertaking of major repairs or for the rebuilding of a structure under permit.

(1) Major repairs will include all of the following projects unless the board shall determine otherwise:

(A) modification or renovation of facilities or structures currently in existence;

(B) addition of any structure to existing facilities or structures;

(C) movement of any existing facility or structure from its current location;

(D) any activity requiring dredging or filling;

(E) any construction or building activity not listed as minor.

(2) A permittee may undertake minor repairs which will include the repair of existing docks, piers, catwalks, breakwaters, sheds, cabins, and the normal maintenance of such structures in those instances where size and capacity remain the same, i.e.:

(A) the replacement of shingles or tin on roofs or boards on floors, walls, or any associated appurtenances;

(B) the replacement of pilings and such other foundations which do not require filling or dredging;

(C) the painting of any structure;

(D) clean-up activities such as removal of trash to keep the area litter-free, neat, and orderly.

(3) If the need for major repairs or rebuilding was caused by damage to the structure, the applicant must submit a written request to rebuild or make major repairs and a sworn affidavit attesting to the nature and cause of the damage to the structure. If the request is not made because of damage, the applicant must submit a written request for permission to do major repairs or rebuild, stating the reason for the request.

(4) The applicant must submit with the request a set of plans delineating the nature and extent of all proposed construction. The plans must show the existing and proposed structure, including dimensions.

(i) Structures determined by the board to be abandoned may be removed from coastal public lands, renovated for the use of the general public, or permitted to any person.

(j) An applicant, by accepting a permit to occupy a structure on coastal public lands or water surface areas, agrees and consents to comply with and be bound by the following terms and conditions:

(1) The permit number assigned by the board must be displayed by the permittee on the permitted structure in no less than four-inch block letters and numerals affixed to the structure in a location which can readily be seen from the nearest access channel. These may be decals, metal, or painted of contrasting color.

(2) The allowance of the permit rights granted shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration, or the granting, either prior or subsequent to the permit granted, of other rights by the board in any part of the area in which permit rights are granted.

(k) Assignment. A permittee may assign a permit upon approval of the board for a prescribed fee.

(1) The proposed assignee must submit in writing that he understands that he is receiving only the rights set out in the permit contract and that he will abide by the provisions of the contract.

(2) Upon notification of the approved assignment, the assignee shall be responsible for compliance with all

rules, regulations, and contract provisions. Such assignment shall be made upon the express condition that such assignment does not and shall not release or relieve the assignor from the faithful performance of any and all obligations of the permittee under the permit contract.

.007. Registration of Structures.

(a) A littoral owner may construct on or over coastal public lands a pier which does not exceed 100 feet in length or 25 feet in width, requires no filling or dredging, and is not used for commercial purposes without obtaining an easement from the board; however, the littoral owner shall register the location and dimensions of the pier with the board.

(b) Any person desiring to register a pier on coastal public lands with the board must submit the plat and registration form approved by the General Land Office.

(1) The commissioner may request any additional information deemed necessary.

(2) A nonrefundable registration fee made payable to the General Land Office must accompany the registration form for each structure.

(c) Upon receipt of a registration form, the commissioner will, after review and evaluation of the information, authorize the registration of the structure.

(d) In the event a structure has been registered with the commissioner and the littoral owner subsequently desires to make modifications or additions or rebuild such structure, the littoral owner is required to obtain an easement or lease in lieu of the prior registration of such structure if such structure is for commercial purposes, requires dredging or filling, or exceeds 100 feet in length or 25 feet in width. If no easement or lease is required, the littoral owner shall notify the General Land Office of the proposed modifications, additions, or rebuilding prior to undertaking the work.

(e) Assignment may be made of any structure registered with the commissioner subject to the written approval of the commissioner and provided that such structure is not used for commercial purposes, requires no filling or dredging, and does not exceed 100 feet in length or 25 feet in width, in which event an easement may be required. Any such assignment must be filed in triplicate and accompanied by a written request for approval in which the assignee agrees to comply with all rules and regulations contained in this rule. No assignment shall be effective to transfer any structure until approved by the commissioner, the assignor, and the assignee.

(f) The failure of any littoral owner to register a structure shall prevent such owner from making any further claim of right against the state in such structure and shall render the structure a nuisance per se, subject to abatement by the state at the expense of the littoral owner.

.008. Project Performance Standards.

(a) The board will apply the project performance standards in Rule .008 and the environmental codes in Rule .005 to the extent practicable in evaluating applications for permits, leases, and easements. The board will use the project performance standards in commenting on or deciding whether to challenge, through actions at common law, projects which are deemed to cause direct and significant harm to state-owned lands and flats.

(b) Drilling for and extraction of oil, gas, mineral, or geothermal resources.

(1) Alteration of state-owned coastal wetlands and sensitive aquatic habitats shall be avoided. This may be done

by employing such means as directional drilling or by use of existing drilling sites.

(2) In areas of recreational beach use, surface drilling in the Gulf of Mexico within one mile of the shoreline shall be avoided by using methods such as directional drilling.

(3) Drilling and ancillary operations shall not occur:

(A) within 1,000 feet of a rookery between March 1 and September 1, and between February 15 and September 1 for pelicans and black-crowned night herons;

(B) between October 15 and April 15 in whooping crane habitat as designated by the United States Fish and Wildlife Service;

(C) if a structure exceeds 15 feet in height above mean low water, between October 15 and April 15 in whooping crane habitat;

(D) on or within 500 feet of an oyster reef, or where it results in a high turbidity plume impacting a living reef; or

(E) on the top or slopes of grouper or snapper banks.

(4) Drilling muds may not be disposed into coastal wetlands or coastal public lands. Drill cuttings containing hydrocarbons or toxic substances shall not be released within tidewater limits or coastal wetlands.

(c) Channels.

(1) Existing channels shall be used wherever possible.

(2) Widening, deepening, and lengthening of existing channels shall be done in a manner that minimizes adverse impacts on the hydrological characteristics of the naturally functioning bay systems. These characteristics include freshwater inflow, tidal exchange, water circulation, salinity regime, and sediment transport processes.

(3) Channels shall be constructed to avoid nursery areas and shellfish beds.

(4) Channels for access to drainage systems or mosquito control projects, mineral extraction sites, and littoral property shall not exceed six feet in depth, measured from the shoreline, and shall be designed to ensure adequate water circulation. This does not apply to major navigation channels.

(5) Channels adjacent to barrier islands or peninsulas shall not be constructed transverse to the Gulf shoreline if such construction will create washover channels or breaches. Channels across coastal wetlands or areas within tidewater limits that approach or are adjacent to washover channels shall not significantly increase the probability that storm erosion and deposition will damage areas within tidewater limits.

(d) Recreation facilities.

(1) A pier, dock, wharf, or marina shall not be constructed which:

(A) significantly restricts water flow and circulation;

(B) significantly shades out vegetation in coastal wetlands and grassflats;

(C) significantly impedes navigation or public access to coastal waters;

(D) uses solid fill across state-owned coastal wetlands and sensitive aquatic habitats;

(E) allows unlawful handling of sewage, refuse, or petroleum wastes;

(F) unlawfully restricts public use of the beach.

(2) Open dockage to deep water shall be used instead

of excavated boat basins where possible.

(3) The depth of an excavated basin shall not exceed that of access channels and canals leading to the basin.

(4) Excavation of private property is preferable to excavation of state coastal wetlands.

(e) Dredging and dredged material disposal:

(1) shall conform to a disposal plan approved by the board;

(2) shall not alienate rights of public and private littoral owners;

(3) shall be planned to minimize adverse impacts;

(4) shall be scheduled to cause as little disturbance to living marine and wildlife resources as possible;

(5) shall avoid areas important to fish and shellfish production, important recreational areas, and endangered species habitat as designated by the U.S. Fish and Wildlife Service;

(6) shall not occur within 1,000 feet of a rookery;

(7) shall not create new disposal sites in state-owned coastal wetlands, bays, or estuaries unless it can be shown that disposal in this manner is of net benefit to these areas;

(8) shall not create significant erosion or other non-point sources of pollution;

(9) shall be compatible with sediment compositions and types at the disposal site;

(10) shall not expose state-owned lands in the coastal area to contaminating substances in greater than trace amounts as defined by the Environmental Protection Agency in "Quality Criteria for Water, 1976";

(11) shall be conducted using methods of safe practice and safety in navigation.

(f) Structures for protection from coastal hazards.

(1) Structures for protection from coastal hazards are generally permitted to protect existing commercial and residential land and improvements but not in order to convert coastal wetlands to commercial and residential use if such coastal wetlands are state-owned or if the structure will directly and significantly affect state-owned lands in the coastal area.

(2) Structures for protection from coastal hazards shall not:

(A) be constructed with material dredged from coastal wetlands;

(B) alter the elevation, water level, or water circulation in coastal wetlands;

(C) create sediment transport patterns which induce erosion or shoaling in adjacent areas;

(D) reflect wave energy in a manner which alters stable marine bottom;

(E) be constructed of materials which will degrade water quality;

(F) restrict free public access to state beaches and waters;

(G) be constructed as an erosion buffer where coastal wetlands are adequately serving this purpose.

(g) Structures below mean higher high water. Any structure, whether fixed or floating, placed on state-owned lands in the coastal area below mean higher high water shall be marked or lighted so as to prevent a navigation obstruction. Any such structure shall be removed or retrieved when no longer in use.

.009. Assessment of Economic, Social, and Environmental Impacts of Major Projects on State-Owned Lands.

(a) For major projects for which an environmental im-

pact statement, assessment, or review has been required by a governmental agency, the applicant must submit information to the General Land Office which:

(1) provides estimates of those impacts of the proposed action which the board is allowed by the applicable statutes and regulations to consider in acting on the permit application, and

(2) demonstrates that granting of the application will have no significant adverse impacts which the board is allowed to consider. The board will not assess those impacts which are outside its jurisdiction.

(b) An applicant shall use the procedures from the Texas Coastal Management Program's "Activity Assessment Routine Social and Economic Component: User's Manual" and "Activity Assessment Routine Ecological Systems Component: User's Manual" in preparing an assessment for a project:

(1) for which a federal environmental impact statement is required; and

(2) for which federal agencies required to approve the project have agreed to accept technical data presented in the format of the social and economic component or the ecological systems component; and

(3) for which an application is filed after (a date to be determined); and

(4) which is located in coastal natural resource areas as defined in Section 3 of Vernon's Annotated Civil Statutes, Article 5415e-1.5; and

(5) in the case of the ecological systems component, which is located in areas for which systems diagrams are available.

(c) The procedures used for preparing estimates of impacts shall:

(1) specify geographic areas of impact and include a model or checklist showing that the proposed project's impacts on the components of each affected natural or social system subject to the board's review have been assessed;

(2) provide sufficient documentation of methodology to reasonably allow a person who did not perform the procedure to trace the reasoning process and professional judgments used in the assessment;

(3) produce a clear and concise summary of the significant impacts of the proposed action in a form understandable to policymakers and the general public.

(d) The commissioner shall determine whether the applicant's environmental assessment meets the above criteria. In making this determination, the commissioner will not require the submission of data or analysis not necessary for a reasonably precise and accurate estimation of impacts. The demands on the applicant will be commensurate in scale with the anticipated impacts of the proposed action. The commissioner will seek to identify procedures which meet these criteria with reasonable expenditure of time and money by the applicant. The commissioner will make all reasonable efforts to coordinate the information requirements for the applicant with related requirements of other state and federal agencies to avoid unnecessary expense to the applicant.

Issued in Austin, Texas, on February 23, 1979.

Doc. No. 791156

Bob Armstrong
Chairman
School Land Board

Proposed Date of Adoption: April 13, 1979

For further information, please call (512) 475-1166.

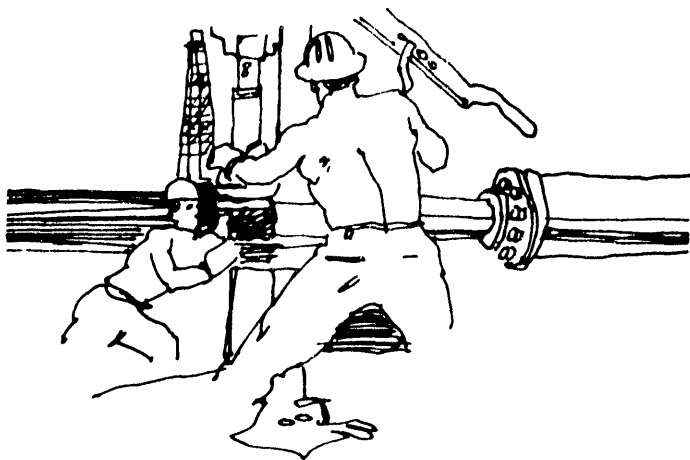
ADOPTED RULES

696

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.



General Land Office Exploration and Development Submerged Lands 126.16.01

The General Land Office has withdrawn from consideration for adoption Rule 126.16.01.013. The proposed new rule was published in the December 12, 1978, issue of the *Texas Register* (3 TexReg 4292).

Doc. No. 791182

Legal Division Oil and Gas Leases, Mineral Classified Lands 126.17.02

Under authority of Section 66.73, Texas Education Code, the General Land Office has amended Rule 126.17.02.002(f)(1) to read as follows:

.002. Assignments.

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

(f) Partial assignments of oil and gas leases.

(1) Horizontal assignments of University of Texas oil and gas leases may be approved and filed in the Land Office.

(2) (No change.)

Issued in Austin, Texas, on February 21, 1979.

Doc. No. 791148 Bob Armstrong
Commissioner
General Land Office

Effective Date: March 16, 1979

For further information, please call (512) 475-6298.

Texas Department of Mental Health and Mental Retardation

Client (Patient) Care

Administration of Medications 302.04.02

Pursuant to the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Section (b) of Rule 302.04.02.009 to read as follows:

.009. Administration of Medications on or after January 1, 1977.

(a) Effective January 1, 1977, only licensed physicians, licensed dentists, and licensed registered and vocational/practical nurses may administer medications to clients.

(b) Until January 1, 1980, the requirement contained in Section (a) of this rule may be suspended by order of the commissioner for a particular facility. To obtain an order of suspension, the superintendent or director of a facility must submit a written request to the commissioner, which contains the following:

(1) a statement that the facility has attempted to recruit licensed personnel and such personnel are not available;

(2) a request for the continued use of trained personnel for the administration of medications; and

(3) a request for the continuation of training classes to train personnel in the administration of medications.

Upon receipt of the written request from the superintendent or director of a facility, the commissioner may, in his discretion, order the suspension of the requirement contained in Section (a) of this rule for the requesting facility. All orders of suspension issued by the commissioner prior to July 1, 1978, shall continue in full force and effect until January 1, 1980.

Issued in Austin, Texas, on February 22, 1979.

Doc. No. 791125 John J. Kavanagh, M.D.
Commissioner
Texas Department of Mental Health and
Mental Retardation

Effective Date: March 15, 1979

For further information, please call (512) 454-3761, ext. 241.

School Land Board

Land Resources

Practice and Procedure for the Surface Estate of State-Owned Lands and Flats in the Coastal Natural Resources Area 135.18.04

The School Land Board has withdrawn from consideration for adoption Rules 135.18.04.001, .004-.006, .008, .019, and .021-.022. The proposed new rules were published in the December 12, 1978, issue of the *Texas Register* (3 TexReg 4299).

Doc. No. 791183

Texas Water Development Board

Levee Improvement Districts and Approval of Plans for Reclamation Projects

Definitions 156.10.01

The following amendment is adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

.001. *Definitions of Terms.* The following definitions of terms apply unless the subject matter or context clearly requires otherwise:

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

(4) "Project" means any "levee or other such improvement," including landfills, channel improvements, and drainage works for which commission approval is required prior to construction by Sections 16.238, 57.093, and 57.102. However, the term does not include:

(A) dams permitted by the commission or recognized as valid by final decree in any proceeding commenced under the authority of the Water Rights Adjudication Act of 1967, Texas Water Code, Sections 11.301 et seq.;

(B) dams authorized by Section 11.142;

(C) bridges, culverts, and roads that are not designed or constructed with the primary purpose to and that do not significantly control, regulate, or otherwise change the flood waters of a stream;

(D) drainage works which do not directly connect to a stream;

(E) projects which, when completed, will receive runoff from an area of less than five square miles measured to the lowest point of construction;

(F) levees and landfills located within the 100-year flood fringe area as determined by a registered professional engineer using the U.S. Army Corps of Engineers Hydrologic Engineering Center I and II procedures or other standard procedure acceptable to the engineer;

(G) fences; and

(H) cutting, clearing, or removing vegetation.

(5) "Engineer" means the director of data and engineering services of the Department of Water Resources, or any successor to that office, who shall have the staff re-

sponsibility to review plans and specifications for proposed projects.

(6)-(7) (No change.)

(8) "The 100-year flood plain" means that area along a stream which is inundated by flood waters of a stream during the time the stream is subject to the statistical 100-year frequency flood, as determined by a registered professional engineer using the U.S. Army Corps of Engineers Hydrologic Engineering Center I and II procedures or other standard procedure acceptable to the engineer.

(9) "The 100-year flood way" means the channel of a stream and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.

(10) "The 100-year flood fringe" means that area of the 100-year flood plain outside the 100-year flood way.

(11) "Maintain" means reconstruct or rehabilitate a project in a manner differing in any way from project plans currently approved by the department.

Doc. No. 791121

Agency Policy and Administrative Construction 156.10.05

The following amendment is adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

.002. *Agency Policy and Administrative Construction.* The commission shall use the following criteria in the consideration of applications for approval of plans for projects. These criteria are:

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

(3) **Safety.** Any proposed project must be designed so that it will not increase flooding or divert waters in such a way that any person's life or property will be endangered or subjected to significantly increased flooding. The commission shall not approve any project which will significantly increase flood rises on any person's land without that person's consent or which will endanger life or property or create a public hazard.

(4)-(5) (No change.)

Doc. No. 791122

Construction of Project without Approval of Plans 156.10.10

The following amendment is adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

.001. *Construction of Project without Approval of Plans.*

(a) No person, corporation, or levee improvement district or transferee or assignee of such an entity may construct, attempt to construct, cause to be constructed, maintain, or cause to be maintained any project on, along, or near any stream of this state that is subject to floods, freshets, or overflows so as to control, regulate, or otherwise change the floodwater of the stream without first obtaining approval of the plans by the commission.

(b) The executive director may request the attorney general to file suit in a district court of Travis County to en-

join any such violation or threatened violation for monetary penalties or both.

Doc. No. 791123

Applications for Approval of Projects Requiring Commission Approval 156.10.20

The following amendments are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

.001 Applications. Any person, corporation, or levee improvement district who seeks commission approval of plans for a project under Section 16.238, Texas Water Code, shall file an Application for Approval of a Reclamation Project with the executive director, together with a set of preliminary plans for the project, in duplicate. The preliminary data so submitted must be in sufficient detail to permit the engineer to evaluate the project.

.004 Additional Data Required to Be Submitted. The applicant shall submit maps, plats, drawings, computations, and narratives, together with the preliminary plans, which shall illustrate and describe the following

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

(4) The location and ownership, including mailing address of owners, as shown by the current county tax rolls or county deed records, of all properties (1) lying within any proposed protected area or (2) adjacent to the proposed works which may be affected by the project's alteration of the flood flows of the stream. The purpose of the second requirement is so the executive director can apprise all interested property owners of the application. The applicant, the engineer, and the commission shall liberally construe what areas are potentially affected by the proposed project to insure that all landowners within the vicinity whose land could be potentially impacted by the proposed project receive notice. The engineer shall advise the applicant of the areas which are potentially affected by the proposed project, based on the data submitted to the executive director by the applicant. If, after the engineer's review of the data submitted by the applicant, additional affected landowners are identified, these persons shall receive the original or a supplemental notice mailed in accordance with Subsection .010(g). Failure by the applicant to adequately provide this information will delay the processing of the application. The executive director may submit an application to the commission for summary dismissal if the applicant refuses to supply this information.

.009 Referral of Application to Commission. When the executive director has determined that the application is complete, he shall refer the application to the commission. For the sole purpose of insuring adequate notice, the engineer will include a recommendation to the commission of the area wherein the project would have potential impact.

(1) Within 30 days after receipt of a completed application and all supporting data required under these rules, the executive director shall notify the applicant of whether or not he determines the project is within the department's jurisdiction. If the executive director determines that the project is within the department's jurisdiction, he shall notify the commission who will set a date, time, and place to consider the application.

(2) If the executive director determines that the project is not one which is within the jurisdiction of the department pursuant to Sections 16.238, 57.093, and 57.102 of the Texas Water Code and these rules, he shall so notify the applicant, who can withdraw the application or request that the application be considered by the commission for dismissal. If the applicant then requests that the application be considered by the commission for dismissal, the executive director shall forward the application to the commission and recommend that the commission enter an order dismissing the application.

.010 Publication of Notice.

(a) Upon being notified by the commission to publish a Notice of Application for Approval of Projects Plans, the applicant shall cause the same to be published in a newspaper of general circulation in each county wherein the project is to be located and wherein the project would have potential impact, as provided above, one time each week for at least two consecutive weeks, with the second publication being at least 20 days before the date stated in the notice for the hearing on the application. Publication in one newspaper is sufficient if the newspaper is of general circulation in each county wherein the project lies and throughout the area of potential impact of the proposed project as set out in the notice. The notice shall include the following

(1) (No change.)

(2) The date on which the application was filed with the department.

(3)-(6) (No change.)

(7) The date, time, and place of the hearing.

(b) The applicant shall provide the commission with proof of publication. The applicant's submission of a publisher's affidavit, which includes the name of the newspaper, the title of the affiant, the dates of publication, and the county or counties in which the newspaper is of general circulation, to which is attached a newspaper tear sheet of the notice that was published, will be admissible in the hearing before the commission as prima facie evidence of the facts contained therein.

(c) Forms for a publisher's affidavit and notice are available upon request to the engineer, but use of department forms is not mandatory.

(d) The chief clerk shall send notice by first class mail at least 20 days prior to the hearing to each person on the list required by Rule .004 of this subchapter.

Issued in Austin, Texas, on February 20, 1979.

Doc. No. 791124

Bruce Bigelow

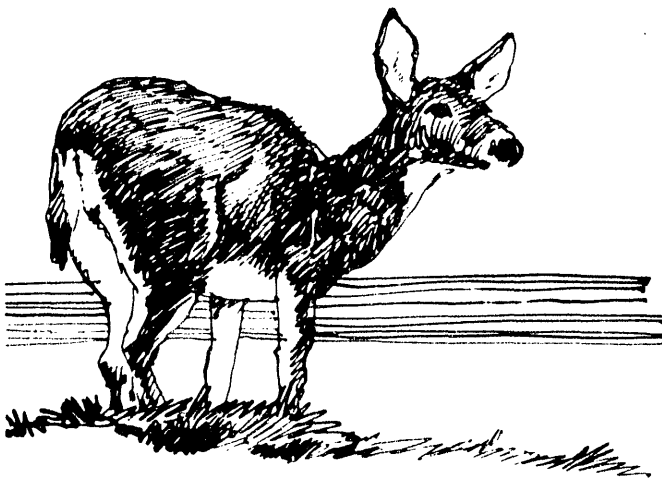
General Counsel

Texas Department of Water Resources

Effective Date: March 15, 1979

For further information, please call (512) 475-7836.

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.



Texas Animal Health Commission

Friday and Saturday, March 2 and 3, 1979, 9 a.m. daily. The Texas Animal Health Commission will meet in Room 100 of the John H. Reagan Building, Austin. The summarized agenda includes full discussion of a draft of the new Uniform Methods and Rules, recommendations of the U.S. Animal Health Association, and the finding of the Technical Commission, with the goal of seeking agreements which will facilitate drafting of the Texas Animal Health Commission's response to the draft of the Uniform Methods and Rules as well as the initial draft of the Texas Brucellosis Program.

Additional information may be obtained from Jo Anne Conner, 1020 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-4111.

Filed: February 22, 1979, 3:18 p.m.
Doc. No. 791131

Texas Coastal and Marine Council

Thursday, March 8, 1979, 1 p.m. The Texas Coastal and Marine Council will meet in the Lieutenant Governor's Committee Room in the State Capitol to formulate the council's position on the Texas Coastal Management Program.

Additional information may be obtained from Jenny Aldridge, P.O. Box 13407, Austin, Texas 78711, telephone (512) 475-5830.

Filed: February 26, 1979, 11:33 a.m.
Doc. No. 791201

Coordinating Board, Texas College and University System

Tuesday, March 13, 1979, 10 a.m. The Advisory Committee of the Administrative Council of the Coordinating Board, Texas College and University System, will meet in the Trinity Room of the Sheraton Crest Hotel, 111 East 1st, Austin. The committee will meet to consider recommendations on Retirement Annuity Insurance and to consider the bylaws for the committee.

Additional information may be obtained from James McWhorter, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-2033.

Filed: February 22, 1979, 4:14 p.m.
Doc. No. 791138

Texas Department of Health

Hearings in March. The Texas Department of Health will conduct hearings during March as summarized:

Thursday, March 8, 1979

10 a.m.—meeting room, Texas Power and Light Building, 25 North Main, Elgin; to consider the application of the City of Elgin to operate a proposed municipal solid waste disposal site to be located 4.5 miles from the intersection of Highway 290 and FM 1704 in the southwesterly direction along FM 1704 to a county road, thence along the county road to the right in a northwesterly direction 1.3 miles, thence 1600 feet from the county road to the left in a southwesterly direction to the property owned by Claude and Loraine Walters. (This hearing was originally held on November 21, 1978, and is being reopened at this time with evidence and testimony for and against the application limited to evidence relating to groundwater protection.)

Tuesday, March 20, 1979

9 a.m.—Community Meeting Room, Main Fire Station, Missouri City; to consider the application of Circle "C" Land Company to operate a proposed municipal solid waste disposal site (for brush and construction demolition waste) to be located one mile west of FM Highway 2234, 0.5 mile west of Staffordshire Road and on the north side of Court Road with-

in the extraterritorial jurisdiction of Missouri City in Fort Bend County. (A hearing was originally held on September 28, 1978, and is being reopened at this time with evidence and testimony for or against the application limited to: comment from the duly designated health authority of Missouri City; receive evidence concerning possible littering, the master plan of the city, possible traffic problems, handling of storm water, operations during inclement weather and fire protection; and receiving evidence which was unobtainable at the time of the original hearing, consisting of matters not already a part of the record.

Tuesday, March 20, 1979

1:30 p.m.—Community City Building, FM Highway 308, Malone; to consider the two applications of the City of Malone to operate municipal solid waste disposal sites (Application 1221, for an existing site located northwest of Malone in Hill County, and Application 1222, for a proposed site to be located northwest of Malone, 0.4 mile north of State Highway 171, 1.9 miles west of FM Highway 308 in Hill County).

Wednesday, March 21, 1979

1 p.m.—City Hall, Main Street, Gorman; to consider the application of the City of Gorman to operate a municipal solid waste disposal site located northeast of Gorman in Eastland County.

Wednesday, March 14, 1979

10 a.m.—commissioners courtroom, Williamson County Courthouse, Georgetown; to consider the application of Williamson County to operate an existing municipal solid waste disposal site located 1.4 miles north of the intersection of State Highway 29 and FM 1869 on the east side of County Road 214 in Williamson County. (This hearing was originally scheduled for February 27, 1979.)

Additional information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7271.

Filed: February 23, 1979, 3:45 p.m.
Doc. No. 791185

Saturday, March 10, 1979, 9:30 a.m. The Advisory Committee, Crippled Children Services, of the Texas Department of Health will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. The summarized agenda includes the following: consideration of applications of physicians and hospitals desiring program approval; fee schedule for orthodontia and inherent dental care; guidelines for approval of cystic fibrosis treatment centers; guidelines for periodic reapproval of participating hospital and physicians; and proposal to grant approval to medical specialists formerly used as consultants.

For more information, contact Punam Myer, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7241.

Filed: February 23, 1979, 3:45 p.m.
Doc. No. 791184

State Board of Insurance

Monday, March 5, 1979, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin. The hearing concerns the initial certificate of authority for Universal Bankers Life Insurance Company of Texas, Georgetown.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 23, 1979, 3:55 p.m.
Doc. No. 791189

Monday, March 5, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin. The hearing concerns the initial certificate of authority for Safe Mate Life Insurance Company, El Paso.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 23, 1979, 3:55 p.m.
Doc. No. 791188

Wednesday, March 7, 1979, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin. The meeting concerns the revision of Texas General Liability Experience Rating Plan filed by the Insurance Services Office.

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

Filed: February 26, 1979, 9:52 a.m.
Doc. No. 791194

Tuesday, March 20, 1979, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin. The meeting concerns the decision on World Service Life Insurance Company appeal.

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

Filed: February 26, 1979, 9:52 a.m.
Doc. No. 791192

Thursday, March 22, 1979, 10 a.m. The State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin. The meeting concerns the decision on the fire insurance hearing agenda items.

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

Filed: February 26, 1979, 9:52 a.m.
Doc. No. 791193

Texas Advisory Commission on Intergovernmental Relations

Thursday, March 8, 1979, 8:30 a.m. The Committee on Alternative Sources of Revenue for Local Governments of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the committee will review the tentative findings and any conclusions of the staff on county government fees, charges, and other nontax revenues, and the general status of the project.

Additional information may be obtained from David Spurgin, Room 622, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3728.

Filed February 22, 1979, 3:18 p.m.
Doc. No. 791133

Thursday, March 8, 1979, 9:30 a.m. The Texas Advisory Commission on Intergovernmental Relations will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: executive director's report; report on alternative sources of revenue for local governments—"County Fees and Charges"; local government financial management issues—progress report and overview of major legislative proposals; coordination of training for local government officials—progress report; budget matters; and work program development.

Additional information may be obtained from Jay G. Stanford, Room 622, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-3728.

Filed: February 22, 1979, 3:18 p.m.
Doc. No. 791132

State Board of Morticians

Monday, March 5, 1979, 9 a.m. The State Board of Morticians has made an emergency addition to the agenda of a meeting to be held at 1513 South Interstate Highway 35, Austin. As summarized, the agenda will include: report by Mr. McCammon regarding board action to be taken against Buff Carmichael; report by Mr. Clayton and Mr. Fleetwood on investigations of complaints; report by Counselor Garrison on status of the William Hathaway hearing; report by Mr. McCammon on the court action against Daniel Carraway; report by several board members on their respective committees; and report by Mr. McCammon on several complaints.

Additional information may be obtained from Ann Lloyd, 1513 South Interstate Highway 35, Austin, Texas 78741, telephone (512) 442-6721.

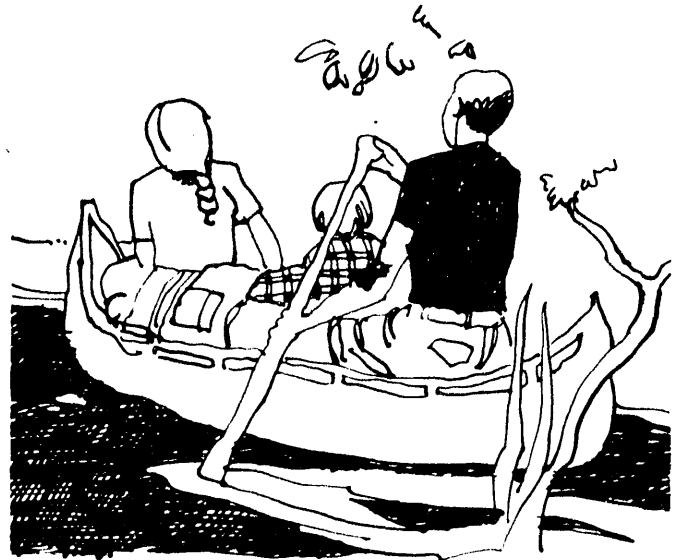
Filed: February 22, 1979, 4:14 p.m.
Doc. No. 791137

Board of Nurse Examiners

Wednesday and Thursday, March 7-8, 1979, 8 a.m. The Board of Nurse Examiners will meet in Suite 502, Chevy Chase II building, 7600 Chevy Chase Drive, Austin, to consider the following items, as summarized: school visits; annual reports; progress reports; curriculum changes; faculty petitions; report of executive secretary; examination; disciplinary hearings; reinstatement hearings; informal hearings; new business; and miscellaneous items.

Additional information may be obtained from Margaret Rowland, R.N., Suite 502, 7600 Chevy Chase Drive, Austin, Texas 78752, telephone (512) 451-0201.

Filed: February 22, 1979, 4:14 p.m.
Doc. No. 791139



Texas Parks and Wildlife Department

Tuesday, March 6, 1979, 2 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin, to consider the application of B. W. Young of Young's Sand and Gravel Company. Mr. Young seeks a permit to remove approximately 600 cubic yards of sand and 100 cubic yards of gravel by means of hydraulic dredge from the West Fork of the San Jacinto River for com-

mercial use. Location of the operation would be approximately 8-1/2 miles downstream from the Interstate Highway 45 bridge and eight miles south of Conroe, Montgomery County. Adjacent property owners are Phillip Tuttle and Associates, Clarence Grissett, Albert Moorehead, Lloyd Brook, and Ray Legion.

Additional information may be obtained from Chester D. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: February 22, 1979, 4:14 p.m.
Doc. No. 791136

Texas State Board of Pharmacy

Friday, February 23, 1979, 3-5 p.m. The Texas State Board of Pharmacy met in emergency session in Salon F of the Austin Marriott Hotel, 6121 IH-35 North, Austin, to approve results of examinations held January 24-26, 1979, as summarized on the agenda.

For more information, contact Priscilla Jarvis, Suite 1121, Southwest Tower, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed: February 23, 1979, 11:10 a.m.
Doc. No. 791152

Board of Plumbing Examiners

Tuesday, March 13, 1979, 9:30 a.m. The Board of Plumbing Examiners will meet in Room 204, John H. Reagan Building, Austin, to consider the following items, as summarized: review of financial report; review of examinations and license data; meeting with L. P. Gas Division of Railroad Commission; and meeting with representatives of Texas Energy Advisory Council.

Additional information may be obtained from Lynn Brown, 204 John H. Reagan Building, Austin, Texas 78701, telephone (512) 472-9221.

Filed: February 22, 1979, 3:18 p.m.
Doc. No. 791130

Texas Prosecutors Coordinating Council

Monday, March 5, 1979, 10 a.m. The Texas Prosecutors Coordinating Council will meet in Room 203 of the Texas Law Center, 1414 Colorado, Austin. The agenda includes a report of the executive director; consideration of financial status, grant adjustments, the status of council legislation, and a summary of other council activities; an executive session to discuss pending complaints; a hearing on Case No. 51-78-26; and scheduling the next meeting date.

For more information, contact Andy Shuval, P.O. Box 13555, Austin, Texas 78711, telephone (512) 475-6825.

Filed: February 23, 1979, 9:33 a.m.
Doc. No. 791146

Board of Registration for Public Surveyors

Monday, March 5, 1979, 9 a.m. The Board of Registration for Public Surveyors will meet in emergency session in Suite H-109, 5555 North Lamar, Austin, to review new applications and reconsider old ones and to consider correspondence, as summarized on the agenda.

For more information, contact the Board of Registration for Public Surveyors, 5555 North Lamar, Suite H-109, Austin, Texas 78751, telephone (512) 452-9427.

Filed: February 26, 1979, 10:04 a.m.
Doc. No. 791199

Public Utility Commission of Texas

Friday, March 9, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding two applications as summarized: Docket No. 2305, application of Page Communications, Inc., for a certificate of convenience and necessity to provide radio-telephone service in Dallas, Tarrant, and appropriate surrounding counties; and Docket No. 2418, application of Ram Broadcasting, Inc., et al., to amend certificates of convenience and necessity to provide radio-telephone service in Dallas, Tarrant, and appropriate surrounding counties.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: February 22, 1979, 4:14 p.m.
Doc. No. 791135

Tuesday, March 13, 1979, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, on an application of Nocono Hills Utilities, Inc. (Docket No. 2256) for a certificate of convenience and necessity and for authority to change rates in Montague County, as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: February 23, 1979, 9:33 a.m.
Doc. No. 791147

Thursday, March 15, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an appeal by Gulf States Utilities Company from rate setting ordinance of the City of Houston (Docket No. 2015), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: February 26, 1979, 4:14 p.m.
Doc. No. 791134

Thursday, March 15, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Cedar Shores Estates Water Works for a water rate increase in Bosque County (Docket No. 1909), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: February 22, 1979, 4:14 p.m.
Doc. No. 791140

Friday, March 23, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, on an inquiry by the commission into the legality of rates charged and service rendered by E-Tex Water Company (Docket No. 2428), as summarized in the agenda.

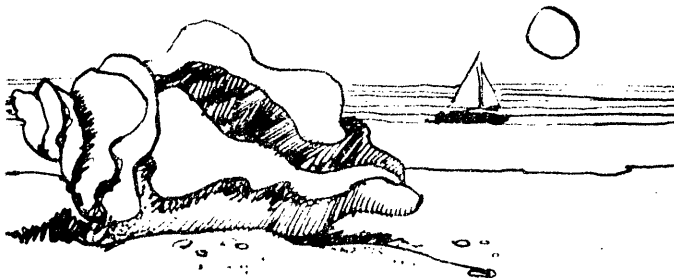
Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: February 26, 1979, 9:52 a.m.
Doc. No. 791195

Thursday, April 12, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider an application of B&B Water System, Inc., for a rate increase within Orange County (Docket No. 2351), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: February 26, 1979, 9:52 a.m.
Doc No 791196



Railroad Commission of Texas

Monday, March 5, 1979, 9 a.m. The Railroad Commission of Texas will meet in the 10th floor conference room, Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider an interagency contract between the commission and the Joe C. Thompson Center (UT at Austin) and to consider commission office space or additional office space.

Additional information may be obtained from Renee McCright, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3365.

Filed: February 23, 1979, 10:57 a.m.
Doc. No. 791158

Monday, March 5, 1979, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider the following items, as summarized: Gas Utilities Dockets 1693, 1694, 1695, 1696, 1697, 1698, 1700, 1747, 1748, 1793, 1822, 1902, 1898, and 1899; word processing matters; and director's report. An executive session will also be held.

Additional information may be obtained from Joy Wood, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed: February 23, 1979, 10:59 a.m.
Doc. No. 791159

Monday, March 5, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider the following items, as summarized: review reservoir performance and redetermine most efficient rate of total fluid withdrawal, ratable take, cavern storage for hydrocarbon, Rule 37 cases, proper pluggings, exception to SWR 14(B)(2), net gas oil ratio rule, gas field rules, review temporary field rules, adoption of temporary field rules, new oil and gas discoveries, request to plug with state funds, exceptions to SWR 23, exceptions to SWR 14(B)(2), SWR 11, SWR 8(c), postponement of hearing at request of Land Commission, for exception to filing complete log.

Additional information may be obtained from Jan Burris, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: February 23, 1979, 10:58 a.m.
Doc. No. 791160

Monday, March 5, 1979, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet at the 10th floor conference room, Ernest O. Thompson Building, 10th and Colorado, Austin, to consider applications as summarized: to amend authority, for agency discontinuance, for rail rate, for truck rate, for motor brokers license, to consolidate authority, to divide authority, for lease authority, for new authority, to sell authority, to transfer authority, and for voluntary suspension.

Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4738.

Filed: February 23, 1979, 10:58 a.m.
Doc. No. 791161

Tuesday, March 20, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet at the Austin Hilton Inn, 600 Middle Fiskville Road, Austin, to conduct statewide oil and gas hearings, as summarized.

Additional information may be obtained from Don R. Jones, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2726.

Filed: February 23, 1979, 10:59 a.m.
Doc. No. 791162

Teacher Retirement System of Texas

Friday, March 9, 1979, 10 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin. As summarized on the agenda, the board will consider the following: investments for the previous quarter and recommendations for the next quarter; reports on book entry securities, actuarial valuation, proposed legislation, litigation, and member benefits; appointment and term of Investment Advisory Committee members; consultant fee; amendments to agency rules; and appointment of a nominating committee for the board vice-chairman.

For more information, contact Shari Cooper, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, extension 201.

Filed: February 22, 1979, 2:17 p.m.
Doc. No. 791126

Texas Turnpike Authority

Tuesday, March 6, 1979, 3 p.m. The Permanent Contract Awards Committee of the Texas Turnpike Authority will meet in the board room of Grand Prairie State Bank, 202 West Main Street, Grand Prairie. The summarized agenda includes consideration of awarding contracts for an armored car service for the Dallas North Tollway project and an agreement for architectural services pertaining to the administration building.

For more information, contact Harry Kabler, P.O. Box 5547, Arlington, Texas 76011, telephone (817) 261-3151.

Filed: February 26, 1979, 8:36 a.m.
Doc. No. 791191

University of Texas System

Wednesday, February 28, 1979, 3:30 p.m. The Athletics Council for Men of the University of Texas at Austin met in Room 240, Belmont Hall, San Jacinto between 21st and 23rd Streets, Austin. As summarized on the agenda, the council considered the 1979-80 budget; 1978-79 budget adjustments; 1979 football ticket distribution procedures; the 1978-79 concession income report; concession stands leakage problems; Disch-Falk Field leakage problems; and approval of the 1978-79 football lettermen and cross-country lettermen. An executive session was also held.

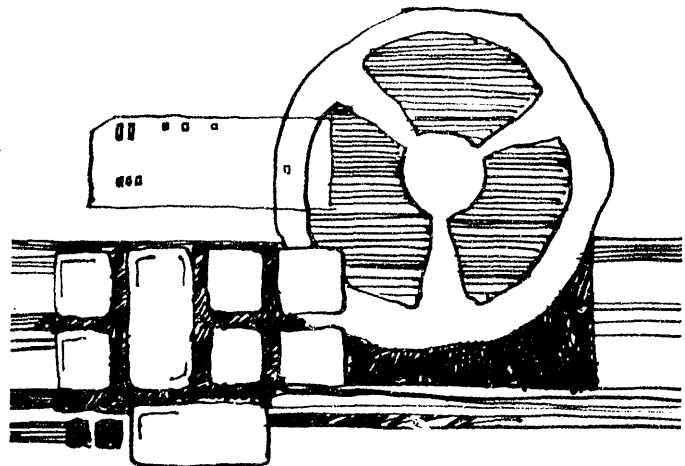
For more information, contact Haila Kauffman, Room 224A, Belmont Hall, Austin, Texas 78712, telephone (512) 471-5757.

Filed: February 23, 1979, 9:33 a.m.
Doc. No. 791145

Thursday, March 1, 1979, 2 p.m. The Board of Regents of the University of Texas System conducted a special meeting in the regents' meeting room, ninth floor, Ashbel Smith Hall, 201 West 7th, Austin. As summarized on the agenda, the board was to consider, in an executive session of the Committee of the Whole in the regents' committee room, board organization, pursuant to Article 6252-17, Section 2(g), Vernon's Texas Civil Statutes. In the reconvened meeting, the board was to have acted on the following: report of executive session and election of chairman, assumption of chair by newly elected chairman; consideration of remaining items discussed in executive session—election of vice-chairman and secretary; and appointment of standing committees at option of the newly elected chairman.

For more information, contact Betty Anne Thedford, Box N, U.T. Station, Austin, Texas 78712, telephone (512) 471-1265.

Filed: February 23, 1979, 2:50 p.m.
Doc. No. 791181



Texas Water Commission

Monday, February 26, 1979, 10 a.m. The Texas Water Commission made emergency additions to the agenda of a meeting held at the Stephen F. Austin Building, 1700 North Congress, Austin. The summarized additions were the consideration of motion for rehearing on bond application of Mount Houston Road Municipal Utility District and a resetting of hearing date for conversion of Oak Manor Municipal Utility District.

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

Filed: February 23, 1979, 2:49 p.m.
Doc. No. 791165

Thursday, March 8, 1979, 10 a.m. The Texas Water Commission will conduct hearings in the conference room of the San Antonio River Authority Building, 100 East Guenther, San Antonio. The summarized agendas of the hearings are as follows:

San Antonio River Authority, San Antonio—application for amendments to Permits 10749-01 and 10749-03 for the following plants: Salatrillo Creek Plant for an extension of the interim limits in the existing permit to allow for a discharge not to exceed a flow of 3,520,000 gallons per day and Upper Martinez Creek Plant for an extension of the interim limits in the existing plant to allow for a discharge not to exceed a flow of 2,210,000 gallons per day

Everest Minerals Corporation, Corpus Christi—application for a permit to conduct in situ solution mining of uranium in Karnes County

IEC Corporation, Tuleta—application for permit to drill and operate an industrial waste disposal well

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: February 22, 1979, 3:18 p.m.
Doc. Nos. 791127-791129

Friday, March 9, 1979, 10 a.m. The Texas Water Commission will conduct hearings in the third floor auditorium of the Bank of the Southwest, 910 Travis Street, Houston. The summarized agendas of the hearings are as follows:

Transworld Construction Corporation, Houston—application for permit to allow for a discharge not to exceed an average flow of 200,000 gallons per day of domestic sewage effluent

Bridgestone Municipal Utility District, Bellaire—application for amendment to Permit 11385 to accommodate plant expansion

Homecraft Land Development, Houston—application for permit to allow for a discharge not to exceed an average flow of 600,000 gallons per day of domestic sewage effluent

Marathon Oil Company, Texas City—application for amendment to Permit 00990 to accommodate a change in the waste water system whereby the refinery will receive and treat ballast water

Rollins Environmental Services, Inc., Deer Park—application for amendment to Permit 01429 to authorize a decrease in the 30-day average volume of treated wastewater from 1,282,000 gallons per day to 975,000 gallons per day

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-2711.

Filed: February 23, 1979, 2:49 p.m.
Doc. Nos. 791166-791170

Friday, March 16, 1979, 10 a.m. The Texas Water Commission will conduct hearings in the third floor auditorium of the Bank of the Southwest, 910 Travis Street, Houston. The summarized agendas of the hearings are as follows:

Timberlake Improvement District, Houston—application for an amendment to Permit 11267 to accommodate plant expansion

General Homes Consolidated Companies, Inc., and First Management Corporation, doing business as Keegans Wood Joint Ventures, both of Houston—application for permit to allow for a discharge not to exceed an average flow of 2,500,000 gallons per day of domestic sewage effluent

Harris County Water Control and Improvement District 92, Houston—application for amendment to Permit 10908 to accommodate plant expansion

M. E. Mixon (Trinity Mobile Home Estates), Baytown—application for a permit to allow for a discharge not to exceed an average flow of 10,000 gallons per day of domestic sewage effluent

R. D. Partlow (Seven Pines Mobile Home Park), Liberty—application for permit to allow for a discharge not to exceed an average flow of 15,000 gallons per day of domestic sewage effluent

Fort Bend County Municipal Utility District No. 26—application for permit to allow for a discharge not to exceed an average flow of 800,000 gallons per day

Additional information may be obtained from Larry Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: February 23, 1979, 2:49 p.m.
Doc. Nos. 791171-791176

Friday, March 30, 1979, 10 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin. The summarized agenda includes a hearing on Application 3962 by B. E. Hanson for a permit to divert and use not to exceed 60 acre-feet of water per annum from a reservoir on an unnamed tributary of Flat Creek, tributary Leon River, tributary Little River, tributary Brazos River, Brazos River Basin, for irrigation purposes in Comanche County.

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

Filed: February 23, 1979, 2:48 p.m.
Doc. No. 791177

Friday, March 30, 1979, 10 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin. The summarized agenda includes a hearing on Application 3963 of B. E. Hanson and A. E. Taylor for a permit to divert and use not to exceed 45 acre-feet of water per annum from a reservoir on Flat Creek, tributary Leon River, tributary Little River, tributary Brazos River, Brazos River Basin, for irrigation purposes in Comanche County.

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

Filed: February 23, 1979, 2:48 p.m.
Doc. No. 791178

Friday, March 30, 1979, 10 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin. The summarized agenda includes a hearing on Application 3961 of Galveston-Houston Company for a permit to construct and maintain an excavated reservoir on an unnamed tributary of Mound Creek, tributary Cypress Creek, tributary Spring Creek, tributary West Fort San Jacinto River, tributary San Jacinto River, San Jacinto River Basin, and to impound water for recreation purposes in Waller County.

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

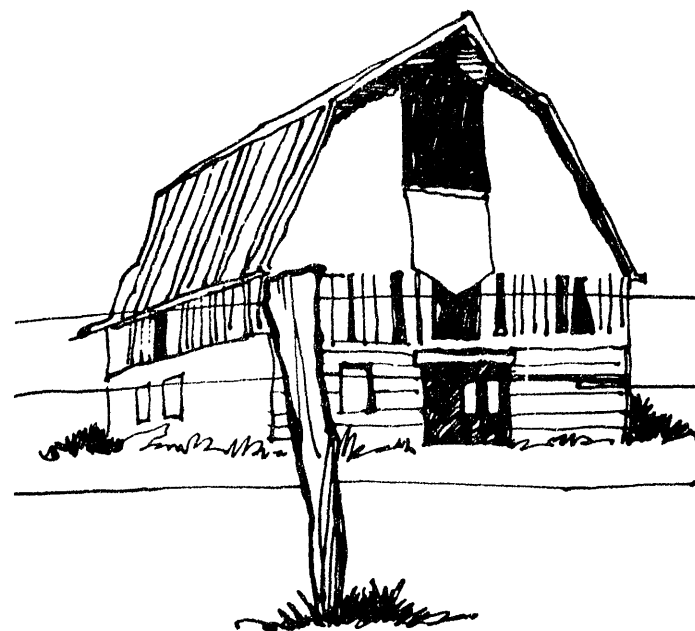
Filed: February 23, 1979, 2:48 p.m.
Doc. No. 791179

Monday, May 21, 1979, 10 a.m. The Texas Water Commission will meet in Room 308, the 72nd District Courtroom, in the Lubbock County Courthouse, Lubbock. The agenda, as summarized, includes the following: Notice of the Adjudication of all claims of water rights in the Salt Fork and Double Mountain Fork Watersheds of the Brazos I Segment in the Brazos River Basin; notice of the requirement for the filing of water right claims under Section 11.307 of the Texas Water

Code, and of the commencement hearings on all claims. Claims must be filed on or before May 18, 1979.

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

Filed: February 23, 1979, 2:48 p.m.
Doc. No. 791180



Regional Agencies

Meetings Filed February 23, 1979

The Alamo Area Council of Governments, Alamo Manpower Consortium, met at 532 Three Americas Building, San Antonio, on February 23, 1979, at noon. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Central Texas MH/MR Center, Board of Trustees, met at 308 Lakeway Drive, Brownwood, on February 27, 1979, at 4:30 p.m. Further information may be obtained from Janie Clements, P.O. Box 250, Brownwood, Texas 76801, telephone (915) 646-9574, extension 35.

Doc. No. 791149

Meetings Filed February 26, 1979

The Northeast Texas Health Systems Agency will meet at the Marshall Civic Center, 2501 East End Boulevard South, Marshall, on April 3, 1979, at 6 p.m. The Executive Committee will also meet on April 3 at the same location at 7 p.m. Further information on these meetings may be obtained from Bayard S. Galbraith, 505 East Travis, Suite 201, Marshall, Texas 75670, telephone (214) 938-8331.

The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Planning Council, met in emergency session in Room 216, Amarillo Building, Third and Polk, Amarillo, on February 28, 1979, at 1:30 p.m. Further information may be obtained from Ola Kidd, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

Doc. No. 791200

Legislative Report

The legislative coverage in the *Register* will include notices on the introduction of each of the approximately 4,000 bills expected during the 140-day session, along with committee referrals. The legislative report will focus on proposed bills and resolutions which, if passed, will have a major impact on issues of concern to citizens on a statewide basis. Organized according to content, the coverage includes legislation regarding energy, environment, education, human services (health and welfare), insurance, economic development, taxes, criminal justice, state and local government, elections, constitutional revision, and consumer affairs. Also to appear in this section will be notices of committee meetings and a bill status list which will indicate the latest action on bills covered in the report.

Energy

Two bills on alternative fuel sources have been introduced and referred to the Senate Natural Resources Committee. SB 645 would authorize the Texas Energy Advisory Council to establish the Texas Gasohol Pilot Plant, which would produce motor fuel that contains a minimum of 10 percent by volume of alcohol derived from agricultural commodities. SB 643 would allow tax exemptions for certain fuel containing alcohol.

Education

SB 192, regarding allocation of tax revenues and other money and property to the Foundation School Fund, has been considered twice in public hearings by the Education Committee. SB 350, providing for an equitable system of public school finance and for relief to school district taxpayers, was referred to subcommittee on February 14.

SB 260, establishing a state telecommunications network, was considered in public hearing by the Education Committee on February 21.

Human Services

Action has been taken on three bills regarding human services. HB 12, defining death, was referred to subcommittee by the Health Services Committee on February 21. SB 240, applying workers' compensation laws to ranch and farm laborers, was considered in public hearing by a Jurisprudence subcommittee on February 20. The committee substitute for SB 292, creating the Medical Disclosure Panel, was passed in the Senate on February 20 and referred to the House State Affairs Committee on February 22.

Other action by the legislature pertaining to human services included the introduction of the following bills. HB 1155 (Employment Practices) allows collective bargaining but prohibits strikes or lockouts by public employees. HB 1162 (Employment Practices) prohibits discrimination in employment because of age. SB 652 (State Affairs), like HB 11 and HB 36, reinstates the "helmet law" which was repealed by the 65th Legislature. SB 628 (Human Resources) authorizes the Department of Human Resources to begin a program to aid certain needy, aged individuals in paying utility bills.

Insurance

Four bills regarding automobile insurance were referred to subcommittee by the Insurance Committee on February 20: HB 344, regarding modified vehicles for handicapped drivers; HB 334 and HB 392, outlining criteria for setting insurance rates; and HB 280, prohibiting discrimination against handicapped persons.

SB 291, exempting doctors from liability for damages resulting from services performed in certain emergency situations, was reported favorably from the Jurisprudence Committee, with substitute, on February 21.

Economic Development

SB 293 (Economic Development) and HB 807 (Financial Institutions) make certain changes in the Securities Act, including changes in the regulation of oral offers.

Taxes

HB 1005 (Ways and Means) imposes a severance tax on uranium in Texas. HJR 5, exempting World War I and Spanish-American War veterans from property taxes, was sent to subcommittee by the Constitutional Amendments Committee on February 21.

Criminal Justice

Four bills on criminal justice were considered in subcommittees in the last week. SB 448, allowing unlawful arrest or search as a defense for resisting arrest or search, was considered in public hearing by the Subcommittee on Criminal Matters on February 20. The Criminal Matters Subcommittee reported SB 329 (granting the right to carry a handgun while traveling) favorably without amendments on February 20. SB 71, providing enhanced penalties violent crimes against women, children, and the elderly, was reported favorably from the Criminal Matters Subcommittee on February 20. HB 175, concerning the right of recovery for wrongful death of a child or spouse, was referred to subcommittee by the Judicial Affairs Committee on February 20.

State and Local Governments

Several bills regarding state agencies are being considered. Bills on the regulation of barbers, HB 515 and HB 712, were considered by a Government Organization subcommittee on February 20. Also regarding barbers, SB 482 was reported favorably from the State Affairs Committee on February 20. Concerning architects and landscape architects, HB 749 was referred to subcommittee by the Government Organization Committee on February 19. SB 551, consolidating the Texas State Board of Landscape Architects with the Texas Board of Architectural Examiners, was passed by the Senate on February 19 and referred to the House Government Organization Committee on February 20. SB 281, on regulation of lawyers by the Supreme Court and the Board of Law Examiners, was considered in public hearing by the Jurisprudence Committee on February 20. SB 484, on dentistry, was reported favorably, with amendments, from the Human Resources Committee on February 20. SB 27, changing the

Texas Prosecutors Coordinating Council to the Prosecutor Council, was reported favorably, with substitute, from the Jurisprudence Criminal Matters Subcommittee on February 20. HB 971, continuing the Texas Cosmetology Commission, was considered by a Government Organization subcommittee in formal meeting on February 20. SB 248, renewing the Motor Vehicle Commission, was reported favorably with substitute from the Economic Development Committee on February 19.

SB 608 and SJR 39, granting budget execution powers to the governor, were referred to subcommittee by the State Affairs Committee on February 21. SB 98, allowing legislative review of state agency rules, was considered in public hearing by the State Affairs Committee on February 21 and reported favorably on February 22 without amendments. SB 455, allowing the use of driving safety courses as an alternative to prosecution for traffic violations, was reported favorably from the Jurisprudence Committee on February 21 and passed by the entire Senate on February 22.

Three more bills have been introduced regarding state and local government. HB 1103 (State Affairs) would establish the Texas Electrical Administrative Board to regulate electrical equipment and electrical inspectors. HB 562 (Intergovernmental Affairs) and SB 611 (Jurisprudence) would allow voters in a county to grant the commissioners court limited ordinance-making authority.

Constitutional Revision

HJR 89 (Constitutional Amendments) was introduced proposing a constitutional amendment permitting the state to compensate school districts to replace school district ad valorem taxes for state-owned property. HJR 21, allowing churches and other nonprofit organizations to play bingo, was referred to subcommittee by the Constitutional Amendments Committee on February 21.

On February 22, the Senate adopted SCR 30, asking Congress to support Congressman Phil Gramm's proposed amendment to the U.S. Constitution requiring a balanced federal budget.

Consumer Affairs

HB 1161 (State Affairs), the Products Liability and Insurance Improvement Act of Texas, deals with several aspects of product liability. The bill prohibits recovery of damages based on strict liability, provides for comparative fault, allows for conformity with the state of the art as a defense, places a time limit on filing suits, and allows awards only of actual damages.

House of Representatives

Bills Introduced

Committee Referrals

The following are bills filed for action during the 66th Legislative Session. Each bill is followed in parentheses by the committee to which it has been assigned. In the following list, the bill number appears first, the author(s) second, and the subject of the bill. HB indicates house bill; HJR indicates

house joint resolution; HCR indicates house concurrent resolution; and HR indicates house simple resolution.

For copies of bills, call Bill Distribution (512) 475-2073.

HR 57 Florence—Concerning adopting the permanent rules of the House of Representatives of the 66th Legislature. (Rules)

HCR 70 Smothers—Concerning ratification of the amendment proposed by U.S. House Joint Resolution 208. (Constitutional Amendments)

HB 1151 Moreno—Relating to deputy voter registrars. (Elections)

HB 1152 W. T. Hall—Relating to the authority of state agencies to make small purchases under the State Purchasing Act of 1957. (State Affairs)

HB 1153 G. Green—Relating to access to patient records in the custody of a health care facility or practitioner. (Health Services)

HB 1154 G. Green—Relating to the bond, oath and insurance required of district clerks, their deputies, and employees. (Intergovernmental Affairs)

HB 1155 G. Green, et al.—Relating to collective bargaining rights of certain public employees. (Employment Practices)

HB 1156 G. Green—Relating to the control and eradication of rabies. (Agriculture and Livestock)

HB 1157 Head—Relating to medical care, treatment, and related transportation for persons with cystic fibrosis. (Health Services)

HB 1158 Head—Relating to the qualifications for taking the examination for a license to practice law. (Government Organization)

HB 1159 Head—Relating to postponement of the delinquency date for ad valorem taxes when tax notices are listed late. (Ways and Means)

HB 1160 Pierce and Simpson—Relating to the sale of certain property subject to a possessory lien. (Transportation)

HB 1161 McFarland, et al.—Relating to products liability. (State Affairs)

HB 1162 Elizondo—Relating to discrimination in employment because of age. (Employment Practices)

HB 1163 Crawford—Relating to the confidentiality of certain information pertaining to the mental or emotional health of an individual providing for injunctive relief and civil damages. (Judiciary)

HB 1164 Blanton—Relating to the ineligibility of certain persons for the office of public school trustee. (Public Education)

HB 1165 Blanton—Relating to career education. (Public Education)

HB 1166 Hollowell—Relating to recovery of attorney's fees in suits founded in certain oral or written contracts. (Insurance)

HB 1167 Sullivant and W. T. Hall—Relating to the compensation of the judge of the 16th Judicial District. (Judicial Affairs)

HB 1168 Peveto—Relating to the number of hours a policeman may work during a month. (Intergovernmental Affairs)

HB 1169 Lyon—Relating to detention of certain juveniles alleged to have committed a felony. (Judicial Affairs)

HB 1170 G. Hill—Relating to coverage for treatment of alcoholism under state employee health insurance. (Insurance)

HB 1171 G. Hill—Relating to authorization of the temporary transfer of surplus cash between funds in the State Treasury. (Ways and Means)

HB 1172 Grant—Relating to the acquisition of a bank by another bank or a bank holding company. (Financial Institutions)

HB 1173 Reyes—Relating to prohibition of discrimination by certain cities in deducting membership dues from employee payrolls. (Intergovernmental Affairs)

HB 1174 Rudd—Relating to the orders that may be made by a juvenile court when a child is found to have engaged in conduct indicating a need for supervision or delinquent conduct. (Judicial Affairs)

HB 1175 Hanna—Relating to the creation, administration, powers, duties, functions, and financing of the Bowie Water Supply District. (Natural Resources)

HB 1176 Caraway and Donaldson—Relating to the acquisition of property by the state and by political subdivisions. (State Affairs)

HB 1177 DeLay—Relating to the creation, administration, maintenance, operation, and financing of the Sugar Land Community Hospital District of Fort Bend County. (Intergovernmental Affairs)

HB 1178 DeLay—Relating to the creation of the 274th Judicial District, composed of Fort Bend County. (Judicial Affairs)

HB 1179 Patterson—Relating to application for exemptions from ad valorem taxes. (Ways and Means)

HB 1180 Patterson—Relating to conversion privileges under certain group health insurance. (Insurance)

HB 1181 Lewis—Relating to the credit sale and charges for installment sales of manufactured housing. (Financial Institutions)

HB 1182 Bird—Relating to compensation of the members of the Board of Law Examiners. (Government Organizations)

HB 1183 Salinas and Robnett—Relating to the authority to create municipal courts of record in the city of Lubbock and prescribing appeals from the municipal courts of record. (Judicial Affairs)

HB 1184 Webber—Relating to the refund by the State Board of Insurance of any tax, fee or other sum of money including any interest or penalty, overpaid or paid erroneously. (Insurance)

HB 1185 Leonard—Relating to making it capital murder to murder two or more persons in certain circumstances. (Criminal Jurisprudence)

HB 1186 Alfred—Relating to uniforms and vehicle markings of private security officers and to names of licensees under the Private Investigators and Private Security Agencies Act. (State Affairs)

HB 1187 DeLay—Relating to the regulation of motor carriers. (Transportation)

HB 1188 Florence and Grant—Relating to creation of the 284th Judicial District, composed of Harrison and Marion Counties. (Judicial Affairs)

HB 1189 D. Hill—Relating to misrepresentation as grounds for refusal to pay or as a defense to a suit under a life insurance policy. (Insurance)

HB 1190 D. Hill—Relating to periodic payments by a parent for the payment of attorney's fees under Title 3, Family Code. (Judicial Affairs)

HB 1191 Cary—Relating to certification of teachers. (Public Education)

HB 1192 Hernandez—Relating to reinstatement of service credit in the Texas County and District Retirement System. (Intergovernmental Affairs)

HB 1193 Haley—Relating to payment for accrued state sick leave to public school employees. (Public Education)

HB 1194 Hollowell—Relating to an exemption of coffins and certain burial vaults from state and local sales and use taxes. (Ways and Means)

HB 1195 A. Hill—Relating to state compensation to certain victims of crime. (State Affairs)

HJR 88 W. T. Hall—Proposing a constitutional amendment to authorize the legislature to exempt from taxation the property owned by a church or religious organization and used for religious education or training. (Constitutional Amendments)

HJR 89 Head—Proposing a constitutional amendment to permit the state to make payments to school districts in lieu of school district ad valorem taxes on state-owned property. (Constitutional Amendments)

HJR 90 Kubiak—Proposing a constitutional amendment relating to state loans for the development of plants to manufacture fuels and other products from renewable energy resources. (Constitutional Amendments)

HJR 91 W. N. Hall—Proposing a constitutional amendment relating to the payment of assistance to the surviving dependents of certain public servants killed while on duty. (Constitutional Amendments)

Senate Bills Introduced Committee Referrals

The following are bills and resolutions filed for action during the 66th Legislative Session. Each bill and resolution is followed in parentheses by the committee to which it has been assigned. In the following list, the bill number appears first, the author(s) second, and the subject of the bill. SB indicates senate bill; SJR indicates senate joint resolution; SCR indicates senate concurrent resolution; and SR indicates senate resolution.

For copies of bills, call Senate Bill Distribution (512) 475-2520.

SR 148 Vale, Kothmann, Traeger—Extending welcome to the senior government classes of Winston Churchill High School, San Antonio.

SR 149 Clower—Extending congratulations to Elizabeth Sigler.

SR 150 Clower—Extending congratulations to Gretchen Sigler.

SR 151 Clower—Extending welcome to The Very Reverend and Mrs. James M. Sigler.

SR 152 Snelson—Memorial resolution for Eugene Harold "Gene" Linticum.

SR 153 Snelson—Memorial resolution for Fred W. Clark, Jr.

SR 154 Andujar—Extending congratulations to the American Veterans and Dodge and proclaiming April 28, 1979, Driver Excellence Day.

SR 155 Snelson—Extending congratulations to Captain Hugh Shaw.

SCR 30 Moore—Memorializing Congress to support Congressman Phil Gramm's efforts to pass legislation to require a balanced federal budget.

SB 636 Doggett, Parker—Amending the Texas Mobile Homes Standards Act. (Human Resources)

SB 637 Traeger—Relating to the right to appeal certain judgments and sentences of a justice or municipal court. (Jurisprudence)

SB 638 Mauzy—Relating to the combined mandatory student services fees to be charged a student registering at more than one institution within a system of higher education. (Education)

SB 639 Harris—Relating to permissible charges on certain regulated loans. (Economic Development)

SB 640 Jones of Harris—Relating to extension of the date policies may be issued under the Texas Medical Liability Insurance Underwriting Association Act. (Jurisprudence)

SB 641 Santiesteban—Relating to provision for issuance by an insurer of a prescribed certificate in lieu of a prescribed policy and issuance of a prescribed policy upon demand. (Economic Development)

SB 642 Blake—Relating to choice of recovery under uninsured and underinsured motorist coverage. (Economic Development)

SB 643 Price—Relating to the taxation of certain motor fuel containing alcohol. (Natural Resources)

SB 644 Price—Relating to the creation of The Gasohol Development Act. (Natural Resources)

SB 645 Price—Relating to the creation, establishment, and administration of the Texas Gasohol Pilot Plant. (Natural Resources)

SB 646 Creighton—Relating to the creation, administration, powers, duties, functions, and financing of the Bowie Water Supply District. (Natural Resources)

SB 647 Blake—Relating to purchase or condemnation of property for purposes of the state highway program. (State Affairs)

SB 648 Santiesteban—Relating to compensation of district court judges in El Paso County. (Intergovernmental Relations)

SB 649 Blake—Relating to the authority of the board of regents of The Texas A & M University System to sell or exchange and convey to the Parks and Wildlife Department certain land owned by the state for the use and benefit of the Texas Forest Service, and acquisition of replacement acreage. (Education)

SB 650 Andujar—Relating to municipal annexation and disannexation. (State Affairs)

SB 651 Ogg—Relating to abortions. (Jurisprudence)

SB 652 Ogg—Relating to the use of protective headgear used by motorcycle operators and passengers. (State Affairs)

SB 653 Ogg—Relating to the duties, in criminal cases, of the clerks of the district and county courts. (Jurisprudence)

Meetings

Notices Filed February 22, 1979

Senate Economic Development Committee, Monday, February 26, 1979, 9 a.m., Senate Chamber, State Capitol, to consider SB 135 (Farabee), SB 136 (Farabee), SB 137 (Farabee), SB 138 (Farabee), SB 263 (Farabee), SB 263 (Meier), SB 264 (Meier), SB 265 (Meier), and SB 304 (Creighton).

Senate Education Committee, Wednesday, February 28, 1979, 9:30 a.m., Lieutenant Governor's Committee Room, State Capitol, to consider CSSB 260 (Santiesteban), SB 517 (Ogg), SB 532 (Mauzy), SB 396 (Moore, Blake), SB 530 (Mauzy), SB 531 (Mauzy), SB 576 (Brooks, et al.), SB 110 (Grant Jones), SB 112 (Grant Jones), HCR 60 (Delco/Mauzy), SJR 15 (Kothmann), SB 86 (Doggett), SB 192 (Mauzy), SB 224 (Mauzy), and CSSB 225 (Mauzy).

Senate Finance Committee, Monday, February 26, 1979, 2 p.m., Senate Finance Committee Room, State Capitol, to conduct budget hearings. A list of items to be considered is available in the Secretary of the Senate's office.

Senate Finance Committee, Tuesday, February 27, 1979, 9:30 a.m. Meeting cancelled.

Senate Finance Committee, Tuesday, February 27, 1979, 2 p.m., Senate Finance Committee Room, State Capitol, to conduct budget hearings. A list of items to be considered is available from the Secretary of the Senate's office.

Senate Finance Committee, Wednesday, February 28, 1979, 9:30 a.m. and 2 p.m., Senate Chamber, State Capitol, to consider SB 103 (Doggett), SB 128 (Parker), SB 129 (Parker), SB 204 (Vale), SB 262 (Vale), SB 454 (Ogg), SB 510 (Price), SB 550 (Parker), SB 569 (Jones of Taylor), SB 585 (Short), and SB 596 (Farabee). Other bills may be added to this list as they are referred to this committee.

Senate Human Resources Committee, Monday, February 26, 1979, 4 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 181 (Ogg) and SB 502 (Ogg).

Senate Intergovernmental Relations Committee, Tuesday, February 27, 1979, 3 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 460 (Mauzy), SB 496 (Jones of Harris), SB 390 (Traeger), SB 617 (Howard), SB 341 (Ogg), and SB 324 (Mengden).

Senate Intergovernmental Relations Committee, Thursday, March 1, 1979, 9 a.m., Lieutenant Governor's Committee Room, State Capitol, to consider HB 466 (Close/Moore), SB 388 (Harris), SB 512 (Vale), SB 632 (Short), SB 319 (Schwartz), and SB 308 (Clower).

Senate Jurisprudence Committee, Tuesday, February 27, 1979, 2 p.m., Senate Chamber, State Capitol, to consider SB 281 (Schwartz, Doggett), CSSB 27 (Mengden), CSSB 71 (Mengden), CSSB 145 (Mengden), CSSB 168 (Williams), CSSB 176 (Parker), SB 329 (Mengden), CSSB 439 (Santiesteban), SB 442 (Santiesteban), SB 449 (Santiesteban), CSSB 21 (Clower), SB 131 (Parker), SB 184 (Mauzy), CSSB 208 (Mauzy), SB 146 (Mengden), SB 185 (Mauzy), SB 280 (Doggett), SB 287 (Meier, et al.), SB 332 (Mengden), SB 347 (Brooks, et al.), SB 380 (Jones of Harris), and SB 573 (Farabee).

Senate Natural Resources Committee, Wednesday, February 28, 1979, 2 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider the following items:

2 p.m.—SB 78 (Schwartz), SB 81 (Schwartz), SB 514 (Longoria and Schwartz), SB 521 (Santiesteban), SB 533 (Clower), and SB 583 (Farabee).

3 p.m.—CSSB 300 (Schwartz).

Senate State Affairs Committee, Monday, February 26, 1979, 2 p.m., Senate Chamber, State Capitol, to consider SB 508 (Jones of Taylor), SCR 27 (Traeger), SB 389 (Traeger), SB 623 (Moore), SB 393 (Ogg), SB 408 (Clower), and SB 415 (Clower).

Notices Filed February 23, 1979

Natural Resources Committee, Wednesday, February 28, 1979, 2 p.m., Lieutenant Governor's Committee Room, State Capitol. Addition to agenda: SB 444 (Schwartz), SB 534 (Mengden), SB 616 (Howard), SB 626 (Schwartz), and SB 646 (Creighton).

State Affairs Committee, Wednesday, February 28, 1979, 2 p.m. Meeting cancelled.

Notices Filed February 23, 1979

Senate Administration Committee, Tuesday, February 27, 1979, 4 p.m., Senate Reception Room, State Capitol, to consider pending business and SCR 17 (Vale) and HCR 5 (Simpson).

Senate Subcommittee on Criminal Matters, Tuesday, February 27, 1979, 7 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 70 (Mengden), SB 421 (Short), SB 441 (Santiesteban), SB 322 (Mengden), SB 254 (Jones of Harris), SB 221 (Jones of Harris), SB 394 (Jones of Harris), SB 518 (Ogg), and SB 546 (Ogg).

Senate Finance Committee, Tuesday, February 27, 1979, 2 p.m., Senate Finance Committee Room, State Capitol. Addition to agenda: SB 425 (Harris), SB 466 (Brooks), and SB 556 (Schwartz).

Senate Natural Resources Subcommittee, Tuesday, February 27, 1979, 2 p.m., Sergeant-at-Arms Committee Room, State Capitol, to consider SB 333 (Schwartz) and SB 334 (Schwartz).

Senate Natural Resources Committee, Wednesday, February 28, 1979, 2 p.m., Lieutenant Governor's Committee Room, State Capitol. Addition to agenda for 3 p.m. hearing: SB 333 (Schwartz) and SB 334 (Schwartz).

Confirmation of Gubernatorial Appointments

Confirmed February 22, 1979

The following is a list of gubernatorial appointments confirmed by the Texas Senate on February 22, 1979.

Listed are the agencies or offices, the appointees, and the counties of residence of the appointees.

Texas Amusement Machine Commission
Hall E. Timanus, Sr., Harris

Advisory Board of Athletic Trainers
Michael Kay Stephens, Travis

Bandera County River Authority
Carmen Hicks, Bandera

State Banking Board, Citizen Member
Bob J. Perry, Harris

Texas Conservation Foundation
Albert B. Fay, Harris

Texas Deepwater Port Authority
D. Truitt Davis, Taylor

330th Family District Court, Judge
Mrs. Theo Bedard, Dallas

Texas Board of Health
Dr. Robert D. Moreton, Harris

Texas Board of Human Resources
William Terry Bray, Travis

78th Judicial District, Judge
John Keith Nelson, Wichita

Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission
Paul Thayer, Dallas

State Board of Nursing Examiners
Dorothy Johnson, Potter

Parks and Wildlife Commission
Edwin L. Cox, Jr., Dallas

Produce Recovery Fund Board
Curt Cargile, Uvalde

Advisory Council on Small Business Assistance
Calvin W. Stephens, Dallas

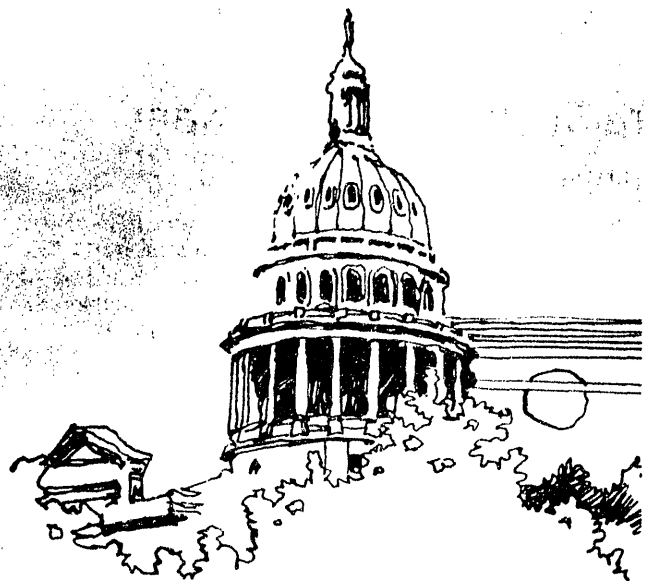
Legislative Information System of Texas

Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 66th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.



Department of Banking

Article 342-401a, Vernon's Texas Civil Statutes, 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.

Notice of Applications

On February 21, 1979, the banking commissioner received an application to acquire control of First State Bank in Tuscola by Robert H. Simmons, trustee for Ranger Financial Corporation, Brownwood.

On February 22, 1979, the banking commissioner received an application to acquire control of First State Bank and Trust Company, Port Lavaca, by The Lambert Trusts, Refugio.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on February 22, 1979.

Doc. No. 791150- Robert E. Stewart
791151 Banking Commissioner

Filed: February 23, 1979, 10:40 a.m.

For further information, please call (512) 475-4451.

Credit Union Department Change of Office Location

Effective February 27, 1979, the Credit Union Department will move its offices into its new building located at 914 East Anderson Lane, Austin, Texas 78753. All mail should be addressed to this new address. The new telephone numbers are (512) 837-9236 and STS-820-1320 or 820-1321.

Issued in Austin, Texas, on February 21, 1979.

Doc. No. 791141 Harry L. Elliott
Staff Services Assistant
Credit Union Department

Filed: February 22, 1979, 4:22 p.m.

For further information, please call (512) 837-9236.

Texas Health Facilities Commission

Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders accepted February 13-19, 1979.

Should any person wish to become a formal party to any application for a declaratory ruling, exemption certificate, or

administrative order, that person must file a notice of intent to become a party to the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of this publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to become a party is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, or administrative order must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Vernon's Annotated Civil Statutes, and Rules 315.17.04.010-.070, 315.17.05.010-.030, 315.18.04.010-.040, and 315.18.05.010-.030.

In the following notice, the applicant is listed first, the file number second, and the relief sought and description third. EC indicates exemption certificate, DR indicates declaratory ruling, and AO indicates administrative order.

Rutherford General Hospital, Mesquite
AH78-1227-001

EC—Construction of an addition to enlarge the dietary department to conform with environmental, safety, and infection control regulations and to relocate respiratory therapy and laundry (correction of posting appearing in the February 12, 1979, issue of the *Texas Register*)

John Peter Smith Hospital, Fort Worth
AH79-0118-010

EC—Minor remodeling and acquisition of pulmonary laboratory equipment

Wilson N. Jones Memorial Hospital, Sherman
AH79-0208-011

EC—Purchase of property and house adjoining hospital for possible future facility growth and remodeling of house for immediate use by two doctors for offices

Issued in Austin, Texas, on February 22, 1979.

Doc. No. 791144 Dan R. McNery
General Counsel
Texas Health Facilities Commission

Filed: February 22, 1979, 4:31 p.m.

For further information, please call (512) 475-8940.

Texas Register**Notice of Schedule Variation**

As previously scheduled, in view of the state-observed Texas Independence Day holiday on March 2, 1979, the *Texas Register* will not be published on March 9. The next issue will be published on March 13 (Volume 4, Number 19). The deadlines for submission of documents for publication in that issue are as follows: noon Wednesday, March 7 (all copy except notices of open meetings), and noon Thursday, March 8 (open meeting notices).

