

TEXAS REGISTER

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NOTES ON THE ISSUE

To comply with legislation by the 65th Legislature, the Texas Parks and Wildlife Commission has adopted amendments to its 1977-78 proclamation that regulates hunting, fishing, and trapping throughout the state. The amendments were previously adopted on an emergency basis. The commission is responsible for establishing seasons, bag limits, and means and methods for harvesting the wildlife resources in regulatory counties. Action by the 65th Legislature included five counties as full regulatory counties and included San Jacinto County where the Uniform Wildlife Regulatory Act applies only to the public waters. Counties affected by the legislative revisions are Camp, Rockwall, San Augustine, San Jacinto, Washington, and Winkler.

Specific provisions affecting certain counties' hunting regulations were also amended by the legislature. Hunting, fishing, and trapping regulations in 27 counties were required by the Texas Parks and Wildlife Code to have approval by those counties' commissioners courts. Eight of the counties disapproved portions of the 1977-78 proclamation.

In adopting the amendments, the commission clarified which authority governs the use of the wildlife resources in the six affected counties, and remedied the differences in open season regulations of neighboring counties which placed an undue harvest upon the resources. The commission also amended the rules to remedy differing open seasons which prevented harvest of the resources at optimum times, such as when their populations are at their highest level and are least vulnerable to depletion.

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



*Steven C. Oaks
Secretary of State*

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Appointments

Governor's Committee on Aging

For a six-year term to expire August 30, 1979:

Georgia McKinney
818 Gulf
San Antonio, Texas 78202

Mrs. McKinney is replacing Alton O. Bowen of Austin, Travis County, whose term on this committee has been shifted to reflect his position as chairman.

Texas Civil Air Patrol Commission

For a six-year term to expire May 31, 1983:

John F. Elliott
3980 Edgehill
Fort Worth, Texas 76116

Reverend Elliott is replacing David H. Byrd of Dallas, Dallas County, who resigned.

Issued in Austin, Texas, on April 6, 1978.

Doc. No. 782541 & Dolph Briscoe
782553 Governor

For further information, please call (512) 475-4571.

Opinions

Summary of Opinion H-1151

Request from Barry Read, Texas State Board of Examiners of Psychologists, Austin, concerning whether the Board of Examiners of Psychologists may consider post-doctoral courses in determining whether an applicant has met the educational requirements for licensing.

Summary of Opinion: The Board of Examiners of Psychologists may consider post-doctoral courses as one factor in determining the eligibility of an applicant to take the examination for certification as a psychologist.

Doc. No. 782554

Open Records Decisions

Summary of Open Records Decision ORD-187

Request from John P. Parsons, commissioner, Credit Union Department, Austin, concerning whether property development plans submitted to Credit Union Department are public information.

Summary of Decision: Information relating to a credit union's financial condition and operations submitted to the credit union commissioner in connection with a request for approval of the purchase of realty for a new headquarters is excepted from required public disclosure by Section 3(a)(12) of the Open Records Act.

Issued in Austin, Texas, on April 11, 1978.

Doc. No. 782578 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

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



PROPOSED RULES

1450

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.



Texas Education Agency Regional Education Service Centers

Authorization of Regional Education Service Centers 226.21.01

The Texas Education Agency proposes to amend Rule 226.21.01.010 concerning the 20 regional education service centers. The proposed change deletes reference to a state plan for service centers from the policy section of the rule. Only the policy section of the rule is changed. The rest of the rule remains unchanged.

The Texas Education Agency anticipates that the proposed amendment will not have state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.21.01.010 is invited. Comments may be submitted by

telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed under the authority of Sections 11.32 and 11.33, Texas Education Code.

.010. Authorization in General.

(a) Policy. The regional education service centers, as authorized by law [and established in accordance with a state plan], shall operate to *coordinate educational planning in the region and to provide to school districts education media materials, equipment and maintenance, and educational services [, and coordination of educational planning]*. The centers shall operate in accordance with state and federal laws, and the policies and administrative procedures of the Texas Education Agency.

Doc. No. 782583

Administration and Operation of Regional Education Service Centers 226.21.02.011

The Texas Education Agency proposes to repeal Rule 226.21.02.011 concerning the state plan for education service centers. Regional service centers are now expected to be in compliance with State Board of Education policies and the administrative procedures correlated with them.

The Texas Education Agency anticipates that the repeal of Rule 226.21.02.011 will have no state or local fiscal implications.

Public comment on the proposed repeal of Rule 226.21.02.011 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Sections 11.32 and 11.33, Texas Education Code.

.011. State Plan for Education Service Center.

(a) Policy. All operations of the education service centers shall be in compliance with the State Plan for Education Service Centers, adopted and revised as needed by the State Board of Education and administered by the Texas Education Agency.

(b) Administrative procedure. The State Plan for Regional Education Services is revised when determined necessary by the commissioner of education and is submitted to the State Board of Education for approval.

Doc. No. 782584

226.21.02.050

The Texas Education Agency proposes to amend Rule 226.21.02.050 concerning the evaluation of regional education service centers. Senate Bill 1 (65th Legislature, Special Session) amended the Texas Education Code to require each service center, within each five-year period, to perform a self-study of its effectiveness, to be evaluated by a panel of persons outside the center, and to be subject to a management and service audit conducted by the Texas Education Agency.

The Texas Education Agency anticipates that the proposed amendment to Rule 226.21.02.050 will have no state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.21.02.050 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed under the authority of Section 11.32(g), Texas Education Code.

.050. Evaluation.

(a) Policy.

(1) *Each regional education service center, within each five-year period, shall:*

(A) *perform a self-study of the effectiveness of its services to school districts;*

(B) *invite a panel of distinguished personnel from other service centers, public school administrators, and other persons deemed appropriate by the service center board to evaluate the practices and services provided by the service center; and*

(C) *be subject to a management and service audit conducted by the Texas Education Agency.*

(2) *With the advice of regional education service center directors, school district personnel, and the Texas Education Agency staff, the commissioner of education shall develop criteria and suggestions to be used in the management and service audit required by (C) above and for the development of plans for the improvement of each education service center. These criteria shall be periodically reviewed and revised when necessary.*

(3) *The Texas Education Agency will provide technical assistance upon request to regional service centers during the performance of their self-studies.*

[Services performed by the education service centers shall be evaluated in accordance with procedures specified by the commissioner of education, the approved state plan, and as required by law.]

(b) Administrative procedure.

(1) *Each regional education service center, within each five-year period, shall conduct a self-study of its programs and services, shall invite a panel of persons outside the center staff to perform an evaluation, and shall be subject to a management and service audit conducted by the Texas Education Agency. The criteria for evaluation used in the self-study, the panel evaluation, and the management and service audit shall be those contained*

in "Criteria for the Planning and Operation of Regional Education Service Centers."

[Services performed by the center are evaluated by the following:

(1) the staff of the center;

(2) an advisory committee of teachers, supervisors, and principals from school districts served by the center (the advisory committee should be composed of at least 12 members chosen by the board of directors);

(3) the joint committee;

(4) the board of directors to assure that the services of the center are in agreement with law, the application, and the State Board of Education policies and administrative procedures of the Texas Education Agency; and

(5) the Texas Education Agency.]

(2) Annually the board of directors submits an operation report to the Texas Education Agency. The annual operation report includes:

(A) a statistical survey of services performed;

(B) a summary of services or policy changes for the ensuing year of operation;

(C) staff and board of directors membership changes; and

(D) a statement of intent from each participating school, including average daily attendance, rate of contribution, and total contribution of each member school.

Issued in Austin, Texas, on April 12, 1978.

Doc. No. 782585

M. L. Brockette
Commissioner of Education

Proposed Date of Adoption: June 10, 1978

For further information, please call (512) 475-7077.

Adoption by Reference 226.21.90

The Texas Education Agency proposes to repeal Rule 226.21.90.010, the adoption by reference of the state plan for regional education service centers. Regulatory material in the state plan is also contained in State Board of Education policies concerning service centers and the administrative procedures correlated with those policies (see rules in Chapter 226.21).

The Texas Education Agency does not anticipate that the repeal of Rule 226.21.90.010 will have state or local fiscal implications.

Public comment on the proposed repeal is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Section 11.32, Texas Education Code.

.010. *Procedures and Policies for the Operation of Regional Education Service Centers.* The rules for the operation of regional education service centers are described in the state

plan for *Procedures and Policies for the Operation of Regional Education Service Centers*, revised January, 1970, which is adopted by this reference as the Texas Education Agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas, on April 12, 1978.

Doc. No. 782586 M. L. Brockett
Commissioner of Education

Proposed Date of Adoption: May 19, 1978

For further information, please call (512) 475-7077.



Texas Department of Health Water Hygiene

Public Water Systems 301.83.04

(Editor's note: Because of the length of these rules, the text is not being published. The rules may be examined at the Department of Health, 1100 West 45th, Austin, or at the Office of the Texas Register, 503 Sam Houston Building, Austin.)

The Texas Department of Health proposes to repeal Rules 301.83.04.001-.011 because they are being replaced by a new subchapter (301.83.12.001-.011), which covers the latest techniques and methods on planning, construction, and quality of public water systems.

There are no fiscal implications for the state or units of local government because the new proposed rules are part of the department's program responsibilities and no new funds are required. The staff of the department's water hygiene division has made this determination.

Anyone interested in either the rules being repealed or the new set being proposed should contact Charles K. Foster, P.E., director, division of water hygiene, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

This repeal is being proposed under Article 4477-1, Texas Revised Civil Statutes.

Doc. No. 782522

Public Water Systems 301.83.12

Under the authority of the Civil Statutes of Texas, the Texas Department of Health presently maintains and enforces the rules and regulations for public water systems, which were adopted by the Board of Health in December, 1975. The Texas Department of Health proposes to replace the existing rules and regulations with a new and amended version. The replacement of the existing rules is primarily for the purpose of updating and reorganizing the rules for clarity. The new rules establish requirements for submission of planning material, construction standards, and minimum quantities or sizes for water systems based on the number of connections served. Further, they outline the minimum acceptable operating practices and state approval requirements. The major changes are:

- (1) Variances are authorized if the applicant for a variance can demonstrate that there will be no public health impact if the variance is granted (Rule .002).
- (2) The requirements covering the location of water mains have been considerably revised because such revision is much needed for purposes of clarity (Rule .005).
- (3) The minimum total storage requirements for water systems have been reduced primarily to encourage the installation of elevated storage (Rule .007).
- (4) A section has been added on requirements covering water being distributed by tank truck or trailer (Rule .005).
- (5) A section has been added on the minimum quantity requirements for noncommunity-type water systems (Rule .007).

Numerous other minor changes are being made for updating and clarification, such as rewording and rephrasing sentences. Some of the minor changes were necessary as a result of the primary enforcement responsibility granted to the department under the provision of the Safe Drinking Water Act, Public Law 93-523. However, these changes do not involve any additional program responsibilities, and there will be no increase in funds necessary to implement the revised rules either at the state or local government level. The source of this determination is the staff of the water hygiene division.

Public hearing(s) will be held to afford all interested persons reasonable opportunity to present data, views, or arguments, orally or in writing, which are relevant to the amended rules and regulations for public water systems. The hearings are tentatively scheduled as follows:

Houston, April 24, at 10 a.m. (Monday), Houston-Galveston Area Council Building, 3701 Alabama, Houston

Grand Prairie, May 3, at 10 a.m. (Wednesday), City Council Chambers, new City Hall, 318 West Main, Grand Prairie

Austin, May 9, at 10 a.m. (Tuesday), Texas Department of Health auditorium, 1100 West 49th Street, Austin.

Written public comments on the amended rules and regulations may also be submitted directly to the department and should be mailed no later than May 15, 1978, to Charles K.

Foster, P.E., director, division of water hygiene, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Copies of the amended rules and regulations may be examined at the office of the Texas Register division of the Secretary of State's Office, 503 Sam Houston Building, Austin. Copies are available at the division of water hygiene, 7th floor, Texas Department of Health, 1100 West 49th Street, Austin, and at the following public health regional offices:

(a) Public Health Region 1, P.O. Box 968, West Texas State University Station, Old Health Center Building, Canyon, Texas 79016.

(b) Public Health Region 2, 3411 Knoxville, Suite 100, Lubbock, Texas 79413.

(c) Public Health Region 3, P.O. Box 10736, 5308 El Paso Drive, El Paso, Texas 79997.

(d) Public Health Region 4, Old Courthouse, second floor, 301 Oak Street, Abilene, Texas 79602.

(e) Public Health Region 5, 701 Directors Row, Directors Square II, Arlington, Texas 76011.

(f) Public Health Region 6, P.O. Box 190, Alexander Building, 2401 South 31st Street, Scott and White Hospital, Temple, Texas 76501.

(g) Public Health Region 7, P.O. Box 2501, Cotton Belt Office, 1517 West Front Street, Tyler, Texas 75701.

(h) Public Health Region 8, 301 South 9th, Suite 107, Richmond, Texas 77569.

(i) Public Health Region 9, P.O. Drawer 630, Old Memorial Hospital Building, Garner Field Road, Uvalde, Texas 78801.

(j) Public Health Region 10, P.O. Box 592, 500 South Rangerville Road, Harlingen, Texas 78550.

These rules are being proposed pursuant to Article 4477-1, Texas Civil Statutes.

.001. Glossary of Terms.

(a) "AWWA standards" refer to the latest edition of the applicable standard as approved and published by the American Water Works Association, 6666 W. Quincy Avenue, Denver, Colorado 80235.

(b) "ASTM" refers to the standards of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19102.

(c) "API specifications" refer to the latest edition of the applicable specification as approved and published by the American Petroleum Institute.

(d) "Health hazards" mean any conditions, devices, or practices in the water supply system and its operation which create, or may create, a danger to the public health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be contaminated from extraneous sources.

(e) "Public health engineering practices," as used in these rules and regulations, shall mean that facilities will be provided in accordance with guidelines promulgated by the Texas Department of Health or rules and regulations adopted by the Texas Board of Health.

(f) "NSF" means the National Sanitation Foundation and refers to the listings developed by the foundation, P.O. Box 1468, Ann Arbor, Michigan 48106.

(g) "Contamination," as used in these rules and regulations, means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

(h) "Department" shall mean the Texas Department of Health.

(i) "Drinking water" shall mean all water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term "drinking water" shall also include all water supplied for human consumption or used by any institution catering to the public.

(j) "Public water system" shall mean a system which supplies water to four or more service connections, or serves 25 or more individuals for at least 60 days annually.

(k) "Community-type public water system" shall mean any system which serves four or more service connections or regularly serves 25 permanent type residents for at least 180 days per year.

(l) "Noncommunity-type public water system" shall mean any public water system which is not a community-type system.

(m) Other definitions: Where not specifically defined in these rules, the technical terms used herein shall have the definitions given in the latest issue of *Glossary—Water and Sewage Control Engineering*, prepared under the joint sponsorship of the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association, and the Water Pollution Control Federation, obtainable from the American Society of Civil Engineers, 33 West 39th Street, New York, New York.

.002. General.

(a) Authority for requirements.

(1) The Civil Statutes of Texas prescribe the duties of the Texas Department of Health relating to the regulation and control of public drinking water systems in the state. These statutes require that the department review "completed plans and specifications" for all new public drinking water systems, and that the department be notified of any subsequent "material changes," improvements, additions, or alterations in existing systems. In order to properly discharge these duties, the Texas Board of Health is authorized to develop rules and regulations governing the design of system facilities, as well as minimum acceptable operating practices necessary to protect the public health. These statutes are codified in Vernon's Texas Civil Statutes as Articles 4414a, 4418d, 4419, and 4477-1.

(2) The following rules and regulations have been adopted by the Texas Board of Health.

(b) Reason for rules and regulations and minimum criteria. These rules and regulations have been adopted to insure the inclusion of all data essential for comprehensive consideration of the contemplated project, or improvements, additions, alterations, or changes thereto, and to establish minimum standardized public health design criteria in compliance with existing state statutes and in accordance with good public health engineering practices. In addition, minimum acceptable operating practices must be specified to insure that facilities are properly operated to produce and distribute a safe, potable water.

(c) Authorization for examination of plans.

(1) Engineers of the water hygiene division, Texas Department of Health, are not authorized to examine and approve plans for public water system facilities unless the design engineer has submitted a letter of appointment from the proper city, water district, company official, or individual stating that he or she is authorized to prepare plans and specifications. (See Rule .009, Appendix A, for suggested notice form.)

(2) Plans and specifications will not be considered unless they have been prepared by a registered professional engineer, and the plans show the seal of the engineer responsible on each sheet.

(3) An engineering report on new systems and a minimum of a project description letter on any planning material must be submitted with or prior to submission of plans and specifications.

(4) With the contemplated establishment of any new drinking water system for public use, a statement by the water purveyor must be provided setting forth his or her awareness of the provisions of Article 4477-1, Vernon's Civil Statutes, relating to the operation of public water supply systems and his or her willingness to comply with applicable provisions thereof, and all applicable rules and regulations adopted by the Texas Board of Health.

(d) Time to be allowed for consideration of plans. Detailed plans must be submitted for examination at least two weeks prior to the time that approval, comments, or recommendations are desired. From this, it is not to be inferred that final action will be forthcoming within the time mentioned.

(e) Limits of approval.

(1) The water hygiene division, Texas Department of Health, furnishes consultation services as a reviewing body only, and its registered engineers may neither act as design engineers nor furnish detailed estimates.

(2) The department does not examine plans and specifications in regard to the structural features of design, such as strength of concrete or adequacy of reinforcing. Review will be of features covered by these standards.

(3) The consulting engineer must provide supervision adequate to assure that facilities will be constructed according to approved plans.

(4) The approval of plans and specifications shall not be construed as granting permission to erect signs or advertise "Public Water Supply Approved—Texas Department of Health." Such "approval" covers the establishment and maintenance of satisfactory operational practices, as well as compliance with other applicable state statutes. (See Rule .008 and Rule .010, Appendix B, for requirements.)

(f) Information required.

(1) Planning material submitted shall in all instances be in such detail as to permit a comprehensive review to assure compliance with these standards.

(2) A preliminary report proposing processes, methods, or procedures not covered by these rules and regulations, or a request for a variance from any portion of the regulations, shall be submitted as early in the planning stage as is practical. Agreement at this point between the design engineer and the department regarding the essential design data is desired to eliminate delay or inconvenience and to avoid the likelihood of having to revise the detailed final plans.

(3) In general, the planning material submitted shall conform to the following requirements for the various documents submitted:

(A) The engineering report shall include at least coverage of the following items:

(i) statement of the problem or problems;

(ii) present and future areas to be served, with population data;

(iii) the source, with quantity and quality of water available;

(iv) present and estimated future maximum and minimum water quantity demands;

(v) description of proposed site and surroundings for the water works units;

(vi) type of treatment, equipment, and capacity of units;

(vii) basic design data, including pumping capacities, water storage, and flexibility of system operation;

(viii) the adequacy of the facilities with regard to delivery capacity and pressure throughout the system;

(ix) estimates of costs of the facilities, as well as sources of funds for the project.

(B) All plans and drawings submitted may be printed on any of the various papers which give distinct lines. All prints must be clear, legible, and assembled to facilitate review.

(i) The relative location of all facilities which are pertinent to the specific project shall be shown.

(ii) If state construction is anticipated, the overall plan shall be presented, even though a portion of the construction is to be deferred.

(iii) A general map or plan of the municipality, water district, subdivision, or area to be served shall accompany each proposal for a new water supply system.

(C) Specifications for construction of facilities shall accompany all plans. If a process or equipment which may be subject to "probationary" acceptance because of limited application or use in Texas is proposed, the department, at its discretion, may give limited approval, provided the owner is given a bonded guarantee covering acceptable performance. The specifications shall include a statement that such a bonded guarantee will be provided the owner.

(g) Changes in existing systems or supplies. Where changes or alterations are planned for existing systems, notification to the department shall include sufficient information to evaluate the public health significance of such changes. The department shall determine whether engineering plans and specifications will be required after initial notification of the extent of the modifications.

(h) Beginning and completion of work.

(1) The Texas Department of Health, water hygiene division, shall be notified by the design engineer or the owner when construction is started.

(2) Upon completion of the water works project, the design engineer will notify the Texas Department of Health, water hygiene division, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the department.

(i) Changes in plans and specifications. Any addenda or change orders which may involve a health hazard or relocation of facilities, such as wells, treatment units, and storage tanks, shall be submitted to the department for review and approval.

(j) Planning material acceptance.

(1) Planning material for new water systems which does not meet the requirements of any portion of these regulations will not be considered.

(2) Planning material for improvements to an existing system which does not meet the requirements of any portion of these regulations will not be considered unless the necessary modifications for correcting any deficiencies are included in the proposed improvements, or unless the department determines that reasonable progress is being made toward correcting the deficiencies, and no immediate health hazard will be caused by the delay.

(3) Planning material which contains a request for a variance from one or more of these rules shall be considered on an individual basis. The burden of proof rests with the design engineer to demonstrate to the satisfaction of the department that the variance has been requested because conditions are such that equivalent protection to the public health of the systems customers is provided by an alternate means. Any such request must be substantiated by carefully documented engineering data.

.003. Water Sources.

(a) Water quality. The quality of water to be supplied must meet the approval of the Texas Department of Health, and such approval will be based upon the quality criteria prescribed by the Texas Board of Health.

(b) Water quantity. Sources of supply, both ground and surface, shall have a safe yield capability of supplying the maximum daily demands of the distribution system during extended periods of peak usages and critical hydrologic conditions. The pipe lines and pumping capacities to treatment plans or distribution systems shall be adequate for such water delivery. Minimum capacities required are specified in Rule .007.

(c) Groundwater sources and development.

(1) Ground water sources shall be so located that there will be no danger of pollution from flooding or from insanitary surroundings, such as cesspools, privies, sewage, livestock and animal pens, solid waste disposal sites, or abandoned and improperly sealed wells.

(A) No well site which is within 50 feet of a tile or concrete sanitary sewer, septic tank, or storm sewer, or which is within 150 feet of a cesspool or septic tank open-jointed drainfield will be acceptable for the development of a public drinking water supply well.

(B) No well site shall be selected which is within 500 feet of a sewage treatment plant or within 300 feet of a sewage wet well, sewage pumping station, or a drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems.

(C) No water wells shall be located within 500 feet of animal feed lots, solid waste disposal sites, or lands irrigated by sewage plant effluent.

(D) Livestock in pastures shall not be allowed within 50 feet of water supply wells.

(E) Abandoned water wells in the area of a proposed source shall be plugged and sealed properly to prevent possible contamination of fresh water strata. The procedures and methods to be followed in plugging and sealing wells shall be obtained from the Texas Department of Water Resources, Stephen F. Austin Building, Austin, Texas.

(F) A sanitary control easement covering that portion of the lands within 150 feet of the well location shall be

secured from all such property owners and recorded in the deed records at the county courthouse. The easement shall provide that none of the pollution hazards covered above or any facilities that might create a danger of pollution to the water to be produced from the well will be located thereon. Copies of the recorded easements shall be submitted with plans and specifications submitted for review.

(2) The premises, materials, tools, and drilling equipment shall be maintained so as to minimize contamination of the underground water during the drilling operation.

(A) Water used in any drilling operation shall be of safe sanitary quality.

(B) The slush pit shall be constructed and maintained so as to minimize contamination of the drilling mud.

(C) Approved-type privy or toilet facilities shall be provided for use of personnel during drilling operations, and these facilities must be located at least 150 feet from the well being drilled. After construction of the well has been completed, these facilities, if temporary, will be abandoned or removed in a satisfactory manner. No temporary sanitary facilities shall be maintained within 150 feet of the well being constructed unless they are of a sealed, leakproof type.

(3) Drilling records and material setting data shall be maintained accurately and copies made available to the owner, as well as state agencies requesting this information.

(A) The Texas Department of Health shall be furnished a copy of well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, bacteriological sample results, and a chemical analysis report of a representative sample of water from the well.

(B) The casing material used in the construction of wells for public use shall conform to AWWA standards. Refer to Rule .001, Glossary of Terms. The casing shall extend to a point 18 inches above the elevation of the finished floor of the pump room or natural ground surface and a minimum of one inch above the sealing block or pump motor foundation block, when provided. The casing shall extend at least to the depth of the shallowest water formation to be developed and deeper, if necessary, in order to cut off all undesirable water-bearing strata.

(C) The space between the casing and drill hole shall be sealed by using sufficient cement under pressure to provide for completely filling and sealing of the annular space between the casing and the drill hole. The well casing shall be cemented in this manner from the top of the shallowest formation to be developed to the earth's surface. Where the top of the water-bearing formation is less than 50 feet, special treatment facilities, in addition to chlorination ahead of storage, with a minimum detention time of two hours, may be required, depending on local conditions.

(D) When a gravel pack well is constructed, all gravel shall be of selected and graded quality and shall be thoroughly treated with a 50 mg/l chlorine solution to insure disinfection as it is added to the well cavity.

(E) In all cases, a concrete sealing block extending at least three feet from the well casing in all directions with a minimum thickness of six inches, and sloped to drain away at not less than 0.25 inches per foot shall be provided around the well head.

(F) Well heads and pump bases shall be sealed by the use of gaskets, sealing compounds, and properly vented to prevent the possibility of contamination of the well water. A

well casing vent shall be provided with the opening screened with 16-mesh or finer corrosion-resistant screen, and faced downward and located and elevated so as to minimize the drawing of contaminants into the well.

(G) Safeguards shall be taken to prevent possible contamination of the water or damage by trespassers following the completion of the well and prior to installation of permanent pumping equipment.

(H) Upon completion, the well shall be disinfected in accordance with current AWWA standards for well disinfection. Refer to Rule .001, Glossary of Terms.

(i) After the water containing chlorine is completely flushed from the well, samples of water shall be collected daily and submitted for bacteriological analysis until three successive samples submitted shall be free of coliform organisms, prior to placing the well in service.

(ii) Appropriate facilities for treatment of the water shall be provided where a satisfactory bacteriological record cannot be established after repeated disinfection. The extent of water treatment required will be determined on the basis of geological data, well construction features, nearby sources of contamination, and perhaps on the basis of quantitative bacteriological analyses.

(d) A complete physical and chemical analysis of the water produced from a new well shall be made after 36 hours continuous pumping. If the analysis reveals that the water from the well fails to meet the water quality criteria as prescribed by the Texas Board of Health, including turbidity, color, and threshold odor limitations, or shows excessive hydrogen sulfide, carbon dioxide, or other constituents or minerals which make the water undesirable or unsuited for domestic use, appropriate treatment shall be provided.

(e) A suitable sampling cock shall be provided on the discharge pipe of each well pump.

(f) If a well blow-off line is provided, it shall slope downward and terminate at a point which will not be subject to submergence by flood waters.

(g) Flow-measuring devices shall be provided to measure production yields and provide for the accumulation of water production data. These devices shall be so located as to facilitate ease of daily reading. Systems with an ultimate development potential of 15 connections or less shall be excused from this requirement.

(h) All completed well units shall be protected by manproof fences, the gates of which are provided with locks, or enclosed in locked, ventilated well houses to exclude possible contamination or damage to the facilities by trespassers.

(i) Subground level pump rooms and pump pits will not be allowed in connection with water supply installations. The pump room floor shall be at least two feet above the highest known watermark and/or protected adequately by levees from possible damage by flood waters.

(j) The well site shall be fine graded so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to assure that surface water will drain away from the well. In all cases, arrangements shall be made to carry off the drainage from the well pump, leakage from packing glands, and floor drainage. Suitable drain pipes located at the outer edge of the concrete floor shall be provided to carry off this water and prevent its ponding or collecting around the well head. This waste water shall be disposed of in such a manner so that it will not cause

any nuisance from mosquito breeding or stagnation. Drains shall not be directly connected to storm or sanitary sewers.

(k) Surface water sources and development.

(1) An evaluation shall be made of the proposed surface water impoundment or flowing supply in the area of diversion and its tributary streams to determine the degree of pollution from all sources within the watershed.

(A) Where surface water sources which are subject to continuous contamination by municipal and industrial wastes are contemplated for development for public water systems, the adverse effects of said contamination on the quality of raw water reaching the purification plant shall be determined by sanitary surveys and laboratory procedures and findings submitted with planning material.

(B) The disposal of liquid or solid wastes from any source on the watershed must be in conformity with applicable regulations and state statutes.

(C) Shore installations, marinas, boats, and all habitations on the watershed shall provide satisfactory sewage disposal facilities. Septic tanks and soil absorption fields, tile or concrete sanitary sewers, sewer manholes or other approved toilet facilities shall not be located in the area within 75 feet horizontally from the lake water surface at the uncontrolled spillway elevation of the lake or 75 feet horizontally from the 50-year flood elevation, whichever elevation is lower.

(D) Disposal of wastes from boats or any other watercraft shall be in accordance with the Texas Department of Water Resources Order No. 74-0521-4.

(2) Intakes shall be so located and constructed as to permit a wide variation in depths from which the raw water is taken, as well as to permit withdrawal of water when reservoir levels are very low.

(A) Intakes shall be located, insofar as possible, in areas not subject to excessive siltation and areas not subject to receiving immediate runoff from wooded sloughs and swamps.

(B) Water intake works shall be provided with screens or grates to minimize the amount of debris entering the plant and must be so constructed that water can be obtained from various water levels.

(C) No public boat-launching ramps, marinas, docks, and floating fishing piers shall be located within 1,000 feet of the raw water intake.

(D) A restricted zone of 200-foot radius from the raw water intake works shall be established and all recreational activities and trespassing prohibited in this area. The restricted zone shall be designated with markers or buoys. Regulations governing this zone shall be included in city ordinances or the rules and regulations promulgated by a water district or similar regulatory agency. Provisions shall be made for strict enforcement of such ordinances or regulations.

(3) The water treatment plant and all pumping units shall be located in well-drained areas not subject to flooding and away from seepage areas or where the underground water table is near the surface.

(A) Water treatment plants shall not be located within 500 feet of a sewage treatment plant. Any sanitary sewers within 50 feet of any of the underground treatment plant units shall be constructed of cast iron pipe with watertight joints. A minimum spacing of 150 feet must be maintained between any septic tank open-jointed drainfield line and any underground treatment unit.

(B) Plant site selection shall also take into consideration the need for disposition of all plant wastes in accordance with applicable regulations and state statutes. (Refer to Rule .004(f).)

(C) The water treatment plant and all appurtenances thereto shall be enclosed by a manproof fence, the gates of which can be kept locked.

(D) An all-weather road shall be provided to the treatment plant.

(E) A flow measuring device shall be provided to measure either the raw water supplied to the plant, or treated water supplied from the plant, to provide for the accumulation of water production data. This device shall be so located as to facilitate ease of daily reading.

(1) Springs and other water sources.

(1) Water obtained from springs, infiltration galleries, wells in fissured areas, and/or any other source subject to surface or near surface contamination of recent origin shall be evaluated for the provision of treatment facilities, in addition to chlorination.

(2) The extent of water treatment required will be determined on the basis of geological data, well construction features, nearby sources of contamination, and perhaps on the basis of quantitative bacteriological and chemical analyses.

.004. Water Treatment.

(a) Groundwaters.

(1) Chlorination facilities shall be provided for all ground water supplies for the purpose of bacteriological quality control, and shall be in conformity with applicable disinfection requirements in Rule .004(c), Disinfection.

(2) Treatment facilities for ground water being proposed to correct specific physical and chemical quality problems shall be in conformance with established and proven methods.

(A) Where newly developed or unproven processes are proposed, a five-year treatment process performance bond shall be provided. The bond shall clearly state the process limitations and performance standards when operated in accordance with the manufacturer's guarantee.

(B) All processes involving exposure of the water to atmospheric contamination shall provide for subsequent chlorination of the water ahead of ground storage reservoirs. Likewise, all exposure of water to the atmospheric contamination shall be accomplished in a manner such that insects, birds, and other foreign materials will be excluded from the water.

(C) Appropriate laboratory facilities shall be provided for controls and to check the effectiveness of chlorination and any treatment processes employed.

(b) Surface water.

(1) All water secured from surface sources shall be given complete treatment at a plant which provides facilities for pretreatment disinfection, taste and odor control, continuous coagulation, sedimentation, filtration, covered clearwell storage, and terminal disinfection of the water with chlorine or suitable chlorine compounds.

(2) The treatment capacity of a water plant based on current acceptable design standards shall always be in excess of the maximum expected draft of any day of the year.

(3) No cross connection or interconnection shall be permitted to exist in a filtration plant between a conduit carrying filtered or post chlorinated water and another con-

duit carrying raw water or water in any prior stage of treatment. No conduit or basin containing raw water or any water in a prior stage of treatment shall be located directly above or permitted to have a single common partition wall with another conduit or basin containing finished water. This rule is not strictly applicable, however, to partitions open to view and readily accessible for inspection and repair.

(4) All drainage conduits shall be constructed so as to be thoroughly tight against leakage. They shall discharge and be located in such a manner that no currents of water can, under any circumstances, be carried from a drain outlet to the plant intake or to any other water intake located in the vicinity of the plant.

(5) Reservoirs for pretreatment (sedimentation) and/or selective quality control shall be provided where completed treatment facilities may not continue to operate satisfactorily at times of maximum turbidities anticipated from the source of supply to be developed. Recreation at such reservoirs should be prohibited.

(6) Treatment plants shall be provided with efficient devices for measuring and applying chemicals to the water under treatment.

(A) At least one chemical feeder shall be provided as a standby or reserve unit.

(B) An accurate flow meter shall be provided for determining rate of treatment and total amount of water treated. All chemical feed equipment shall be capable of ready adjustment to variations in the flow of water being treated.

(C) Dry chemical feeders shall be in separate rooms and be provided with suitable facilities for dust control.

(D) Chemical feeders shall be provided with dissolving tanks when applicable.

(E) Chemical solutions transported from feeder to application point should be accomplished through open channels. If enclosed feed lines must be used, they shall be designed and installed so as to prevent clogging and facilitate cleaning.

(F) Coagulants shall be applied to the water in the mixing basins or chambers so as to permit their thorough mixing with the water.

(7) Provision of chemical application points beyond the mixing basin or chamber shall be provided for taste and odor control, stabilization, and disinfection for quality controls.

(8) Chemicals shall be stored in a separate, dry room above ground and above floor level and protected against flooding or wetting from floors and walls.

(A) Storage facilities at the plant shall be adequate to store at least one month's supply of chemicals used.

(B) Chemical storage facilities shall be so located with reference to chemical feeders to facilitate handling of bulk chemicals by operators. Also, the movement of chemicals from storage to feed machines shall be such as to facilitate good housekeeping.

(9) Flash mixing and flocculation equipment, capable of adequate flexibility of adjustment to provide optimum flocculation under varying raw water characteristics and rates of raw water treatment, shall be provided.

(A) An ideal combination of flash mixing and flocculation will provide one to two minutes of violent agitation, followed by about 30 minutes to one hour of slow mixing to accomplish desired flocculation.

(B) Where special types of equipment for rapid mechanical mixing, softening, or sedimentation are proposed, the manufacturer shall guarantee the performance of said equipment.

(C) Sufficient facilities for coagulation and sedimentation must be provided to clarify the water so that the settled turbidity is at a level so as to produce a treated water at or below 1.0 turbidity unit after filtration. To satisfy this condition, settled water turbidities of 10 TU or less are generally required. All turbidity measurements must be made in accordance with the method specified in this department's "Drinking Water Standards."

(10) In order to insure continuous operation, basins for flocculation and straight-flow sedimentation of coagulated waters shall be at least two in number, shall be designed for series or parallel operation, and shall provide a total detention period of at least six hours.

(A) Facilities for sludge removal shall be provided by mechanical means or by the provision of hopper-bottomed basins with valves capable of complete draining of the units.

(B) Basins shall be so designed as to prevent short circuiting of flow or the destruction of floc. Coagulated water or water from flocculators shall be transported to sedimentation basins in such a manner as to prevent destruction of floc.

(C) The length of rectangular settling basins shall preferably be at least twice their width. Long effluent weirs will aid the efficiency of clarification. The depth of sedimentation basins shall be such as to maintain proper velocity of flow and sludge removal, the permissible depth being slightly lower with continuous sludge removal. Flow line elevations shall not vary more than a few inches above or below the normal level.

(D) Sedimentation basins shall be provided with facilities for draining the basin in a period not in excess of six hours. In the event that the plant site topography is such that gravity draining cannot be realized, a permanently installed electric powered pump station shall be provided to dewater the basin.

(E) Where it is proposed to use a patented, upflow, or other type sedimentation basin or clarification facilities with less than the previously specified detention time, the facility may be conditionally accepted where the manufacturer or supplier provides a two-year performance bond that the water going to the filters will have a turbidity of less than 10 turbidity units. In no case shall the minimum settling or clarification detention time be less than two hours. Facilities to monitor and record the turbidity of the raw and the settled water must be provided. Engineering data submitted with the engineering report for the proposed settling basin should verify that the basin is of proven design to treat the quality of raw water available to the treatment plant.

(11) Filters shall be gravity or pressure type.

(A) The design of rapid and pressure-type sand filters shall be based on a filtration rate of two gallons per square foot per minute. Mixed-media and/or coal-sand filters, of the gravity-type only, may be conditionally accepted with filtration rates of more than two gallons per square foot per minute, up to a maximum rate of 5.0 gallons per square foot per minute, when facilities to monitor and record turbidities of raw, settled, and finished water are provided.

(B) The depth of filter sand, anthracite, or other filtering materials shall be between 24 inches and 30 inches,

and this filtering material shall be free from clay, dirt, organic matter, and other impurities. Its effective size shall range from 0.35 to 0.45 mm for fine sand, 0.45 to 0.55 mm for medium sand, and 0.55 to 0.65 mm for coarse sand, and its uniformity coefficient shall not exceed 1.7. The grain size distribution shall also be as prescribed by AWWA standards. (Refer to Rule .001, Glossary of Terms.)

(C) Under the filtering material, at least 12 inches of gravel shall be placed, varying in size from 1/16 inch to 2-1/2 inches. The gravel is usually arranged in three to five layers such that each layer contains material about twice the size of the material above it.

(D) The rate of flow of wash water shall not be less than 20 inches vertical rise per minute and usually not more than 30 inches vertical rise per minute, which shall expand the filtering bed 30 to 50 percent. The free board in inches shall exceed the wash rate in inches of vertical rise per minute.

(i) The water for backwashing of filters shall be of the same quality as that produced by the plant and may be supplied by elevated wash water tanks or by pumps, provided for backwashing of filters only, which take suction from clear wells. For installations having a treatment capacity no greater than 150,000 gallons per day, however, water for backwashing may be secured directly from the distribution system with proper controls.

(ii) Rate of backwashing of filters shall be regulated by rate-of-flow controllers.

(E) If surface filter wash systems are provided, atmospheric vacuum breakers shall be installed in the system supply lines and above the overflow level of the filters such that all water passes through them.

(F) Each filter unit shall be equipped with rate-of-flow controllers and loss-of-head gauges for proper operation of the filtration process.

(G) Filter-to-waste connections, if included, shall be provided with an air gap connection to waste.

(H) Filters shall be so located that common walls will not exist between them and aerators, mixing and sedimentation basins, or clear wells.

(12) Pipe galleries with ample working room, good lighting, and good drainage provided by sloping floors, gutters, and sumps shall be incorporated in the plant design, along with adequate ventilation to prevent condensation and to provide humidity control.

(13) The identification of influent, effluent, waste, and backwash lines can be accomplished by use of various colors of paint. In order to maintain uniformity, the following color code is suggested for pipe galleries:

Blue	Treated water
Green	Clarified water
Tan	Raw water
Brown	Waste water
Orange	Pumps, valve bodies and metal pump bases
Bright red	Chlorine gas piping, flexible couplings on pumps and other machinery, and all exposed rotating parts

(14) An adequately equipped laboratory must be available locally where daily bacteriological and chemical tests can be made on water supplied by all plants serving 25,000 persons or more. For plants serving less than 25,000 population, the facilities for making bacteriological tests may be omitted and the required bacteriological samples submitted to Texas Department of Health laboratories. All surface water treatment plants shall be provided with equipment for making at least the following determinations: pH, chlorine residual, alkalinity, turbidity, threshold odor, "jar" test, and other tests deemed necessary to monitor specific water quality problems or to evaluate specific water treatment processes.

(c) Disinfection.

(1) All waters obtained from surface sources must be chlorinated prior to distribution at a dosage sufficient to produce a 1.0 mg/l free chlorine residual for a contact time of at least 20 minutes.

(2) All ground waters must be chlorinated prior to distribution, with the point of application preferably ahead of water storage reservoir(s). Permission to use alternate chlorine application points must be obtained in writing from this department.

(3) All water stored in treated water reservoirs for pumping directly to the distribution system must contain a chlorine residual. Chlorination facilities must be provided for all such locations where an adequate chlorine residual is not maintained from prior treatment.

(4) Disinfection equipment shall be selected and installed so that continuous and effective disinfection can be secured under all conditions as covered in treatment requirements for ground water and surface water.

(A) Disinfection equipment shall have a capacity at least 50 percent greater than the highest expected dosage to be applied at any time. It shall be capable of satisfactory operation under every prevailing hydraulic condition.

(B) Automatic proportioning of the disinfectant dosage to the rate of flow of the water treated shall be provided at the larger plants and at all plants where the rate of flow varies more than 50 percent above or below the average flow. Manual control shall be permissible only where the rate of flow is relatively constant or an attendant is always at hand to effect promptly the necessary adjustments in dosage.

(C) All disinfecting equipment at surface water treatment plants shall include at least one standby unit for insuring uninterrupted operation.

(D) Facilities shall be provided for determining the amount of disinfectant used daily, as well as the amount of disinfectant remaining for use.

(E) When used, solutions of calcium hypochlorite shall be prepared in a separate mixing tank, then diluted and allowed to settle so that only a clear supernatant liquid is provided in the solution suction tank for the hypochlorinator.

(F) Provision shall be made for both pretreatment disinfection and post chlorination in all surface water plants and at such additional points in the treatment process as indicated in order to provide for quality control treatment procedures.

(G) Disinfectants other than chlorine may be used only at points in the treatment process prior to post chlorination and only with written permission from the department.

(5) A suitable gas mask or self-contained type breathing apparatus and also a small bottle of fresh ammonia

solution for testing for chlorine leakage shall be provided and accessibly located outside the chlorinator room when chlorine gas is used.

(6) Housing for gas chlorination equipment and cylinders of chlorine shall be separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, and located above ground level as a measure of safety. This equipment and cylinders may be installed on the outside of buildings when protected from adverse weather conditions and vandals.

(7) Adequate floor level ventilation shall be provided for all enclosures in which chlorine is being fed or stored.

(8) Safety measures for the use of alternate disinfectants shall be as prescribed by the department.

(d) Special treatment processes. The adjustment of fluoride ion content, special treatment for iron and manganese reduction, special methods for taste and odor control, demineralization, and other proposals covering other than usual treatment will be considered as special projects.

(e) Sanitary facilities for water works installations. Toilet and handwashing facilities provided in accordance with established standards of good public health engineering practices shall be available at all installations requiring frequent visits by operating personnel.

(f) Permits for waste discharges. Permits for discharging wastes from water treatment processes shall be obtained from the Texas Department of Water Resources, Austin.

.005. *Water Distribution.*

(a) Design and standards. All potable water distribution systems, including pump stations, mains, ground, and elevated storage, shall be designed, installed, and constructed in accordance with current AWWA standards (refer to Rule .001, Glossary of Terms), with reference to materials used and construction procedures to be followed. In the absence of AWWA standards, departmental policy may be established based upon ASTM (refer to Rule .001, Glossary of Terms), commercial, and other recognized standards. All plastic pipe proposed for use in public water systems must bear the National Sanitation Foundation Seal of Approval (refer to Rule .001, Glossary of Terms) and have a design rating of at least 150 psi. No pipe which has been used for any purpose other than the conveyance of drinking water shall be accepted and relocated for use in any public drinking water supply.

(b) Pressures. All water distribution systems shall be designed and constructed so as to provide at all times a minimum residual pressure of 20 pounds per square inch at each service outlet or connection under any and all conditions of demands that can be placed on the system. Under normal operating conditions, minimum pressures should be not less than 35 psi.

(1) Where the topography of the area to be served is such that air locks in the lines may occur, air release devices shall be installed and in such a manner as to preclude the possibility of submergence or possible entrance of contamination.

(2) Where distribution system conditions are such that it is necessary to provide more than one pressure plane or where distribution system conditions and demands are such that low pressures develop, the method of providing increased pressure shall preferably be by means of booster pumps taking suction from storage reservoirs. Planning material for booster pumps taking suction from other than a

storage reservoir shall contain a full description of the supply to the point of suction, maximum demands on this part of the system, location of pressure recorders, safety controls, and other pertinent information for the review. Where booster pumps are installed to take suction directly from the distribution system, a minimum residual pressure of 20 pounds per square inch must be maintained on the suction line at all times. Such installations must be equipped with automatic pressure cut-off devices so that the pumping units become inoperative at a suction pressure of less than 20 psi. In addition, a continuous pressure recording device may be required at a predetermined suspected critical pressure point on the suction line in order to record the hydraulic conditions in the line at all times. Should such a record indicate critical minimum pressures (less than 30 psi), then adequate storage facilities are to be installed with the booster pumps taking suction therefrom. Fire pumps used to maintain pressure on automatic sprinkler systems for fire protection purposes only are not considered as in-line booster pumps.

(3) Metering. Accurate metering devices shall be provided at each service connection for the accumulation of water usage data at each service outlet. Systems with an ultimate development potential of 15 connections or less shall be excused from this requirement.

(4) Valves and blowoffs. The system shall be provided with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service over any considerable area and for the purpose of flushing the system when required.

(5) Circulation and flush valves. The system shall be designed so as to afford effective circulation of water with a minimum of dead ends. All dead-end mains shall be provided with acceptable flush valves and discharge piping.

(A) Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged with a view to connecting them ultimately so as to provide circulation.

(B) All water lines less than two inches in diameter in a distribution system shall normally be considered as service lines, and flush valves will not be required where these dead end if a customer service is at the end of the lines unless, in a particular case, such a device is needed to maintain a water quality.

(c) Locations of mains.

(1) When new water mains and new sanitary sewers are installed, they shall be installed no closer to each other than nine feet in all directions and parallel lines must be installed in separate trenches. Where the nine-foot separation distance cannot be achieved, the following procedures shall be used.

(A) Where a new sanitary sewer force main parallels the water main, the sanitary sewer shall be constructed of cast iron, ductile iron, PVC, or ABS pipe having a minimum working pressure rating of 150 psi or greater, and shall be equipped with pressure-type joints. The water main and sanitary sewer shall be separated by a minimum vertical distance of two feet and a minimum horizontal distance of four feet, measured between the nearest outside diameters of the pipes, and the water main shall be located above the sewer.

(B) Where a new, gravity, sanitary sewer parallels a new water main, the sanitary sewer shall be constructed of cast iron, ductile iron, ABS truss pipe, similar rigid plastic

composite pipe, PVC, or ABS pipe, with a pressure rating greater than or equal to 100 psi, and with pressure-type joints. The new water line may be placed no closer than two feet vertically and four feet horizontally from the sewer, with the separation distances measured between the nearest outside pipe diameters. The water main shall be installed at a higher elevation than the sanitary sewer.

(C) Where a new sanitary sewer crosses the water main, and the sewer is constructed as described in .005(c)(1)(B), the water line may be placed no closer than two feet from the sewer. The separation distance must be measured between the nearest outside pipe diameters. The water line shall be located at higher elevation than the sewer wherever possible and one joint of the sewer pipe must be centered on the water line.

(D) Where a new sanitary sewer crosses under the water main and the sanitary sewer is constructed of clay or concrete pipe with gasketed joints, the water main shall be placed no closer to the sewer than two feet, measured between the nearest outside diameters, provided the initial backfill zone of the sewer trench is backfilled with well-mixed cement stabilized sand (two or more bags of cement per cubic yard of sand) in the initial backfill zone of the trench, for all sections of sewer within nine feet of the water line. The initial backfill zone of the trench is defined as extending from a point one-fourth pipe diameter above the bottom of the pipe to an elevation in the trench which is one pipe diameter (but not less than 12 inches) above the top of the sewer pipe. As an alternative to the above backfill method, ductile iron or cast iron pressure pipe, as defined in .005(c)(1)(A), may be used to replace the clay or concrete pipe, wherever the sewer is located closer than nine feet to the water line (measured between the nearest outside diameters). If ductile iron or cast iron is used, the replacement pipe shall be centered on the water line, and the special backfill procedure may be omitted.

(E) Where a new gravity sanitary sewer constructed of concrete or clay pipe with gasketed joints crosses over a water main, or in all instances where concrete or clay pipe without gasketed joints crosses over or under a water main, all sewer pipe within nine feet of the water main must be replaced with cast iron or ductile iron pipe, using appropriate adaptors.

(F) Existing clay or concrete gravity sewer lines showing no evidence of leakage need not be disturbed solely to apply special backfill if the water line is to be installed at least 24 inches above the existing sewer. A full joint of the water line should be centered over the sewer line crossing, in this case, so as to provide maximum protection against contamination.

(G) Existing clay or concrete sewer pipe which, because of physical limitations, must remain at a higher elevation than the proposed intersecting water line may remain undisturbed if the water line is inserted in a joint of pressure-type carrier pipe at least 18 feet long and two nominal sizes larger than the water line. The carrier pipe should be centered on the sewer line crossing and both ends sealed with cement grout. In lieu of this procedure, that portion of the sewer line within nine feet of the water line may be replaced with cast iron or ductile iron pipe with water tight joints such as described in .005(c)(1)(A) above.

(H) Unless sanitary sewer manholes and the connecting sewer lines can be made completely water tight and

tested for no leakage, they must be installed so as to provide a minimum of nine feet of horizontal clearance from an existing or proposed water line. Encasement of the sewer line in a carrier pipe as described in .005(c)(1)(G) above may be approved in special cases if completely justified and prior approval has been obtained from this department.

(I) Fire hydrants shall not be installed within nine feet vertically or horizontally of any sanitary sewer main regardless of construction.

(2) No physical connection shall be made between a drinking water supply, public or private, and a sewer or any appurtenance. Any facilities for permitting discharge of drinking water into the sewer or any appurtenance thereof shall be constructed so as to prevent any possibility of sewage entering the drinking water system.

(3) No sewer lines carrying domestic or industrial wastes shall cross suction mains to pumping equipment. Water mains shall not be installed closer than 10 feet to septic tank drainfields.

(d) Sanitary precautions and disinfection. Sanitary precautions, flushing, disinfection procedures, and bacteriological sampling, as prescribed in AWWA standards (refer to Rule .001, Glossary of Terms) for disinfecting water mains, shall be followed in laying water lines.

(1) Pipe shall not be laid in water or placed where it can be flooded with water or sewage during its storage or installation.

(2) Where water mains are laid under any flowing stream or semipermanent body of water, such as marsh, bay, or estuary, the water main shall be installed in a separate watertight pipe encasement or valves shall be provided in the line on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the line under water. All lines four inches and smaller should be encased.

(3) New mains shall be thoroughly disinfected in accordance with AWWA standards (refer to Rule .001, Glossary of Terms) and then flushed and sampled before being placed in service. Samples shall be collected for bacteriological analysis to check the efficiency of the disinfection procedure, which shall be repeated if contamination persists. A minimum of one sample for each 1,000 feet of completed main will be required.

(e) Interconnections.

(1) No physical interconnection between the distribution system of a public drinking water supply and that of any other supply shall be permitted for the purpose of providing a second source of supply for each system, unless all the following requirements are met:

(A) each system has a well capacity of at least 0.35 gpm per connection for the total number of connections in the combined distribution system or can deliver treated surface water in the same amount;

(B) each water supply is of a safe, potable quality meeting the department's "Drinking Water Standards"; and

(C) the interconnection is approved by this department.

(2) Each proposal for a direct connection between systems under separate administrative authority will be considered on an individual basis and documents covering the responsibility for sanitary control shall accompany planning material submitted.

(f) Backflow, siphonage. No water connection from any public drinking water supply system shall be made to any

condensing, cooling, industrial process, or any other system of nonpotable water usage if such system is under separate administrative authority, unless the said connection is made through an air gap. The use of check valves, double-check valves, or other backflow prevention devices, which are subject to mechanical failure, malfunction, or inoperability under certain conditions, is not considered as sufficient protection in separating a public drinking water supply system from any of the systems listed in .005(f). It should be noted that this rule covers only the connection of water mains to separate water use systems. It is not applicable to service lines or service connections within a water system.

(g) Water hauling. When drinking water is distributed by tank truck or trailer, in lieu of distribution piping, it must be accomplished in the following manner.

(1) Water shall be obtained from an approved source.

(2) The equipment used to haul the water must be approved by this department, and must be constructed as follows:

(A) The tank truck, or trailer, shall be used for transporting drinking water only, and shall be labeled "Drinking Water." Tanks which have been used previously for any other purpose shall not be used for hauling drinking water.

(B) The tank shall be water-tight and of an approved material which is impervious and easily cleaned and disinfected. Any paint or coating and any plastic or fiberglass materials used as contact surfaces must be approved by the U.S. Environmental Protection Agency, U.S. Food and Drug Administration, U.S. Public Health Service, or the National Sanitation Foundation (refer to Rule .001, Glossary of Terms).

(C) The tank shall have a manhole and manhole cover which overlaps the raised manhole opening by a minimum of two inches and terminates in a downward direction. The cover shall fit firmly on the manhole opening and shall be kept locked.

(D) The tank shall have a vent which is located and faced downward so as to minimize the drawing of contaminants into the stored water. The vent must be screened with 16-mesh or finer corrosion-resistant material.

(E) Connections for filling and emptying the tank shall be properly protected to prevent the possible entrance of contamination. These openings must be provided with caps and keeper chains.

(F) A drain shall be provided which will completely empty the tank for cleaning or repairs.

(G) When a pump is used to transfer the water from the tank, the pump shall be permanently mounted with a permanent connection to the tank. The discharge side of the pump shall be properly protected between uses by a protective cap and keeper chain.

(H) Hoses used for the transfer of drinking water to and from the tank shall be used only for that purpose and labeled for drinking water. The hoses must be properly stored between uses and must be provided with caps and keeper chains or have the ends connected together.

(I) The tank shall be disinfected monthly or at any time that contamination is suspected.

(J) At least two samples of water shall be collected and submitted for bacteriological analysis, to a Texas Department of Health laboratory, for each month of operation.

(K) A minimum chlorine residual of 0.5 mg/l shall be maintained in the water being hauled. Chlorine or

chlorine containing compounds may be added on a "batch" basis to maintain the required residual.

(L) Operational records detailing the amount of water hauled, purchaser, and source of water shall be maintained.

.006. Water Storage.

(a) Capacity. The minimum clear well or water storage reservoir capacity and pressure maintenance capacity shall be governed by the requirements in Rule .007, Water System Quantity Requirements.

(b) Location. Insofar as possible, clear wells or treated water reservoirs shall not be located under any part of any buildings and, when possible, shall be constructed partially or wholly above ground. No sanitary or storm sewers shall be located within 50 feet of septic tank soil absorption system located within 150 feet of the reservoir or clear well, if the reservoir or clear well is below ground level. However, if the storm or sanitary sewers are constructed of pressure-type pipe with watertight joints as used in water main construction, they may be located at distances less than 50 feet from an underground treated water reservoir.

(c) Design and construction of clear wells, standpipes, reservoirs, and elevated tanks. All facilities for potable water storage shall be covered and constructed of durable materials meeting AWWA standards (refer to Rule .001, Glossary of Terms) and shall be provided with approved-type vents, manholes, manhole covers, and overflows. Bolted, galvanized steel tanks meeting American Petroleum Institute (API) specifications (refer to Rule .001, Glossary of Terms), when equipped with the proper appurtenances, may be accepted in sizes of 100,000 gallons or less. Bolted tanks with capacities of greater than 100,000 gallons must also meet shell thicknesses specified in AWWA standards (refer to Rule .001, Glossary of Terms) for welded tanks. Covers shall be sloped so as to prevent the collection of any water on the cover.

(1) Vents shall be of the gooseneck-type or roof ventilator-type, excluding turbine ventilators, and designed to prevent possible entry of dust, birds, insects, or any contaminants, with the opening protected by 16-mesh or finer corrosion-resistant screening.

(2) The roof-hatch opening shall have a raised curbing of at least four inches in height, and the cover shall overlap and terminate in a downward direction for at least two inches, with arrangements for keeping it locked in place.

(3) Overflows shall be provided with hinged flap valves.

(4) All clear wells and potable water storage reservoirs shall be provided with a satisfactory means, properly protected from a sanitary standpoint, of easily determining the amount of water available in storage.

(5) Inlet and outlet connections shall be so located as to prevent short circuiting or stagnation of water.

(6) Clear wells and potable water storage reservoirs shall be thoroughly tight against leakage, shall be situated above the groundwater table, and shall have no walls in common with any other plant units containing water in the process of treatment.

(7) If clear well or potable water storage reservoir drains are provided, they shall not be connected to any waste or sewage disposal system and shall be so constructed that they are not a potential agent in the contamination of the stored water.

(8) All steel-constructed ground and elevated storage reservoirs, clear wells, standpipes, and water storage tanks shall be designed, installed, constructed, painted, and disinfected in accordance with current AWWA standards (refer to Rule .001, Glossary of Terms), with reference to materials used and procedures to be followed, with the exceptions that no temporary coatings and no coating materials containing lead shall be acceptable for use. However, materials which have been approved by the United States Public Health Service, United States Environmental Protection Agency, or United States Food and Drug Administration for use as a contact surface with potable water may also be used.

(9) No tanks shall be used to store potable water that have previously been used for any other purpose.

(d) Design and construction of hydropneumatic tanks. All hydropneumatic tanks must be located wholly above grade and must be of steel construction with welded seams.

(1) Metal thickness for hydropneumatic tanks shall be sufficient to provide at least a minimum corrosion allowance and to withstand the highest expected working pressures with a four-to-one factor of safety.

(2) All hydropneumatic tanks shall be provided with a pressure-release device and an easily readable pressure gauge.

(3) Facilities shall be provided for maintaining the air-water-volume at the design water level and working pressures.

(4) If a protective paint or coating is applied to the inside portion of any pressure tank, the coating shall be as specified in Rule .006(c)(8).

(5) No tank that has been used to store any material other than potable water may be considered for use in a public water system.

(e) All potable water storage reservoirs and pressure maintenance facilities must be enclosed by a manproof-type fence with lockable gates, with the exception of pedestal-type elevated tanks with no exterior ladders where the riser door can be kept locked.

.007. Water System Quantity Requirements.

(a) Minimum water quantity requirements for community-type water systems. All quantities listed below are minimum requirements only. In view of the wide variation in per capita water usage throughout the State of Texas, the determining factor for water system facilities is the ability of the system to maintain a minimum residual pressure of 20 psi and a normal operating pressure of 35 psi. Those systems which are unable to maintain the specified minimum pressures will be required to provide additional supply, storage, pumping, or pressure-maintenance facilities, as determined by this department on a case-by-case basis.

(1) Ground water supply.

(A) Less than 50 connections or less than 150 population.

(i) Ground storage—not required.

(ii) Pressure tank capacity—50 gallons per connection.

(iii) Well capacity—1.5 gallons per minute per connection.

(B) Fifty to 250 connections or 150 to 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection.

(ii) Pressure-maintenance facilities must have either pressure tank capacity of 2,500 gallons for each 125 connections or each fraction of 125 connections, or elevated storage in the amount of 100 gallons per connection.

(iii) Elevated storage in the amount of 200 gallons per connection may be substituted for ground storage and pressure tank installations.

(iv) Well capacity—0.6 gallon per minute per connection.

(v) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection.

(C) More than 250 connections or over 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection with a maximum of 5.0 MG required.

(ii) Pressure maintenance facilities—must either have elevated storage based on 100 gallons per connection with a maximum of 5.0 MG required, or pressure tank capacity of 2,500 gallons for each 125 connections or fraction of 125 connections.

(iii) Elevated storage in the amount of 200 gallons per connection may be substituted for ground storage and pressure tank installations.

(iv) Pressure tank installations are not acceptable for systems of over 1,000 connections, and elevated storage in the amount of 100 gallons per connection is required.

(v) Well capacity—two or more wells having a total rated capacity of 0.6 gallon per minute per connection. Where an interconnection is provided with another acceptable water system, each of which is capable of supplying at least 0.35 gpm for each connection in the combined system under emergency conditions, then an additional well for each system will not be required as long as the 0.6 gpm per connection requirement is met for each system on an individual basis. Each water system will still be required to meet the storage and pressure-maintenance requirements on an individual basis unless the interconnection is permanently open; then the systems will be considered as a single system.

(vi) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection or total capacity of 1,000 gpm and able to meet peak demands, whichever is less.

(vii) Necessary auxiliary power to produce and deliver water to the distribution system in the event of the loss of normal power supply must be provided for pressure tank installations.

(2) Surface water supply.

(A) Less than 50 connections or less than 150 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection, with a minimum capacity of 1,000 gallons, must be provided as clear well capacity at the plant.

(ii) Pressure tank capacity—50 gallons per connection, with a minimum capacity of 250 gallons.

(iii) Raw water pumps and transfer pumps—duplicate pumps with each having a rated capacity of 0.6 gallon per minute per connection.

(iv) Treatment plant capacity—0.6 gallon per minute per connection under normal rated design capacity.

(v) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection.

(B) Fifty to 250 connections or 150 to 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection.

(ii) Covered clear well storage or ground storage at the plant of 25 percent of the total storage capacity will be required to provide adequate chlorine contact time.

(iii) Pressure-maintenance facilities—must have either pressure tank capacity in the amount of 2,500 gallons for each 125 connections or fraction of 125 connections, or elevated storage capacity in the amount of 100 gallons per connection.

(iv) Raw water pumps and transfer pumps—duplicate pumps with each having a rated capacity of 0.6 gallon per minute per connection.

(v) Treatment plant capacity—0.6 gallon per minute per connection under normal rated design capacity.

(vi) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection.

(C) More than 250 connections or over 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection with a maximum of 5.0 MG required.

(ii) Covered clear well storage or ground storage at the plant of 25 percent of the total storage capacity, with a maximum requirement of 1 MG, will be required to provide adequate chlorine contact time.

(iii) Pressure-maintenance facilities—must either have elevated storage based on 100 gallons per connection, with a maximum of 5.0 MG required or pressure tank capacity of 2,500 gallons for each 125 connections or fraction of 125 connections. Elevated storage in the amount of 200 gallons per connection may be substituted for ground storage and pressure tank installations.

(iv) Pressure tank installations are not acceptable for systems of over 1,000 connections, and elevated storage in the amount of 100 gallons per connection is required.

(v) Raw water pumps and transfer pumps—duplicate pumps with each having a rated capacity of 0.6 gallon per minute per connection.

(vi) Treatment plant capacity—0.6 gallon per minute per connection under normal rated design capacity.

(vii) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection or total capacity of 1,000 gpm and able to meet peak demand, whichever is less.

(viii) Necessary auxiliary power to produce and deliver water to the distribution system in the event of the loss of normal power supply must be provided for pressure tank installations.

(b) Noncommunity water systems serving transient-type accommodation units. In the future, the following water quantity requirements will be applicable to noncommunity water systems serving accommodation units, such as hotel rooms, motel rooms, travel trailer spaces, campsites, etc. These requirements will be used as a basis in plan review for the establishment of new noncommunity water systems serving hotels, motels, travel trailer parks, campgrounds, etc, and in making appropriate quantity recommendations on similar existing water systems following field surveys.

(1) Ground water supply.

(A) Less than 50 accommodation units.

(i) Ground storage capacity—not required.

- (ii) Pressure tank capacity—10 gallons per unit with a minimum of 250 gallons required.
- (iii) Well capacity—1.5 gallons per minute per unit.
- (B) Systems serving 50 or more accommodation units.
 - (i) Ground storage capacity—35 gallons per unit.
 - (ii) Pressure tank capacity—10 gallons per unit.
 - (iii) Well capacity—0.6 gallon per minute per unit.
 - (iv) Service pump capacity—two or more pumps having a total rated capacity of 1.0 gallon per minute per unit.
- (2) Surface water supply.
 - (A) All systems regardless of size.
 - (i) Ground storage capacity—35 gallons per unit with a minimum requirement of 1,000 gallons, with all

- storage required as clear-well capacity to provide adequate chlorine detention time.
 - (ii) Pressure tank capacity—10 gallons per unit with a minimum requirement of 250 gallons.
 - (iii) Raw water pump and transfer pump capacity—duplicate pumps with each having a capacity of 0.6 gallon per minute per unit.
 - (iv) Treatment plant capacity—0.6 gallon per minute per unit.
 - (v) Service pump capacity—two or more pumps with a total rated capacity of 1.0 gallon per minute per unit.
- (c) Noncommunity water systems serving other than transient accommodation units. The following table shall be used to estimate the daily water requirements for the various types of facilities listed.

TABLE A

TYPE OF ESTABLISHMENT	GALLONS/PERSON/DAY
Restaurants-----	18
Schools without cafeterias, gymnasiums or showers-----	18
Schools with cafeterias, but no gymnasiums or showers-----	24
Schools with cafeterias, gymnasiums and showers-----	30
Office Buildings-----	18
Hospitals-----	240
Institutions other than hospitals-----	120
Factories (gallons per person per shift, exclusive of industrial wastes)-----	24
Parks without bathhouse-----	6
Parks with bathhouse-----	12
Swimming pools and bathhouses-----	12
Country clubs (per resident member)-----	120
Drive-in theaters (per car space)-----	6
Movie theaters (per auditorium seat)-----	6
Airports (per passenger)-----	6
Self-service laundries (gallons per wash, i.e., per customer)-----	60
Stores (total per day per washroom)-----	480
Service stations (per vehicle served)-----	12

It should be noted that usage of this table is for the purpose of estimating minimum capacities only, and that the overriding criteria will be the ability of the system to maintain a minimum pressure of 35 psi under normal operating conditions, and a minimum residual pressure of 20 psi under all conditions of demands.

- (1) Ground water supply.
 - (A) Less than 50 persons per day served.
 - (i) Ground storage—not required.
 - (ii) Pressure tank capacity—a minimum tank capacity of 250 gallons is required, with additional capacity, if necessary, based on a sanitary survey conducted by the department's personnel.
 - (iii) Well capacity—must be sized to provide the maximum daily demand as determined from Table A and estimate of the time of the usage.
 - (B) Fifty or more persons per day served.
 - (i) Ground storage—must have storage equal to 50 percent of the maximum daily demand determined from Table A.

- (ii) Pressure tank capacity—a minimum capacity of 250 gallons is required, with additional capacity, if necessary, based on a sanitary survey conducted by the department's personnel.
 - (iii) Well capacity—must be capable of supplying maximum daily demand determined from Table A.
 - (iv) Service pumps—must have two or more pumps with a combined capacity of three times the maximum daily flow rate in gallons per minute.
- (2) Surface water supply.
 - (A) All systems regardless of the number of persons served.
 - (i) Ground storage—must provide clear-well storage at the plant in sufficient quantity as to produce a 30-minute chlorine detention time at a flow rate of three times the maximum daily flow rate in gallons per minute, as determined from Table A.
 - (ii) Pressure tank capacity—a minimum tank capacity of 250 gallons is required, with additional capacity,

if necessary, based on a sanitary survey conducted by the department's personnel.

(iii) Treatment plant capacity—must be sized to provide maximum daily usage, as determined using Table A.

(iv) Raw water pumps—duplicate pumps, each of which is sufficient to provide maximum daily usage plus a 20 percent allowance for filter backwash water and flushing.

(v) Transfer pumps—duplicate pumps, each of which is capable of providing maximum daily demand as determined using Table A.

(vi) Service pumps—two or more pumps with a total rated capacity of three times the maximum daily flow rate in gallons per minute, as determined from Table A.

.008. Minimum Acceptable Operating Practices for Public Drinking Water Systems.

(a) General. When a public drinking water supply is to be established, plans are to be submitted to the Texas Department of Health for review and approval prior to construction thereof. All public water systems are to be constructed in conformance with the Texas Board of Health's current "Rules and Regulations for Public Water Systems" and maintained and operated in accordance with the following minimum acceptable operating standards which are based upon state statutes, regulations, and good operating practices.

(b) Bacteriological. Submission of samples for bacteriological analysis shall be as required by the department's "Drinking Water Standards," with a minimum number of samples submitted from each pressure plane or section of distribution served by a separate ground storage reservoir and/or service pump(s) in accordance with the population served by each. These samples shall be submitted each month to the Texas Department of Health or one of its regional laboratories (be sure to check with the laboratory to see what days of the week they will accept these samples). Refer to Bacteriological Analysis of Drinking Water, Form G-36, for information on how to collect the samples and where to send them.

(c) Chemical. Samples for chemical analysis shall be submitted as directed by personnel from this department's public health regions during sanitary surveys of the facilities.

(d) Monthly operation reports. A monthly Report of Water Works Operation, using H-3 for well supplies and H-13 for surface supplies, showing the analysis of raw and treated water, amounts of the various chemicals used, pumpages to distribution system, dates of dead-end main flushing operations, reservoirs cleaned, results of bacteriological and chemical tests, as well as daily turbidity analyses for surface water sources, and other pertinent data, should be compiled and a copy submitted monthly to the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(1) Results of turbidity analyses for surface water supplies must be included in the monthly report.

(2) Systems with less than 50 connections utilizing ground water sources only are not required to submit monthly reports.

(e) Operation by certified personnel. No district, municipality, firm, corporation, or individual shall furnish to the public any drinking water for which any charge is made, unless the production, processing, treatment, and distribution is at all times under the supervision of a competent water works operator holding a valid certificate of competency issued under the direction of the Texas Department of

Health. A Grade "D" certificate is valid for systems with 250 or fewer connections. Systems serving in excess of 250 connections must employ operators with Grade "C" or higher certificates.

(f) Chlorination. Chlorination facilities shall be provided for all public water supplies with the point of application prior to pumping to the distribution system.

(1) The chlorinators shall be operated so as to maintain a minimum free chlorine residual of 0.2 mg/l in the far reaches of the distribution system at all times.

(2) A chlorine test kit must be obtained so that chlorine residuals can be checked.

(3) Test results should be recorded.

(g) Disinfection of new or repaired facilities. When repairs are made to existing mains or when new main extensions are provided, they must be disinfected by water department personnel using such amounts of chlorine or chlorine compounds as to fill the repaired or new mains and appurtenances with water containing 50 mg/l chlorine. After the water containing this amount of chlorine has been in contact with the pipe and appurtenances at least 24 hours, the water shall be replaced with water to be transported normally, and samples of water from the new or repaired main submitted to laboratories for bacteriological examination so as to be assured that the disinfection procedure was effective. When it is necessary to return repaired mains to service as rapidly as possible, doses may be increased to 500 mg/l and the contact time reduced to one-half hour.

(h) Calcium hypochlorite. A supply of calcium hypochlorite disinfectant shall be kept on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service.

(i) Plumbing ordinance. City (or corporation) should adopt an adequate plumbing ordinance (or regulations) with provisions for the proper enforcement thereof to insure that neither cross-connections nor other undesirable plumbing practices are permitted.

(j) Cross-connection control. Water department personnel, plumbing inspectors, and others shall inspect individual water facilities prior to providing service and periodically thereafter to prevent possible cross-connections between the potable (safe) water system and any nonpotable (unsafe) water. Continuous efforts shall be made by water department personnel, plumbing inspectors, and others to locate possible interconnections between privately owned water systems and the public water system. As these undesirable interconnections are located, they shall be eliminated so as to prevent possible contamination of the water supplied by the community water facilities.

(k) Interconnection. No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless such other water is of safe sanitary quality and the interconnection is approved by the Texas Department of Health.

(l) Flushing of mains. All dead-end mains must be flushed at monthly intervals or more frequently if water quality complaints are received from water customers.

(m) Housekeeping and maintenance. A program should be initiated to facilitate cleanliness and to improve the general appearance of all plant facilities.

(n) Distribution system map. The map of the distribution system should be kept up to date in order that valves and mains may be easily located during emergencies.

(o) Collection system location. No tile or concrete sanitary sewers, storm sewers, or septic tanks shall be allowed within a distance of 50 feet, and no cesspool or septic tank open-jointed drainfields shall be allowed within a distance of 150 feet of the well. Water lines and sanitary sewers shall be installed no closer to each other than nine feet, and under no circumstances shall they be installed in parallel in the same ditch. Water lines and septic tank drainfield laterals shall be installed no closer to each other than 10 feet.

(p) Well logs. Copies of well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, bacteriological sample results, and a chemical analysis report of a representative sample of water from the well shall be kept on file.

(q) Ground and elevated storage tank maintenance. Both ground and elevated storage tanks should be inspected at least annually to determine that the vents are in place and properly screened, the roof hatches closed and locked, flap valves provide adequate protection against insects, rodents, etc., and that the interior and exterior coating systems are continuing to provide adequate protection to all metal surfaces.

(r) Filter backwashing for surface water treatment plants. Filters must be backwashed after every 100 hours of operation or when a loss of head differential of 6 to 10 feet is experienced between the influent and effluent loss of head gauges.

(s) When water system ownership changes, a written notice of such a transaction must be provided to the department by the previous owner within 10 days of the date of the transaction. The notice must include the name of the old and the new owner, date of transaction, address of the new owner or responsible official, and any other information necessary to properly identify the transaction.

.009. *Appendix A.* The following format is suggested for use as a letter of appointment from the proper city, water district, company official, or individual stating that the design engineer is authorized to prepare plans and specifications (see Rule .002(c)(1)).

Notice of Appointment

Fratris L. Duff, M.D.
Commissioner of Health
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Dear Doctor Duff:

This is to advise you that the officials of _____, Texas, at a regular or called meeting on _____, have duly appointed _____ as consulting and designing engineer for the purpose of submitting engineering reports, planning material, plans and specifications, and for supervision of construction of _____ Mr. _____ is a registered professional engineer in good standing in accordance with State Statutes and has had experience in the design and construction of similar facilities at the following locations:

We herewith authorize you to review and comment on such reports, planning material, data, and plans and

specifications on this proposed project as he may submit to you.

Address of Owner,
Corporation, or
Responsible Official

Attest:

Secretary

Date: _____

.010. *Appendix B "Approval" Requirements.*

(a) Public water supply systems which are state "approved" must exceed the minimum acceptable standards of the Texas Department of Health and have the privilege of erecting signs denoting this honor. To achieve this recognition, the following standards are to be met:

(1) Physical facilities shall comply with the latest "Rules and Regulations for Public Water Systems."

(2) Water quality shall comply with the criteria as prescribed by the Texas Board of Health.

(3) The system operation shall comply with applicable state statutes, Article 4477-1, Vernon's Texas Civil Statutes, and with minimum acceptable operating practices.

(4) There shall be a minimum of two certified operators with additional required for larger systems.

(5) The system shall have at least two wells, two raw water pumps, or a combination of these; of sufficient capacity to provide average daily consumption with the largest well or pump out of service. This requirement also to apply to treatment plant pumps necessary for operation. (Note: See Rule .003(b), Water quantity.)

(6) Treatment facilities shall be as required with standby units for chemical feeders and chlorinators.

(7) Two or more pumps shall be installed to supply each section of the distribution system or each pressure level.

(8) Total storage (ground and elevated) shall be equal to average daily consumption or 185 gallons per capita, whichever is less. Pressure tanks shall not be considered as storage.

(9) Elevated storage (included in above) equivalent to 50 percent of average daily consumption or 55 gallons per capita, whichever is less, with a maximum of 5.0 MG required, shall be provided for each section or pressure level of the distribution system.

(10) An up-to-date map of the distribution system shall be maintained and kept in a safe location.

(11) Meters shall be required for production facilities and service connections.

(12) The water system shall be generally well maintained and the facilities present a pleasing appearance to the public.

(13) An adequate plumbing ordinance or regulations for sanitary control of the distribution system must be adopted and enforced.

(14) Prior to approval or reapproval, the system must be inspected and evaluated by Texas Department of Health personnel as to physical facilities, appearance, and operation.

.011. *Appendix C. Suggested minimum water main sizes.*

(a) These are minimum requirements and should be exceeded when the design engineer deems it necessary. The

distribution system must be designed and constructed so as to provide at all times a minimum residual pressure of 20 psi at each service connection under any and all conditions of demands that can be placed on the system. Under normal operating conditions, minimum pressures should be not less than 35 psi.

Maximum Number of Connections	Minimum Main Sizes, In Inches
2	1
5	1½
10	2
25	2½
50	3
100	4
150	5
250	6
>250	8 and larger

(b) It should be pointed out that the above suggested limits are based strictly on the number of customers to be served and not on distances between connections or differences in elevation or the type of pipe to be used.

Issued in Austin, Texas, on April 4, 1978.

Doc. No. 782523 Raymond T. Moore, M.D.
 Deputy Commissioner
 Texas Department of Health

Proposed Date of Adoption: Board meeting in July, 1978
 For further information, please call (512) 458-7533.

Texas Commission on Jail Standards

The Texas Commission on Jail Standards proposes the repeal of Chapter 217.08.00, Life Safety. The purpose of the repeal is to permit the publication of a revision of the rules which is specific and direct in substance and which will be far less subject to interpretation. As a result, the revised rules will be much easier for sheriffs, jailers, and architects to work with. Revising the rules resulted in extensive changes in format and numbering, which makes amendment of the rules infeasible.

The change will not increase expenditures by counties for life safety in county jails, but, rather, will save time and effort in complying with the rules.

Public comment is invited. Comments may be submitted by telephoning the agency at (512) 475-2716 or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

Life Safety 217.08.00

(Editor's note: Because of the length of these repeals, only the numbers and titles are being published. The text of the rules may be examined at the office of the Commission on Jail Standards in Room 434, American Bank Tower, Austin, or in the office of the Texas Register, 503 Sam Houston Building, Austin.)

The repeal of these rules is proposed under the authority of Article 5115.1, Texas Civil Statutes.

- .001. *NFPA Life Safety Code.*
- .002. *Occupancy Classification.*
- .003. *Building Classification.*
- .004. *Institutional Buildings.*
- .005. *Special Life Safety Provisions.*
- .006. *Hazard of Contents.*
- .007. *Determination of Hazard of Contents.*
- .008. *Low Hazard Contents.*
- .009. *Ordinary Hazard Contents.*
- .010. *High-Hazard Contents.*
- .011. *Means of Egress.*
- .012. *Hazardous Areas.*
- .013. *Emergency Security Doors.*
- .014. *Fire-Fighting Equipment.*
- .015. *Use of Hazardous Materials.*
- .016. *Smoke and Fume Removal.*
- .017. *Security of Emergency Exits.*
- .018. *Maintenance of Life Safety Equipment.*
- .019. *Control and Deterrent of Riots.*
- .020. *Approval of Life Safety Provisions.*
- .021. *Variations.*

Doc. No. 782593

The Texas Commission on Jail Standards proposes Subchapter 217.08.01-217.08.08, Life Safety rules, in lieu of Chapter 217.08.00, Life Safety rules, which is to be repealed. The proposed new rules are specific and direct in substance and do not refer to unavailable documents or use highly technical language. Extensive change in format and number makes infeasible amending the originally published rule.

The change will not increase expenditures by counties for life safety in county jails, but will rather save time and effort in complying with the rule(s). (Source: commission staff.)

Public comment on the proposed rules is invited. Comment may be submitted by telephoning the agency at (512) 475-2716 or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

General 217.08.01

These rules are proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. *Life Safety.* This portion of these rules deals with life safety of custodial personnel, inmates, and visitors in county jails from fire and like emergencies.

.002. *General Purpose.* All jail and lockup facilities shall be designed, constructed, maintained, staffed, and operated to:

- (a) provide for proper compartmentation and for the classification of the hazards of contents in each area of the building;
- (b) provide for the prompt detection, alarm and extinguishing of fires, and the avoidance of any explosion;
- (c) provide the high-velocity smoke and fume removal from each area of the jail or lockup and other emergency equipment;

(d) provide (and file with the commission) plans, programs, drills, and training (217.08.04.002; 217.08.05.001; 217.08.07.001; 217.08.07.003) for adequate:

- (1) fire prevention;
- (2) emergency evacuation of inmates (including those not ambulatory) to areas of refuge;
- (3) notification of and providing access for fire department and emergency personnel;
- (4) suppression and extinguishment of fires; and
- (5) protection of custodial personnel during fires, riots, or other emergencies.

.003. *Equivalency.* Nothing in these rules is intended to prevent the use of new systems, new methods, new devices, or systems, methods, or devices of equivalent quality, strength, fire resistance effectiveness, durability, and safety to those set forth in these rules providing technical data is submitted to the commission demonstrating the equivalency of such systems, methods, or devices.

.004. *Adequacy of Plans, Drills, Etc.* The commission shall determine the compliance of each facility's exits, emergency plans, programs, drills, procedures, equipment, and the other measures for life safety in accordance with these rules. Variances from the strict requirements of these rules may be granted by the commission in accordance with the variance procedures set forth in Section 217.08.04.002 hereof, but only when it is clearly evident that reasonable life safety is thereby secured.

Doc. No. 782594

Design and Materials 217.08.02

These rules are proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. *Removal of Occupants.* Because doors are locked and windows are barred in jails, provisions shall be made for the rapid removal of occupants by such reliable means as the remote control of doors or by keying all locks to keys readily available to custodial personnel who are continually on duty and have undergone emergency drills.

.002. *Separation.* Jails in buildings serving other functions shall be completely separated from such other functions or occupancies by construction having a fire-resistive rating of at least two hours. This rule applies to existing jails as well as new construction.

.003. *Additions/New Construction.* New jails and new additions to existing jails shall utilize:

- (a) fire-resistive, non-combustible, and limited-combustible materials;
- (b) dividing fire and smoke partitions between floors, between compartments, and in corridors with self-closing fire doors;
- (c) interconnected smoke and fire detection and audible alarm or audible communication systems, with provisions for manually operated fire alarms; the alarm system should be designed to automatically transmit an alarm to the nearest fire department;

(d) Class A interior finish materials on all interior surfaces (flame spread 0-25, smoke developed 0-450 in accordance with NFPA 255, "Method of Test of Surface-Burning Characteristics of Building Materials");

(e) design for isolation of fires, riots, or other emergencies. Major renovations of existing jails should incorporate as many of the above features as possible. New jails and new additions to existing jails shall be designed to incorporate the following provisions of the Life Safety Code NFPA No. 101 (current issue) with regard to the following subjects;

- (1) interior stairs: Sections 5-2.2 through 5-2.2.2.12,
- (2) handrail details: Section 5-2.2.3.4,
- (3) smokeproof towers: Sections 5-2.3 through 5-2.3.8,
- (4) outside stairs. Sections 5-2.5 through 5-2.5.3.6.

Major renovations of existing jails should incorporate as many of these features as possible.

.004. *Prompt Release Means.* Reliable means shall be provided to permit the prompt release of inmates confined in locked cells, dayrooms and other spaces in the event of fire or other emergency (See 217.05.00.050).

.005. *Number of Exits.* There shall be no less than two exits on each floor of each jail, as remote as practicable from one another, to minimize the possibility that both may be blocked at the same time by fire or other emergency, and to which, upon release in emergency situations, inmates may have access by open, unobstructed, safe, and continuous passageways or corridors leading directly to such exits. Travel distance between any point on the floor of the facility and on exit shall not exceed 150 feet. Existing facilities having a capacity of 45 inmates or less may operate with a single exit with the approval of the commission. Elevators shall not be considered as nor relied upon as exits.

.006. *Width of Exits.* The minimum width of each exit shall be 28 inches of clear space for each floor housing 75 inmates or less; an additional 12 inches shall be required for each additional increment of 75 inmates if additional exits are not otherwise available. Stairways shall have a minimum clear width of 44 inches in jails with two or more floors.

.007. *Illumination of Exits.* All corridors and passages to exits, the exits themselves, and discharging stairways and other means of egress shall be continuously illuminated at all points with not less than 1.0 foot-candle measured at the floor, and shall be so arranged that the failure of any lighting unit or bulb will not leave any area in darkness.

.008. *Emergency Illumination System.* A reliable emergency lighting system capable of repeated automatic operation without manual intervention for 1-1/2 hours shall be available in the event of a failure on normal lighting. Such system shall be tested no less frequently than that recommended by its manufacturer or on calendar quarterly intervals, whichever is less, and a record of such periodic tests shall be maintained to include date and result of test, and the signature of the person testing the equipment.

.009. *Exit Marking.* Access to exits shall be marked by readily visible signs at all locations where the exit is not readily visible from outer cell doors. At all times, the access-to-exit and exit signs shall be of such size and distinctive and contrasting coloring as to be readily visible, shall be continuously illuminated, and shall never be covered or obstructed.

.010. Exit Stairways. Interior stairways serving as emergency exits for new facilities and new additions shall be smokeproof towers and designed with the use of fire-resistive materials and self-closing fire doors to be a continuous fire-resistive enclosure protecting the stairway from fire and products of combustion.

.011. Exit Doors. All swinging doors shall be installed to swing in the direction of exit traffic; and all doors shall be so situated that, in the process of opening and when fully open, they shall be unobstructed.

.012. Hazardous Area Protection. The following separate areas in a jail shall have separation by fire-resistive materials of at least two hours, and should be protected by an automatic complete extinguishing system: kitchens, boiler and heater rooms, laundries, rooms used for storage of combustible supplies, soiled linen, and trash collection rooms. Where hazardous processes or storage are of such a character as to introduce an explosion potential, explosion venting or explosion suggestion system specifically designed for the hazard shall be provided if the hazardous operation cannot be conducted in a sufficiently remote building. The avoidance of the use of combustible supplies and of permitting hazardous material and trash to collect is strongly encouraged.

.013. Duct Dampers. Air conditioning and ventilation ductwork in new facilities and new additions shall contain dampers designed to resist the passage of smoke at each point a duct penetrates a smoke partition or floor level; such ducts shall close automatically upon the detection of smoke, but may be operated manually in existing facilities. (Exception: this rule need not apply for duct work which is part of a smoke detector or smoke and fume removal system.)

.014. Construction Materials and Furnishings. Construction material as well as furnishings and fittings shall consist of noncombustible or low-hazard content material only.

Doc. No. 782595

Detection and Alarm Systems 217.08.03

These rules are proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. Alarm Initiation. In addition to voice communication alarm initiation, each area of a jail shall be provided with at least one (but preferably all) of the following means of alarm initiation (to be used for fire and other emergency protection only and not for drills):

- (a) automatic fire alarm;
- (b) automatic smoke/ionization alarm;
- (c) automatic alarm which initiates automatic extinguishing system.

.002. Installation. The alarm systems should be installed in such a manner as to provide effective warning in all areas of the jail sufficient to allow evacuation of the affected area.

.003. Periodic Testing. The alarm systems should be tested in accordance with the manufacturers recommendation, but shall be tested at least on calendar quarterly intervals and test results made a matter of record to include date and results of test, results and signature of the person testing the equipment.

.004. Notification of Others. The alarm system in a jail should be arranged to permit the automatic transmission of an alarm to the municipal fire department, other law enforcement departments, or the emergency medical/ambulance service as such need for such other available assistance may arise.

Doc. No. 782596

Plans and Drills for Emergencies 217.08.04

These rules are proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. Plans. The sheriff shall have a written plan for emergencies, developed after consultation with the other local appropriate fire department and emergency medical and law enforcement personnel, which plan shall provide for:

- (a) use of alarms;
- (b) transmission of alarm to:
 - (1) fire department,
 - (2) emergency medical service, or
 - (3) other law enforcement officials;
- (c) response to alarms;
- (d) isolation of fires, disturbances;
- (e) prompt release and evacuation of area;
- (f) prevention of escape during evacuation;
- (g) fire extinguishment, rendering of prompt medical aid, or quelling riot;
- (h) coordination of fire suppression, medical or quelling efforts; and
- (i) daily visual inspections of all hazardous areas, exits, and life safety equipment.

.002. Drills. Fire exit drills and emergency evacuation drills shall be held with sufficient frequency by competent persons to familiarize custodial personnel with the procedures (217.08.07.003). Such drills shall be conducted for each shift of personnel and not less frequently than each calendar quarter, and upon the employment of new or additional personnel. The actual movement of inmates to other areas or outside the building is not required.

.003. Emergency Directions. Directional exit signs and emergency evacuation diagrams which are clearly visible shall be posted in each cell exit hallway and corridor.

.004. Use of Equipment. At least once each calendar quarter all custodial personnel shall review the location, purpose, and means of using each piece of emergency or life safety equipment in the jail.

.005. Fire Prevention Plan. The sheriff, together with local fire department personnel, shall develop a written fire prevention and fire hazard inspection plan and checklist which shall be reviewed and checked at least once each calendar quarter.

Doc. No. 782597

Life Safety and Emergency Equipment 217.08.05

These rules are proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. Emergency Electrical Power. New facilities and new additions shall be equipped with an emergency back-up electrical power system designed to operate automatically upon the interruption of the primary electrical power source. All facilities shall be capable of providing emergency illumination.

.002. Manual Release of Doors. Power-operated doors shall be of type than can be opened manually (See 217.05.00.050).

.003. Smoke and Fume Removal. In jails and in areas of jails not equipped with automatic sprinkler system protection, high velocity smoke and fume removal equipment (having a capacity of 15 air exchanges per hour) sufficient to accommodate the degree of hazards present considering the removal facilities available (ductwork, plenums, vents, windows, other air-handling equipment, or outside openings), shall be provided. Use of the equipment shall be planned in such a manner that the exhausting of smoke from one area shall not pose a threat to the health or well being of persons in another area of the facility. Strategically located electrical outlets shall be provided to permit such equipment to be operated in all jail areas, and all jail areas, and all custodial personnel shall be trained and periodic drills conducted in its use.

.004. Standpipes and Hoses. Each jail shall be furnished with an approved NFPA Class III standpipe and hose system (located to permit quick deployment to inmate living areas) for use by fire department personnel and building occupants. Jails equipped with complete automatic sprinkler protection can reduce the system to an NFPA Class I system. Existing facilities may be exempt from this requirement.

.005. Portable Fire Extinguishers. Portable fire extinguishers of the number, size and type, and in the locations recommended in writing by local fire department personnel (or in accordance with NFPA Pamphlet 10) shall be provided.

.006. Inaccessibility to Inmates. All life safety equipment shall be out of reach of inmates, or otherwise secured from unauthorized tampering.

.007. Inspections, Maintenance, Testing. All life safety equipment shall be inspected, maintained, and tested by persons qualified to do so (whether under vendor contract, by state or private agency, or otherwise) in order that such equipment shall be safe, secure, and fully operative at all times.

.008. Testing Emergency Power Equipment. Emergency power equipment shall be tested at least once each week.

Doc. No. 782598

Records and Reports 217.08.06

These rules are proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. Records. Adequate records of all required life safety plans, drills, and inspections of equipment shall be maintained and shall be readily available for inspection. (See 217.08.02.012, 217.08.03.004, 217.08.04.002, 217.08.05.004, 217.08.05.006, and 217.08.06.002.)

.002. Fire Reports. Complete reports of all fires shall be made and include cause of fire, ignition source, material ignited, fire material aiding in spread of fire, damage resulting, and injuries, and shall be sent to the commission.

Doc. No. 782599

Additional Information/Recommendations 217.08.07

These rules are proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. Common Emergencies. The commission has found that most emergency problems faced by jails involve the following: drunk aspirating vomit, assaults, wilful setting of fires, attempted suicides, heart attacks, permitting smoking or incendiary materials in padded cell areas, smoke inhalation, and delays from poor advanced planning in getting emergency personnel and vehicles to the scene at the facility (small elevators, locked doors, arrival at wrong entrance, etc.). Particular attention should be directed to these problem areas in planning for emergencies and in the training of personnel to handle them, and to coordinate efforts with emergency vehicles and personnel.

.002. Resuscitation Training/Equipment. Research and experience has indicated that clinical death (loss of vital functions of breathing or circulation or both) precedes biological death or permanent brain damage by 8 to 10 minutes, and that biological death may, at times, be avoided through prompt reaction and proper procedures, such as clearing airway obstructions, mouth-to-mouth resuscitation (where breathing has stopped), or cardiopulmonary resuscitation (where breathing and circulation have stopped). Accordingly, where cardiopulmonary resuscitation (CPR) courses are available to custodial personnel through local Red Cross or hospital programs, enrollment and training through such courses of custodial personnel are strongly recommended. Facilities in the more populated areas should purchase and have on hand resuscitation equipment.

.003. Emphasis in Fire Training. The State Fire Marshal's Office has pointed out that the primary danger from institutional fires is smoke inhalation and has suggested that the primary reactions to fires should place emphasis, not on the extinguishment of the fire, but personnel should first immediately evacuate persons from the affected area and notify local authorities, then direct attention to smoke removal and extinguishment.

.004. Meaning of "Jails" or "Facilities." The use of the terms "jails" or "facilities" in these life safety rules shall include lockups and low-risk facilities.

Doc. No. 782600

Submission with Architectural Plans 217.08.08

This rule is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.001. Submission. Life safety provisions complying with this standard shall be submitted with other new construction plans or renovation plans as required in rule Category 217.08.01.004.

Issued in Austin, Texas, on April 10, 1978.

Doc. No. 782601 Steve Suttle
 Chairman
 Texas Commission on Jail Standards

Proposed Date of Adoption: May 19, 1978
 For further information, please call (512) 475-2780.



Savings and Loan Department Reorganization, Merger, and Consolidation 056.10.00

The Texas Savings and Loan Department proposes to adopt two new rules in Chapter 10 (056.10) dealing with reorganization, merger, and consolidation. The rules proposed to be adopted are set forth completely below, and are Rule 056.10.00.008, Exemption for Supervisory Merger, and Rule 056.10.00.009, Designation as Supervisory Merger. These rules are needed because of the amendment of Section 10.03 of Chapter 10 of the Texas Savings and Loan Act, Article 852a, Vernon's Annotated Civil Statutes.

The rules are expected to have no fiscal implications. (Source: department staff.)

Comments on the proposed rules are invited and should be submitted in writing to the savings and loan section of the Finance Commission of Texas and the savings and loan commissioner (one copy, directed to both) and should be mailed to P.O. Box 1089, Austin, Texas 78767, or delivered to the department's offices at 1004 Lavaca in Austin. Comments must be received by 5 p.m. on Monday, June 5, 1978.

These rules are proposed pursuant to Article 342.114, Texas Revised Civil Statutes.

.008. Exemption for Supervisory Merger. When the commissioner designates a merger to be a "supervisory merger," the rules relating to reorganization, merger, and consolidation, Rules 056.10.00.001-.007, shall not be applicable, and the merger shall be effected pursuant to Section 10.03 of the Texas Savings and Loan Act, Article 852a, Texas Revised Civil Statutes.

.009. Designation as "Supervisory Merger." The commissioner may designate a merger to be a "supervisory merger" when:

- (a) the commissioner has placed one or more of the associations involved under voluntary supervisory control pursuant to Section 8.18 of the Texas Savings and Loan Act, Article 852a, Texas Revised Civil Statutes; or
- (b) the commissioner has determined that one or more of the associations involved falls within the provisions of subsections (1), (2), (3), (4), or (5) of Section 8.16 of the Texas Savings and Loan Act, Article 852a, Texas Revised Civil Statutes; and
- (c) the commissioner has certified to the Federal Savings and Loan Insurance Corporation and the Federal Home Loan Bank Board that one (or more) of the associations involved is "in imminent danger of default."

Issued in Austin, Texas, on April 12, 1978.

Doc. No. 782592 L. Alvis Vandygriff
 Commissioner
 Savings and Loan Department of Texas

Proposed Date of Adoption: June 11, 1978
 For further information, please call (512) 475-7991.

ADOPTED RULES

1472

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.

Texas Department of Labor and Standards

Auctioneers

Licensing and Regulating of Auctioneers

063.44.01

The auctioneer division of the Texas Department of Labor and Standards is amending Rules 063.44.01.003, .004, .005, .008, .010, .011, .012, .014, .015, .019, .020(a) and (e), and .025, which set forth the methods and procedures for the administration of the Texas Auctioneer Law, Article 8700, Texas Civil Statutes. These amendments are adopted after a thorough study of the impact of the amendments made to the Texas Auctioneer Law by the 65th Legislature and bring the licensing and enforcement of the Auctioneer Law into compliance with the law as it now stands.

These amendments are promulgated under the authority of Section 9 of Article 8700, Texas Civil Statutes.

.003. Licenses.

(a) Any person, as defined in Section 1 of Article 8700, Vernon's Texas Revised Civil Statutes, who as a bid caller, with or without receiving or collecting a fee, commission, or other valuable consideration sells or offers to sell property at an auction must first obtain an auctioneer's license or associate auctioneer's license from the Texas Department of Labor and Standards.

(b) All applicants for an auctioneer's license or associate auctioneer's license are to obtain all necessary forms from the Texas Department of Labor and Standards, auctioneer division. A person applying for either license will be required to satisfactorily complete an application, be covered under a \$5,000 bond, supply two identification photographs, pay the appropriate license fee, and furnish a sales tax permit number or exemption affidavit. All bonds must run concurrently with the license.

.004. License Requirements.

(a) Auctioneer license requirements.

(1) Oral examinations will be given only on dates of regularly scheduled written examinations. Oral examinations will be given only to persons who are incapable of reading or writing.

(2) Examination for licensed auctioneer applicant will not be required if applicant shows proof on a form furnished by this department that he or she has bid-called in at least five auctions during a 12-consecutive month period since September 1, 1975, as a pocket card carrier under supervision of licensed auctioneers.

(3) A person applying for an examination must first have completed an application for an auctioneer's license, have furnished a bond, and have paid the required license fee in order to establish his eligibility to take the examination.

(4) In the case of failure of the examination, the fee will not be refunded. The fee cannot be refunded if study material has been mailed even if the examination is not taken, unless the department is notified 10 days prior to the exam date. The examination fee will be required every time the examination is taken.

(b) Associate auctioneer requirements.

(1) Associate auctioneers must be employed by and under the direct on-premises supervision of a licensed auctioneer while selling or offering to sell at an auction. An associate shall offer his or her services only to an auctioneer licensed in Texas and shall not in any way compensate the licensed auctioneer other than by his or her auctioneer services rendered during the associate's employment.

(2) Any change of employment by a licensed associate auctioneer must be submitted to this office prior to such action, and a letter must be submitted from the former employer stating number of auction sales participated in and types of activities in nature of experience gained.

(3) Associate auctioneer applicants will not need a sales tax number or exempt affidavit since the licensed auctioneer under whom he is employed will be responsible for tax collection.

(4) The associate auctioneer is also required to furnish this department with a \$5,000 surety bond or cash performance alternative or be covered under his employer's bond. All bonds must run concurrently with the license.

(c) License renewal. A license must be renewed within 30 days after expiration. A license not renewed within 30 days of the expiration date will not be renewed without meeting competency requirements. Whoever acts as an auctioneer within that 30-day period after expiration of the license may be subject to the penalties under Section 11(A) of the act.

.005. *Reciprocity.* Competency standards of another state, county, or city would have to include but not be limited to a qualifying auctioneer examination or a period of time the auctioneer has been in the auction business. A license will have to be issued by the state, county, or city of the applicant's residence pertaining to auctioneers only. It is the responsibility of the applicant to obtain certification of the license of his residence.

.008. *Cash Performance Alternative.* A cash performance alternative filed pursuant to the provisions of the Texas Auctioneer Law, Article 8700, Vernon's Texas Civil Statutes, in lieu of a surety bond, may be an irrevocable assignment of security or irrevocable letter of credit issued by a national or

state bank, or savings and loan association, subject to the express approval of the commissioner of the Texas Department of Labor and Standards. Each assignment or letter shall remain in effect for a period of three years in order to be approved by the commissioner. Forms for filing an irrevocable letter of credit or a letter of assignment is provided by the auctioneer division upon request.

.010. Individual Conducting an Auction. An individual selling his own property must bid-call the auction himself and be selling only property he personally owns. The property must be auctioned on one day or consecutive days and advertised as one sale only. A recurring basis shall mean more than once.

.011. Limited Sales Tax Permit Number Provisions. A limited sales tax permit number, obtained from the Comptroller of Public Accounts of Texas, must be furnished on the application form if such number is required of the applicant by the comptroller under applicable rules of that agency. Thereafter, any time a limited sales tax permit is required by the comptroller, that number shall be immediately supplied to the Department of Labor and Standards at the Austin office. If no limited sales tax permit is required of an applicant by the Comptroller of Public Accounts, then the applicant must furnish this department the limited sales tax permit number of his or her primary employer or employers for whom he or she is to serve as an auctioneer or an affidavit stating the reasons no sales tax permit number is needed.

.012. Advertising Requirements. Any auction conducted in Texas, except as exempted by Section 2 of the act, shall include in any advertisement the name and license number of the licensed auctioneer responsible for conducting the auction. An auction advertised in this state but conducted out of state does not need to comply with the advertising requirements.

.014. Student Auctioneers. Under Section 2(8), an auction school may be approved by the commissioner if said school is certified by the U.S. Department of Labor Bureau of Apprenticeship and Training, the Texas Education Agency, or other certifying authority. Any course of study in conjunction with the activities of an accredited college or university should also be approved by the commissioner. Written requests for approval must be made to the commissioner and must explain in detail any auction or auctions to be held as a part of the course of study. All auctions conducted under this exemption involving the public should publicly disclose the student or learning nature of the auction. Written request for approval to conduct any student auction not covered when a course of study or school was approved by the commissioner must be submitted in advance of the auction and approved by the commissioner.

.015. Presentation of Pocket Card. Upon request by a Texas Department of Labor and Standards investigator, each auctioneer or associate auctioneer shall present his or her pocket card which is issued pursuant to the act.

.019. Request for a Hearing. At any time the department is not required by law to provide administrative hearing to an applicant or a licensee, such party may on his or her own initiative request a hearing from the department. The hearing must be of a formal nature, and the granting of such a request is at the sole discretion of the commissioner.

.020. Administrative Procedure.

(a) Notice. Notice will include the time, place, and nature of the hearing, a statement of legal authority and jurisdiction for the hearing, and a reference to the particular section of the statutes and rules relied upon. A short and plain statement of the matters asserted shall also be provided. This notice shall be given at least 30 days prior to the date of such hearing, by registered or certified mail.

(e) Presentation of case. The commissioner may authorize a member of his legal staff, an assistant attorney general, or member of the auctioneer division to present the department's case. The commissioner may serve as the hearing officer in this proceeding or he may designate another person to serve in that capacity. At no time, however, will the hearing officer be a person who has taken any part in the investigation or presentation of the case in question.

.025. Transcripts. All hearings will be recorded. Any hearings may be transcribed and provided to a party on written request. By stipulation of the parties to any review proceeding, the record may be shortened. If a transcript is requested, the department will provide an employee for transcription purposes. If a party objects to the use of such employee, it must notify the department within seven days of the scheduled hearing, whereupon the commissioner may obtain another reporter. The department reserves the right to assess transcription costs to one or more of the parties to the hearing.

Issued in Austin, Texas, on April 4, 1978.

Doc. No. 782520 G. L. "Lynn" Tate
Commissioner
Texas Department of Labor and
Standards

Effective Date: May 1, 1978

For further information, please call (512) 475-3499.

Texas Parks and Wildlife Department

Wildlife

Statewide Hunting, Fishing, and Trapping

Proclamation No. A-5, 1977-78

127.70.01

The Texas Parks and Wildlife Commission has adopted amendments to Rules 127.70.01.002, .004, .007, .024, .061, .062, .064, .083-.085, .111, and .113, which are a portion of the Statewide Hunting, Fishing, and Trapping Proclamation No. A-5, 1977-78, with no change in the proposed text. No comments were received.

These amendments are adopted under the authority of Chapter 61, Texas Parks and Wildlife Code.

.002. Application.

(a) These rules apply to all of the game birds, game animals, fur-bearing animals of all kinds, fish and other aquatic life, and marine animals of all kinds in the following counties: Anderson, Andrews, Aransas, Archer, Armstrong,

Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brown, Burlleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dewitt, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Fort Bend, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, Lavaca, Lee, Liberty, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, McCulloch, McLennan, Nacogdoches, Navarro, Newton, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties; and to all of the water area of Lake Tawakoni located within Rains, Van Zandt, and Kaufman Counties; and to all the water area of the Joe B. Hogsett Reservoir known as the Cedar Creek Reservoir located within Henderson and Kaufman Counties; and to the land and water area of the Somerville Reservoir located in Burlleson, Lee, and Washington Counties; and to that portion of Lake Texoma in Cooke and Grayson Counties; and to all of the water area of the Sam Rayburn Reservoir in Angelina, Nacogdoches, Sabine, and San Augustine Counties; and to all the water area of Toledo Bend Reservoir in Sabine and Shelby Counties; and to all of the water area of Lake Palestine located in Anderson, Cherokee, Henderson, and Smith Counties; and to all the water area of Falcon Reservoir located in Zapata County; and to all of the water area of Lake Ray Hubbard located in Rockwall and Collin Counties; and to all the water area of Lake Livingston located in Polk, San Jacinto, Trinity, and Walker Counties, except as provided in Section (b) of this rule below.

(b) Exceptions to these rules are:

- (1) Angelina County: applies only to fish in the Sam Rayburn Reservoir;
- (2) Aransas County: does not apply to shrimp and oysters, and does not apply to Copano Creek where it forms the boundary with Refugio County;
- (3) Austin County: shall apply only to deer, quail, and turkey;
- (4) Blanco County: does not apply to special archery season on deer, javelina, or turkey;

- (5) Brazoria County: does not apply to oysters;
- (6) Brewster County: does not apply to freshwater fish and aquatic life;
- (7) Burlleson County: does not apply to fish, except in Somerville Reservoir;
- (8) Burnet County: does not apply to archery season on deer and turkey;
- (9) Calhoun County: shall not apply to fishing methods in the Guadalupe River, nor to shrimp and oysters;
- (10) Cameron County: shall not apply to oysters, and does not apply to shrimp, except in the inside waters;
- (11) Collingsworth County: does not apply to the quail season;
- (12) Cottle County: does not apply to the quail season;
- (13) Culberson County: does not apply to freshwater fish and aquatic life;
- (14) Duval County: does not apply to antlerless deer;
- (15) El Paso County: does not apply to freshwater fish and aquatic life;
- (16) Gillespie County: does not apply to archery season on deer and turkey;
- (17) Goliad County: applies only to deer, wild turkey, and quail;
- (18) Gonzales County: does not apply to fishing methods;
- (19) Grimes County: does not apply to deer;
- (20) Hardeman County: does not apply to the quail season;
- (21) Hardin County: does not regulate the use of calling devices to attract wild fox;
- (22) Harris County: does not apply to saltwater species;
- (23) Houston County: does not apply to deer season, except archery season;
- (24) Hudspeth County: does not apply to freshwater fish and aquatic life;
- (25) Jackson County: does not apply to oysters;
- (26) Jasper County: does not apply to fox;
- (27) Jeff Davis County: does not apply to freshwater fish and aquatic life;
- (28) Jefferson County: does not apply to oysters;
- (29) Kendall County: regulatory authority expires December 31, 1977;
- (30) Kenedy County: applies only in the coastal waters with respect to fish, aquatic life, and marine animals, except shrimp and oysters;
- (31) Kimble County: does not regulate the taking of doe deer with longbow and arrows during the open season for buck deer;
- (32) Kleberg County: applies only in the coastal waters with respect to fish, aquatic life and marine animals, except shrimp and oysters;
- (33) Liberty County: does not regulate the use of calling devices to attract wild fox;
- (34) Limestone County: does not regulate squirrel season;
- (35) Llano County: does not apply to archery season on deer and turkey;
- (36) Mason County: does not apply to archery season on deer and turkey;
- (37) Matagorda County: does not apply to shrimp and oysters;

- (38) McCulloch County: does not apply to archery season on deer and turkey;
- (39) Newton County: does not apply to fox;
- (40) Nueces County: applies only in coastal waters with respect to fish, aquatic life, and marine animals, except shrimp and oysters;
- (41) Orange County: does not apply to oysters;
- (42) Pecos County: does not apply to freshwater fish and aquatic life;
- (43) Presidio County: does not apply to freshwater fish and aquatic life;
- (44) Reeves County: does not apply to freshwater fish and aquatic life;
- (45) Refugio County: applies only in coastal waters with respect to fish, aquatic life, and marine animals, except shrimp and oysters;
- (46) Sabine County: applies only to fish in Toledo Bend and in the Sam Rayburn Reservoir;
- (47) San Jacinto County: applies only to freshwater fish and other aquatic life;
- (48) San Saba County: does not apply to archery season on deer and turkey;
- (49) San Patricio County: does not apply to quail, shrimp, or oysters, nor to the Aransas River or Copano Creek where they form the boundary with Refugio County;
- (50) Shelby County: applies only to fish in the Toledo Bend Reservoir;
- (51) Smith County: applies to deer, quail, and the water area of Lake Palestine;
- (52) Terrell County: does not apply to freshwater fish and aquatic life;
- (53) Trinity County: does not apply to the definition of buck deer;
- (54) Travis County: does not apply to archery season on deer and turkey;
- (55) Tyler County: does not apply to fox;
- (56) Victoria County: shall not apply to fishing methods in the Guadalupe River, Lavaca Bay, Banal Lake, Mesquite Creek, Placedo Creek, Garcitas Creek, or Oyster Bayou, nor to quail or saltwater species of marine life;
- (57) Walker County: does not regulate the use of calling devices to attract wild fox;
- (58) Waller County: applies only to deer, quail, and turkey;
- (59) Wheeler County: does not apply to the quail season; and
- (60) Willacy County: does not apply to oysters.

.004. Effective Date.

(a) In all counties except those listed in Section (b) of this rule, these rules shall become effective 20 days after the filing of two certified copies in the Office of the Secretary of State.

(b) In the following counties, these rules shall be approved or disapproved by the commissioners court of each county at the next regular meeting of such court occurring more than five days after the Texas Parks and Wildlife Commission meeting at which these rules are adopted, as provided in Section 61.202, Texas Parks and Wildlife Code, and as amended by House Bill 1893, Acts of the 64th Legislature, Regular Session 1975: Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Gillespie, Grayson, Hays, Kendall, Kerr, Kimble, Kinney, Lampasas, Llano, Mason, Medina, Menard, Reagan, Real, Robertson, San Saba, Schleicher, Sutton, Uvalde, Val

Verde, and Zavala Counties. (See attached appendix for results of action by commissioners courts on the Statewide Hunting, Fishing, and Trapping Proclamation No. A-5, 1977-78.)

(c) All rules and amendments to such rules affecting the counties listed in Rule 127.70.01.002 above, which pertain to the activities herein regulated, are revoked on the effective date of these rules.

.007. Definitions. A "buck deer" is a deer having hardened antlers protruding through the skin, except in Bandera, Brazos, Burleson, Comal, Grimes, Houston, Jasper, Kendall, Kerr, Madison, Medina, Montgomery, Nacogdoches, Newton, Polk, Real, Rockwall, Robertson, San Augustine, Trinity, Tyler, Walker, Washington, and Winkler Counties where a "buck deer" is a deer with forked antler.

.024. Hunting Deer with Dogs.

(a) It shall be unlawful to use a dog or dogs in hunting, pursuing, or taking deer in all regulatory counties, except Hardin County, that portion of Harrison County south of Interstate Highway 20 and east of State Highway 43, Jasper, Newton, Orange, Panola, Polk, that portion of San Augustine County bounded on the north by State Highway 103, on the south by State Highway 147 beginning at the Angelina County line to its junction with State Highway 83, thence east on State Highway 83 to the Sabine County line, and Tyler Counties.

(b) It shall be lawful to use not more than two dogs in trailing a wounded deer in all regulatory counties, except Bowie, Camp, Fannin, Franklin, Harris, Harrison (north of Interstate Highway 20 and west of State Highway 43), Houston, Hunt, Jefferson, Lamar, Liberty, Montgomery, Nacogdoches, Red River, Rockwall, Rusk, San Augustine (north of State Highway 103, and beginning at the Angelina County line east of State Highway 147 to its junction with State Highway 83, and south of State Highway 83 to the Sabine County line, Titus, Trinity, Walker, Washington, Winkler, and Wood Counties.

.061. Antelope: Open Seasons and Bag Limits.

(b) There shall be an open season for antelope for nine consecutive days beginning the Saturday nearest October 1 in the following counties: Andrews, Borden, Brewster, Cochran, Coke, Concho, Crosby, Culberson, Dawson, Ector, El Paso, Fisher, Gaines, Garza, Glasscock, Haskell, Hockley, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kent, Knox, Lubbock, Lynn, Martin, Midland, Mitchell, Nolan, Pecos, Presidio, Reagan, Reeves, Runnels, Scurry, Sterling, Stonewall, Taylor, Terrell, Terry, Tom Green, Upton, Ward, Winkler, and Yoakum Counties; and the bag limit shall be one antelope per season by permit only.

.062. Deer: Open Seasons and Bag Limits.

(c) Exceptions to general seasons, bag and possession limits for deer are as follows:

(3) There shall be a general open season for deer as prescribed in Section (a) of this rule above in Austin, Bastrop, Brazos, Burleson, Caldwell, Colorado, Falls, Fayette, Lavaca, Lee, Madison, Navarro, Waller, and Washington Counties; and the bag limit shall be two deer, no more than one buck, antlerless deer by permit.

(4) There shall be an open season for deer beginning the Saturday nearest November 15 through November 30 in Camp, Franklin, Lamar, Red River, Smith, and Titus Coun-

ties; and the bag limit shall be three deer, no more than one buck, antlerless by permit only.

(d) Archery season, bag and possession limits are as follows:

(1) In Aransas, Atascosa, Bandera, Bee, Bell, Bexar, Bosque, Brazoria, Brown, Calhoun, Cameron, Coke, Coleman, Comal, Concho, Coryell, Crockett, Dewitt, Eastland, Erath, Fort Bend, Frio, Goliad, Gonzales, Guadalupe, Hamilton, Hidalgo, Hood, Irion, Jackson, Jim Wells, Johnson, Kendall, Kerr, Kinney, Lampasas, Live Oak, Matagorda, Maverick, Medina, Menard, Mills, Mitchell, Nolan, Parker, Runnels, San Patricio, Schleicher, Somervell, Starr, Sterling, Sutton, Tarrant, Taylor, Throckmorton, Tom Green, Trinity, Uvalde, Val Verde (east of the Pecos River), Victoria, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala Counties, there shall be an additional open season during which deer of either sex may be taken with longbow and arrows beginning October 1 and ending October 31. The bag limit is three deer, either sex, no more than two bucks.

(4) In Anderson, Andrews, Archer, Baylor, Borden, Callahan, Clay, Cochran, Collin, Comanche, Cooke, Crosby, Dallas, Dawson, Denton, Duval, Ector, Ellis, Fisher, Freestone, Gaines, Garza, Glasscock, Hardin, Harris, Haskell, Henderson (in that area bounded on the north by the county line, on the east by U.S. Highway 175 and Tin Can Alley Road, on the north by State Highway 31, and on the west by State Highway 274), Hill, Hockley, Houston, Howard, Jack, Jasper, Jefferson, Jones, Karnes, Kent, Kimble, Knox, Liberty, Limestone, Lubbock, Lynn, Martin, McLennan, Midland, Milam, Montague, Montgomery, Newton, Orange, Palo Pinto, Polk, Reagan, Robertson, Rockwall, San Augustine, Scurry, Shackelford, Stephens, Stonewall, Terry, Tyler, Upton, Walker, Ward, Wichita, Wilbarger, Winkler, Wise, Yoakum, and Young Counties, there shall be an additional open season beginning October 1 and ending October 31. The bag limit is two buck deer.

(5) In Austin, Brazos, Burleson, Colorado, Lavaca, and Madison Counties, there shall be an additional open season during which deer of either sex may be taken with longbow and arrows beginning October 1 and ending October 31. The bag limit is two deer, either sex, no more than one buck.

(6) In Bastrop, Caldwell, Falls, Fayette, Lee, Nacogdoches (south of Highway 21 only), Navarro, Waller, and Washington Counties, there shall be an additional open season during which buck deer may be taken with longbow and arrows beginning October 1 and ending October 31. The bag limit is one buck deer.

(10) In Camp, Franklin, Lamar, Red River, Smith, and Titus Counties, there shall be an additional open season during which buck deer only may be taken with longbow and arrows beginning October 1 and ending October 18. The bag limit is one buck deer.

.064. Squirrel: Open Seasons and Bag Limits.

(a) In Archer, Baylor, Bell, Bosque, Brazos, Burleson, Callahan, Clay, Coleman, Collin, Colorado, Comanche, Cooke, Coryell, Dallas, Denton, Eastland, Ellis, Erath, Falls, Fayette, Fort Bend, Grayson, Grimes, Hamilton, Hill, Hood, Jack, Jackson, Johnson, Kaufman, Lavaca, Lee, Madison, Matagorda, McLennan, Milam, Montague, Palo Pinto, Parker, Shackelford, Somervell, Stephens, Tarrant, Throckmorton, Wharton, Washington, Wichita, Wilbarger, Williamson, Wise, and Young Counties, there is no closed

season for squirrel. The bag and possession limits are 10 per day and 20 in possession after opening day.

(b) In Bowie, Camp, Fannin, Franklin, Harrison, Hunt, Lamar, Panola, Red River, Rockwall, Rusk, Titus, and Wood Counties, there shall be an open season for squirrel beginning May 1 through May 31, and October 1 through December 31. The bag and possession limits are 10 per day and 20 in possession.

(e) In Nacogdoches and San Augustine Counties, there shall be an open season on squirrel beginning October 1 through January 15. The bag and possession limits are 10 per day and 20 in possession.

.083. Pheasant: Open Seasons and Bag Limits.

(e) In Terry County, the open season for pheasants begins the second Saturday in December for nine consecutive days. Bag and possession limit is two cock pheasants per day, four in possession after the first day. Head and feet must remain attached to the pheasant until it reaches its final destination.

.084. Quail: Open Seasons and Bag Limits.

(c) In Archer, Baylor, Bosque, Bowie, Brown, Callahan, Camp, Clay, Coleman, Collin, Comanche, Cooke, Dallas, Denton, Eastland, Ellis, Erath, Fannin, Franklin, Grayson, Hamilton, Harrison, Hill, Hood, Hunt, Jack, Johnson, Lamar, McLennan, Mills, Montague, Palo Pinto, Panola, Parker, Red River, Rockwall, Rusk, Shackelford, Smith, Somervell, Stephens, Tarrant, Throckmorton, Titus, Wichita, Wilbarger, Wise, Wood, and Young Counties, there shall be an open season for quail beginning December 1 through the Sunday nearest February 15. Bag and possession limits are 12 quail per day and 36 in possession.

(d) In Cottle and Hardeman Counties, the open season for quail is December 1 through January 31. Bag limit is 12 quail per day and 36 in possession.

.085. Turkey.

(e) Exceptions to general open season, additional archery season, or bag limits.

(1) In Anderson, Austin, Bandera, Bastrop, Bosque, Bowie, Brazoria, Brazos, Brewster, Burleson, Caldwell, Cameron, Camp, Collin, Colorado, Cooke, Culberson, Dallas, Denton, Dewitt, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Gonzales, Grayson, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Houston, Hudspeth, Hunt, Jackson, Jasper, Jeff Davis, Jefferson, Johnson, Kaufman, Lamar, Lavaca, Lee, Liberty, Limestone, Madison, McLennan, Milam, Montgomery, Nacogdoches, Navarro, Newton, Orange, Palo Pinto, Panola, Parker, Pecos, Polk, Presidio, Red River, Reeves, Robertson, Rockwall, Rusk, San Augustine, Somervell, Starr, Tarrant, Terrell, Titus, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Wise, Wood, and Zapata Counties, there is no open season on turkey.

(5) In Bell, Coryell, Real, Williamson, and Winkler Counties, the general open season on turkey as set out in Section (b) of this rule above shall apply. The bag limit is one turkey, gobbler, or bearded hen.

(6) In Gillespie, Dimmit, Edwards, Hays, Kendall, and Real Counties, there is no additional archery season on turkey.

.111. Freshwater Fish: Bag and Possession Limits.

(c) It shall be unlawful to take from or possess on any of the public waters under regulatory authority of the depart-

ment in the following counties and lakes any blue or channel catfish less than nine inches in length: Archer, Baylor, Bosque, Bowie, Brown, Callahan, Clay, Coleman, Collin, Comanche, Cooke, Dallas, Denton, Eastland, Ellis, Erath, Fannin, Franklin, Grayson, Hamilton, Hardin, Harris, Harrison, Hill, Hood, Houston, Hunt, Jack, Jasper, Jefferson, Johnson, Lamar, Liberty, McLennan, Mills, Montague, Montgomery, Nacogdoches, Newton, Orange, Palo Pinto, Panola, Parker, Polk, Red River, Rusk, San Augustine, San Jacinto, Shackelford, Somervell, Stephens, Tarrant, Throckmorton, Titus, Trinity, Tyler, Walker, Wichita, Wilbarger, Wise, Wood, Young, and the waters of Lake Tawakoni in Rains and Van Zandt Counties, the waters of Lake Palestine in Anderson, Henderson, Smith, and Cherokee Counties, the waters of Lake Ray Hubbard in Collin and Rockwall Counties, and the waters of Sam Rayburn Reservoir in Angelina, Sabine, and San Augustine Counties.

(i) In the main stream of the Brazos River, excluding cutoffs, oxbow lakes, and tributary streams, where it forms the common boundary between Robertson and Burleson Counties, between Brazos and Burleson Counties, between Brazos and Washington Counties, and between Washington and Grimes Counties, and in Yegua Creek where it forms a common boundary between Washington and Burleson Counties, bag and possession limits are as provided by Section 66.106, Texas Parks and Wildlife Code.

.113. *Freshwater Fish: Means and Methods.*

(e) Any net used in the public waters by sports fishermen shall be identified by a legible tag constructed of a material as durable as the net, bearing the name and address of the fisherman and the date it was set out.

(f) In Anderson, Andrews, Archer, Bandera, Baylor, Bee, Bell, Blanco, Borden, Bosque, Brazos, Brown, Burnet, Callahan, Camp, Clay, Cochran, Coke, Coleman, Collin, Comal, Comanche, Concho, Cooke, Coryell, Crockett, Crosby, Dallas, Dawson, Denton, Eastland, Ector, Edwards, Ellis, Erath, Falls, Fisher, Freestone, Gaines, Garza, Gillespie, Glasscock, Grayson, Grimes, Hamilton, Haskell, Hays, Henderson, Hill, Hockley, Hood, Howard, Irion, Jack, Johnson, Jones, Kaufman, Kendall, Kerr, Kimble, Knox, Lampasas, Limestone, Llano, Lubbock, Lynn, Madison, Martin, Mason, McCulloch, McLennan, Menard, Midland, Milam, Mills, Mitchell, Montague, Navarro, Nolan, Palo Pinto, Parker, Reagan, Real, Robertson, Rockwall, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Wichita, Washington, Wilbarger, Williamson, Winkler, Wise, Yoakum, and Young Counties, and the waters of Lake Somerville in Burleson County, only the following means and methods may be used in taking fish:

(1)(A) Not more than 100 hooks altogether which may be used in any combination of the following: pole and line, rod and reel, artificial and natural baits, jug line, throwline, and not more than two nonmetallic trotlines with not more than 50 hooks each; hooks on throwlines and trotlines must be spaced not less than three horizontal feet apart.

(B) All freshwater trotlines must be identified by a legible tag, constructed of a material as durable as the trotline, bearing the name and address of the fisherman and the date it was set out.

(C) All trotlines that remain in public waters shall be redated at the expiration of each 90-day period.

(D) Any net or trotline set in the public waters of this state in violation of these rules shall be removed from the waters thereof.

(E) There is no restriction on the number of hooks on trotlines in the Trinity River between Madison and Houston Counties.

(F) No trotline may be placed or set in the vicinity of any public boat dock or public bathing pier, or public bathing beach, or any public place commonly used as a swimming or bathing area except:

(i) In Lake Buchanan, not more than 30 hooks may be used on one trotline. No more than 30 hooks may be used by one person on all devices employed by him, but there is no limit on the number of trotlines employed, so long as no trotline has more than 30 hooks.

(ii) In the Pecos River in Crockett County, there are no restrictions on the number of hooks which may be employed in total or in or on any device.

(iii) In Medina Lake, there is no limit on the number of trotlines that may be employed.

(iv) The use of trotlines, throwlines, and jug lines is prohibited in bodies of water 500 acres or less which lie totally within the boundaries of a state park, or that portion of any stream bordering a state park.

(2) Minnow seines not more than 20 feet in length for taking only minnows, sunfish (bream or perch), or rough fish.

(A) In the waters of the Pease River, Big Wichita River, and Brazos River, and their tributaries in Archer, Baylor, Shackelford, Throckmorton, Wichita, Wilbarger, and Young Counties, minnow seines not longer than 40 feet may be used only when the owner is in constant attendance on such seines.

(B) In the waters of the Wichita and Brazos Rivers and their tributaries in Knox County, minnow seines not longer than 40 feet may be used only when the owner is in constant attendance on such seines.

(C) In Lake Buchanan, minnow seines not longer than 50 feet may be used.

(3) A common fruit jar type trap or its metallic counterpart not longer than 24 inches with throat no larger than one inch in diameter, dip nets, cast nets, or umbrella nets, constructed of nonmetallic materials for taking only minnows, sunfish (bream or perch), and rough fish. All other fish must be immediately released in the water from which taken.

(4) A spear gun and spear or bow and arrows for taking only rough fish, but it shall be unlawful to possess any fish other than rough fish when using a spear gun and spear or bow and arrow.

(5) A wire loop or gig for taking rough fish, but when using a wire loop or gig, one may not possess any crappie, bass, or catfish.

(6) In Williamson County only, a nonmetallic net having mesh not less than 1-3/4 inches square for taking only rough fish. Any fish not designated rough fish taken in such a net must be immediately released into the water where taken. It shall be unlawful to have in possession or aboard any boat or in any vehicle any fish other than rough fish, as defined, while fishing with or possessing a hoop net, trammel net, or gill net.

(7) In Brazos, Falls, Freestone (except Lake Fairfield), Grimes, Madison, Milam, and Robertson Counties, a nonmetallic net having mesh not less than three inches square for taking only rough fish (any fish not designated rough fish taken in such a net must be immediately released into the waters when taken). It shall be unlawful to have in possession or aboard any boat or in any vehicle, any fish other than rough fish, as defined, while fishing with or possessing a hoop net, trammel net, or gill net.

(8) In the Neches River in Anderson County, three-inch mesh nets may be used to take all fish from February through May of each year.

(9) In Lake Palestine in Anderson County, nets may not be used, except as provided in Rule 127.70.01.009 above and Section (f), subsections (2) and (3) of this rule above.

(10) In Henderson County, a three-inch square mesh net is permitted to take rough fish only, except that in the waters of Cedar Creek Reservoir, Flat Creek Reservoir, Flat Creek, and in Lake Palestine in Henderson County, nets may not be used except as provided in Rule 127.70.01.009 above and Section (f), subsections (2) and (3) of this rule above.

(11) In Lake Fairfield all nets other than minnow seines are prohibited.

(12) In the main stream of the Brazos River, excluding cutoffs, oxbow lakes, and tributary streams, where it forms the common boundary between Robertson and Burleson Counties, between Brazos and Burleson Counties, between Brazos and Washington Counties, and between Washington and Grimes Counties, and the rest of Washington County except Lake Somerville, the means and methods of taking fish are as provided by Sections 66.102 and 66.103, Texas Parks and Wildlife Code.

(13) In Gillespie County only, except during March, April, and May, a nonmetallic net having mesh not less than two inches square for taking rough fish only (any fish not designated rough fish taken in such a net must be immediately released into the waters where taken). It shall be unlawful to have in possession or aboard any boat or in any vehicle, any fish other than rough fish, as defined, while fishing with or possessing a hoop net, trammel net, or gill net.

(g) In Aransas, Atascosa, Bastrop, Bee, Bexar, Brazoria, Caldwell, Calhoun, Cameron, Colorado, Dewitt, Dimmit, Duval, Fayette, Fort Bend, Frio, Guadalupe, Hardin, Harris, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Wells, Karnes, Kinney, Lavaca, Lee, Liberty, Live Oak, Matagorda, Maverick, Medina, Montgomery, Nacogdoches, Newton, Orange, Polk, San Augustine, San Jacinto, San Patricio, Starr, Trinity, Tyler, Uvalde, Victoria, Walker, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala Counties, only the following means and methods may be used in taking fish:

(1)(A) Pole and line, rod and reel, artificial and natural baits, hand line, jug line, or throwline and trotline; hooks on throwlines and trotlines must be spaced no less than three horizontal feet apart.

(B) All freshwater trotlines must be identified by a legible tag, constructed of a material as durable as the trotline, bearing the name and address of the fisherman and the date it was set out.

(C) All trotlines that remain in public waters shall be redated at the expiration of each 90-day period.

(D) Any net or trotline set in the public waters of this state in violation of these rules shall be removed from the waters thereof.

(E) No trotline may be placed or set in the vicinity of any public boat dock, or public bathing pier, or public bathing beach, or any public place commonly used as a swimming or bathing area except:

(i) In Bexar, Medina, and Uvalde Counties (but not in Lake Medina), no more than 30 hooks may be used by one person, nor more than 30 hooks may be used on one trotline.

(ii) In Lake Medina, the following rules shall apply to trotlines and other multiple-hook devices and combinations. Hooks on trotlines and throwlines must be spaced at least three feet apart. Metallic throwlines or trotlines are unlawful. Not more than 100 hooks in the aggregate may be employed by one person at any time on all devices. There is no limit on the number of trotlines employed.

(iii) The use of trotlines, throwlines, and jug lines is prohibited in bodies of water 500 acres or less which lie totally within the boundaries of a state park.

(iv) In Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Polk, San Augustine, San Jacinto, Trinity, Tyler, and Walker Counties, and the waters of the Sam Rayburn Reservoir in Angelina and Sabine Counties, and the waters of Toledo Bend Reservoir in Sabine and Shelby Counties, no more than 100 hooks may be used altogether, in any of the following combinations: pole and line, rod and reel, artificial and natural baits, throwline or no more than two nonmetallic trotlines with not more than 50 hooks each, except Sam Rayburn Reservoir in Angelina and Sabine Counties, and in the public waters of Jasper, Polk, Trinity, Tyler, Houston, Newton, Nacogdoches, and San Augustine Counties, and in the Neches River where it forms a common boundary between Hardin and Jasper Counties, no more than 100 hooks in the aggregate may be employed by any person at a time on all devices, and there is no limit on the number of nonmetallic trotlines that may be employed. Hooks on throwlines and trotlines must be spaced not less than three horizontal feet apart.

(2) Minnow seines not more than 20 feet in length for taking only minnows, sunfish (bream or perch), or rough fish, except minnow seines not more than 30 feet in length for taking only minnows, sunfish, and rough fish may be used in Toledo Bend Reservoir.

(3) A common fruit jar type trap or its metallic counterpart not longer than 24 inches with throat no larger than one inch in diameter, dip nets, cast nets, or umbrella nets constructed of nonmetallic materials for taking only minnows, sunfish (bream or perch), and rough fish. All other fish must be immediately released in the water from which taken.

(4) Except in Uvalde County, a spear gun and spear or bow and arrows for taking only rough fish, but it shall be unlawful to possess any fish other than rough fish when using a spear gun and spear or bow and arrow.

(5) Except in the Nueces River for the parts of Lake Corpus Christi to which these rules apply, downstream to Nueces Bay and in Colorado County, a wire loop or gig for taking rough fish, but when using a wire loop or gig, one may not possess any crappie, bass, or catfish.

(6) In Dimmit and Zavala Counties only, a non-metallic net having mesh not less than three inches square for taking only rough fish (any fish not designated rough fish taken in such net must be immediately released into the waters from which taken). It shall be unlawful to have in possession or aboard any boat or in any vehicle, any fish other

than rough fish, as defined, while fishing with or possessing a hoop net, trammel net, or gill net.

(7) In Hardin, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, San Augustine, San Jacinto, Trinity, and Tyler Counties, hoop nets, trammel nets, and gill nets of nonmetallic construction having a mesh size not less than three inches square may be used for taking only rough fish, as defined, except that it shall be unlawful to use nets for taking fish from the Neches River from the Jasper-Angelina County line to the bridge over the Neches River between Bridge City and Groves on State Highway 87, and from the waters of the Angelina River in Jasper County below the Sam Rayburn Dam, and in Sam Rayburn Reservoir, and in Lake Livingston and in Toledo Bend Reservoir below U.S. Highway 84 bridge, except as provided in Rule 127.70.01.009 above and Section (f), subsections (2) and (3) of this rule above. No person may take any bass or crappie with such a net. It shall be unlawful to have in possession or aboard any boat or in any vehicle, any fish other than rough fish, as defined, while fishing with or possessing a hoop net, trammel net, or gill net.

(8)(A) In Lee County, set or drag nets or seines, the meshes of which are not less than three inches square, may be used in Yegua Creek, where it forms the boundary with Burleson County to take all fish and set or drag nets with three-inch square mesh, except hoop nets to take rough fish in the remainder of the county.

(B) In Bastrop County, no such nets or seines may be used.

(C) In Austin, Brazoria, Caldwell, Calhoun (except in the Guadalupe River), Colorado, Dewitt, Fayette, Fort Bend, Goliad, Gonzales, Guadalupe, Jackson, Lavaca, Matagorda, Victoria (except in the Guadalupe River), Waller, and Wharton Counties, set or drag nets or seines, the meshes of which are not less than three inches square (other than hoop and barrel nets), may be used for taking only rough fish, and all other fish taken in such nets must be immediately released in the water from which taken.

(D) It shall be unlawful to have in possession or aboard any boat or in any vehicle any fish other than rough fish, as defined, while fishing with or possessing a hoop net, trammel net, or gill net.

(E) In Colorado County, set or drag net or seines or hoop net, the meshes of which are not less than three inches square, may be used to take rough fish.

(h) In Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, only the following means and methods may be used in taking fish:

(1)(A) Not more than 20 hooks altogether except on Lake Meredith where 40 hooks may be used, and which may be used in any combination of the following: pole and line, jug line, artificial lures or natural baits, rod and reel, throwline, and not more than one trotline; hooks on throwlines and trotlines must be spaced not less than three horizontal feet apart.

(B) No trotline may be placed or set in the vicinity of any public boat dock, or public bathing pier, or public bathing area.

(C) All freshwater trotlines must be identified by a legible tag, constructed of a material as durable as the

trotline, bearing the name and address of the fisherman, and the date it was set out.

(D) All trotlines that remain in public waters shall be redated at the expiration of each 90-day period.

(E) A trotline set in the public waters of this state in violation of these rules shall be removed from the waters thereof.

(F) The use of trotlines, throwlines, and jug lines is prohibited in bodies of water 500 acres or less which lie totally within the boundaries of a state park, or that portion of any stream bordering on a state park.

(2) Minnow seines not more than 20 feet in length for taking only minnows, sunfish (bream or perch), bullheads, or rough fish.

(3) A common fruit jar type trap or its metallic counterpart not longer than 24 inches with throat no larger than one inch in diameter, dip nets, cast nets, or umbrella nets, constructed of nonmetallic materials for taking only minnows, sunfish (bream or perch), and rough fish. All other fish must be immediately released in the water from which taken.

(4) A spear gun and spear or bow and arrows for taking only rough fish, but it shall be unlawful to possess any fish other than rough fish when using a spear gun and spear or bow and arrow.

(5) A wire loop or gig for taking rough fish, but when using a wire loop or gig, one may not possess any crappie, bass, or catfish.

(i) In Bowie, Camp, Fannin, Franklin, Harrison, Hunt, Lamar, Panola, Red River, Rusk, Titus, and Wood Counties, and the waters of Lake Palestine in Anderson, Cherokee, Henderson, and Smith Counties, only the following means and methods may be used in taking fish:

(1)(A) Pole and line, artificial lures or natural baits, rod and reel, jug line, throwline, and trotline. Hooks on throwlines or trotlines must be spaced not less than three horizontal feet apart.

(B) In Lake Tawakoni, Lake Palestine, and Lake Cypress Springs in Franklin County, not more than 100 hooks altogether, which may be used in any combination as above, except no more than two nonmetallic trotlines with not more than 50 hooks each may be used.

(C) No trotlines may be placed or set in the vicinity of any public boat dock, or public bathing pier, or public bathing beach, or any public place commonly used as a swimming or bathing area.

(D) All freshwater trotlines must be identified by a legible tag, constructed of a material as durable as the trotline, bearing the name and address of the fisherman, and the date it was set out.

(E) All trotlines that remain in public waters shall be redated at the expiration of each 90-day period.

(F) Any net used in the public waters by sports fishermen shall be identified by a legible tag constructed of a material as durable as the net bearing the name and address of the fisherman, and the date it was set out.

(G) Any net or trotline set in the public waters of this state in violation of these rules shall be removed from the waters thereof.

(H) The use of trotlines, throwlines, and jug lines is prohibited in bodies of water 500 acres or less which lie totally within the boundaries of a state park, or that portion of any stream bordering on a state park.

(2) Minnow seines not more than 20 feet in length for taking only minnows, sunfish (bream and perch), or rough fish.

(3) A common fruit jar type trap or its metallic counterpart not longer than 24 inches with throat no larger than one inch in diameter, dip nets, cast nets, or umbrella nets, constructed of nonmetallic materials for taking only minnows, sunfish (bream or perch), and rough fish. All other fish must be immediately released in the water from the waters from which taken.

(4) A spear gun and spear or bow and arrows for taking only rough fish, but it shall be unlawful to possess any fish other than rough fish when using a spear gun and spear or bow and arrow.

(5) A wire loop or gig for taking rough fish, but when using a wire loop or gig, one may not possess any crappie, bass, or catfish.

(6)(A) Hoop nets, trammel nets, and gill nets of non-metallic construction with meshes not less than three inches square may be used for taking only rough fish, as defined, and catfish, except in Camp, Fannin, Franklin, Hunt, Lamar, Red River, Rusk, Titus, and Wood Counties; Lake Tawakoni in Rains and Wood Counties; Lake Palestine; and the Sabine River in Harrison County, they are unlawful.

(B) It shall be unlawful to have in possession or aboard any boat or in any vehicle, any fish other than rough fish and catfish while fishing with or possessing a hoop net, trammel net, or gill net.

(C) In the Sabine River in Panola County and in that portion of Toledo Bend Reservoir north of U.S. Highway 84 bridge in Shelby County, three-inch square mesh gill nets may be used for taking rough fish only.

(D) It shall be unlawful to have in possession or aboard any boat or in any vehicle, any fish other than rough fish while fishing with or possessing a gill net.

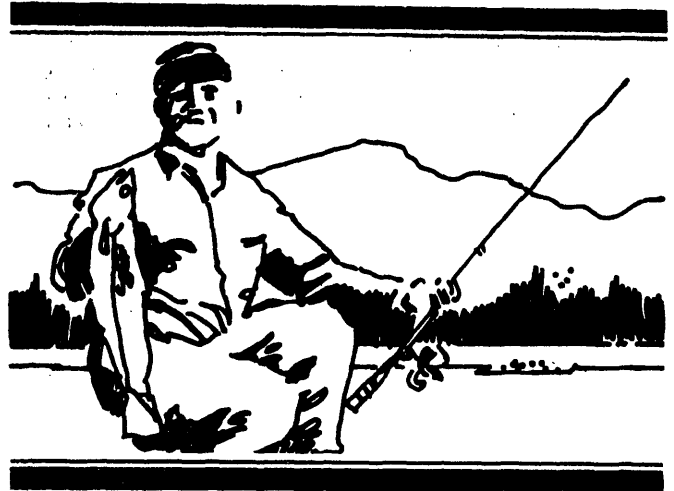
Issued in Austin, Texas, on April 11, 1978.

Doc. No. 782558

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: May 2, 1978

For further information, please call (512) 475-4875.



This section includes summarized opinions in cases on appeal from administrative decisions of local, state, and federal governments and agencies. The section contains opinions of the U.S. Supreme Court, U.S. Circuit Courts of Appeals, U.S. District Courts, the Texas Supreme Court, and Texas Courts of Civil Appeals. Selected opinions of particular importance dealing with other than administrative appeals may also be included here from time to time. State court opinions are cited in the *Texas Lawyers' Weekly Digest*. Opinions from federal courts are cited in *The United States Law Week*.

5th U.S. Circuit Court of Appeals

Rummel v. Estelle

The Texas habitual offender statute that requires the imposition of a life sentence on the conviction of a third felony violates the Eighth Amendment when applied to a defendant whose three felonies involved minor, nonviolent property crimes.

Rummel does not maintain that Article 63 of the Texas Penal Code as written violates the Eighth Amendment, but that Texas could not apply its inflexible life imprisonment stricture of Article 63 to him because it abridged his protection against cruel and unusual punishment. While the Supreme Court has yet to hold a sentence cruel and unusual for length alone, its reasoning never has suggested that a disproportionately long prison sentence would be immune from the Eighth Amendment challenge.

In considering the constitutionality of Rummel's sentence, the court looks first to the nature of the crimes for which he was convicted. None of Rummel's offenses present exacerbating factors justifying a severe penalty. Considered in combination, Rummel's crimes, although felonies under Texas law, lack those indicia of depravity generally associated with felonies and the heinousness of the offenses for which life imprisonment is a common punishment. They were substantially separated in time. None involved violence or the potential of violence. Each was solely a property crime and the amounts taken were not substantial.

Second, the court considers the legislative objective in making the conduct a punishable offense. Here the inquiry seeks to determine whether a significantly less severe punishment could achieve the purposes for which the challenged punishment is inflicted. Article 63 indiscriminately punishes such a broad range of offenses with a mandatory life sentence that the court can discern no clear legislative judgment that Texas could achieve its penological objectives only by imposing a life sentence on one such as Rummel.

A comparison of Rummel's sentence with the punishment accorded other crimes under Texas law further highlights the irrational severity of the life sentence mandated by Article 63. Apart from its habitual criminal statute, Texas imposes a mandatory life sentence (or death) only for the crime of capital murder. The trial court could have imposed a sentence for as little as five years if Rummel had committed a single first-degree felony, such as murder, aggravated rape, or arson.

Compared with those statutory punishments for violent felonies for which Texas does not bind the trial court's hands in granting lenience, the punishment indiscriminately imposed on Rummel is too harsh. In combination, Rummel's deceitful acts deprived his victims of approximately \$230. The record suggests that no harmful consequences beyond the loss of the money itself flowed from his offenses. Intervening action by the Texas legislature underscores the relatively trivial nature of Rummel's third offense, because Texas law now treats a first offense of theft by false pretext only as a misdemeanor.

The State of Texas now stands virtually alone in its unqualified demand for life imprisonment for a three-time felon even where his convictions were for minor property crimes involving neither violence nor a remote possibility of violence.

The court overturns this nondiscretionary judicial action in applying an inflexible legislative edict because it can be objectively demonstrated to be grossly disproportionate to any rational penological objective to be served in this particular case. (46 USLW 2505)

Filed: March 6, 1978, New Orleans
Doc. No. 3C29

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 Alcoholic Beverage Commission

Monday, April 24, 1978, 10 a.m. The Texas Alcoholic Beverage Commission will meet in Room 210, Jefferson Building, 1600 West 38th Street, Austin, to hear the administrator's report of each division; to approve affidavit of destruction of tested alcoholic beverages; and to approve the destruction of old records stored in the Beaumont district office, summarized in the agenda.

Additional information may be obtained from W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, telephone (512) 475-3611.

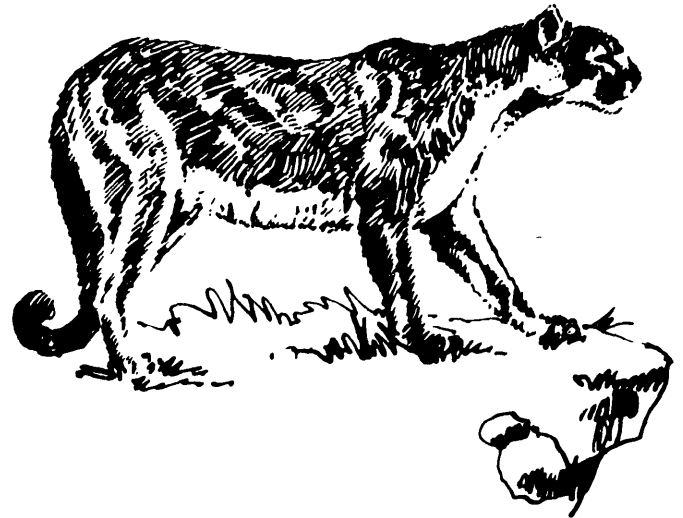
Filed: April 11, 1978, 11:10 a.m.
Doc. No. 782545

Texas Animal Health Commission

Thursday, April 27, 1978, 9 a.m. The Texas Animal Health Commission will meet in Room 100-B, John H. Reagan Building, Austin. As summarized, the commission will discuss contagious equine metritis (CEM) and VEE; review VEE Proclamation 390 and pseudorabies (PRV) Proclamations 422 and 424; review VEE Proclamation 424—rabies, exotic animals, and exhibition poultry or any other changes that may need to be made; a discussion of the possibility of charging some sale barn vats and some feedlot vats at state expense for tick surveillance; and a review of the calfhood vaccination program.

Additional information may be obtained from Dr. H. Q. Sibley, 1020 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-4111.

Filed: April 12, 1978, 11:53 a.m.
Doc. No. 782591



Texas Coastal and Marine Council

Friday, April 21, 1978, 9 a.m. The Texas Coastal and Marine Council will meet in executive session at the Host Hotel Intercontinental Airport to consider personnel matters.

Additional information may be obtained from Howard T. Lee, P.O. Box 13407, Austin, Texas 78711, telephone (512) 475-4578.

Filed: April 11, 1978, 3:27 p.m.
Doc. No. 782559

Friday, April 21, 1978, 9:45 a.m. The Texas Coastal and Marine Council will meet at the Host Hotel, Houston Intercontinental Airport, to consider the status of report on study resolutions and to discuss the work program and the executive session.

Additional information may be obtained from Howard T. Lee, P.O. Box 13407, Austin, Texas 78711, telephone (512) 475-4578.

Filed: April 11, 1978, 3:27 p.m.
Doc. No. 782560

Coordinating Board, Texas College and University System

Tuesday, April 25, 1978, 10 a.m. The Administrative Council of the Coordinating Board, Texas College and University System, will meet in Suite 202, Park Lane East, 55 North Interstate 35, Austin. The council will review and determine

the definition of "retired employee" and "employee" as they relate to the act; report on various aspects relating to the act; discuss claim procedures; and review Advisory Committee action taken at the March 30 meeting.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: April 11, 1978, 11:11 a.m.
Doc. No. 782546

Friday, April 28, 1978, 1 p.m. The Research Group of the Advisory Committee of the Coordinating Board, Texas College and University System, will meet in Conference Room 4, third floor, Davis Hall, University of Texas at Arlington, Arlington, to formulate recommendations for the ideal (model of) internal set of practices and procedures for institutions of higher education with regard to each individual school.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: April 12, 1978, 9:35 a.m.
Doc. No. 782576

Saturday, May 13, 1978, 2 p.m. The Family Practice Residency Advisory Committee of the Coordinating Board, Texas College and University System, will meet in Room 356, St. Anthony Hotel, San Antonio, to consider recommendations from the subcommittee for guidelines for funding of family practice residency programs.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: April 11, 1978, 11:12 a.m.
Doc. No. 782547

Saturday, June 24, 1978, 10 a.m. The Family Practice Residency Advisory Committee of the Coordinating Board, Texas College and University System, will meet in Room 445, Marina Hotel, Dallas/Forth Worth International Airport, to review applications for funding of family practice residency programs and to make recommendations to the Coordinating Board.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: April 11, 1978, 11:13 a.m.
Doc. No. 782548

Joint Advisory Committee on Educational Services to the Deaf

Friday, April 21, 1978, 1 p.m., and Saturday, April 22, 9 a.m. The Subcommittee on Educational Programs of the Joint Advisory Committee on Educational Services to the Deaf will meet in the Senate Chamber, second floor, State Capitol, Austin. The subcommittee will conduct public hearings regarding: administration of state-supported educational programs for the deaf; relationship of state-supported programs to educational needs of the deaf; effectiveness and operation of existing programs and curricula; coordination of public and private educational programs for the deaf; and qualifications of personnel in educational programs for the deaf. (Written testimony will be accepted in addition to, or in place of, oral testimony; and a comprehensive skills certified interpreter will be in attendance.)

Additional information may be obtained from Cis Myers, Room G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-3106.

Filed: April 11, 1978, 10:05 a.m.
Doc. No. 782542

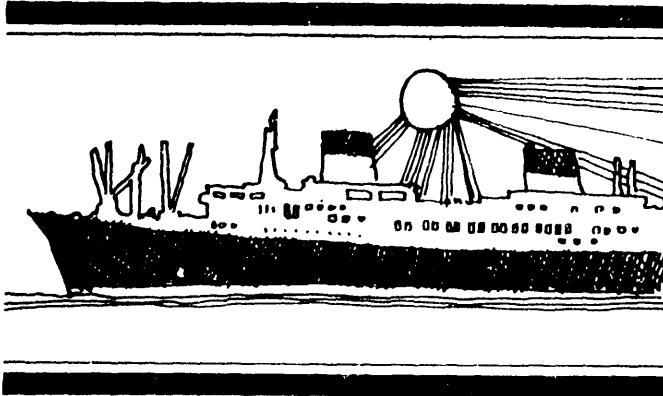


Texas Deepwater Port Authority

Friday, April 14, 1978, 9:30 a.m. The Board of Commissioners of the Texas Deepwater Port Authority made an emergency addition to the agenda of a meeting held at 202 Route 332 West, Clute, to include consideration of personnel matters in closed session.

Additional information may be obtained from David E. Brown, Room 801, 807 Brazos Street, Austin, Texas 78701, telephone (512) 475-6041.

Filed: April 12, 1978, 3 p.m.
Doc. No. 782602



Texas State Board of Dental Examiners

Friday and Saturday, May 5-6, 1978, 9 a.m. The Texas State Board of Dental Examiners will meet in the board meeting room, White Hall Hotel, Houston, to conduct scheduled disciplinary hearings; to consider the adoption of or amendments to the rules pertaining to dentists and others under the board's jurisdiction; and to conduct regular board business.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2443.

Filed: April 11, 1978, 1:48 p.m.
Doc. No. 782557

Texas Election Code Revision Commission

Friday and Saturday, April 21, 1978, 9 a.m., and April 22, 1978, 8:30 a.m. The Texas Election Code Revision Commission will meet in Room 220, State Capitol, Austin, to consider action on suggested changes to be made in existing code provisions for inclusion in the revised code and on reports from special study committees of the commission.

Additional information may be obtained from Mary K. Wall, P.O. Box 12128, Austin, Texas 78711, telephone (512) 475-2736.

Filed: April 11, 1978, 9:23 a.m.
Doc. No. 782540

Friday, April 21, 1978, 4:30 p.m. The Special Study Committee on Branch Offices for Absentee Voting of the Texas Election Code Revision Commission will meet at 4:30 p.m. or immediately following the afternoon recess of the commission, whichever is later, in Room 220, State Capitol, Austin. The committee will adopt a report on action taken at the meeting held on March 4, 1978.

Additional information may be obtained from Mary K. Wall, P.O. Box 12128, Austin, Texas 78711, telephone (512) 475-2736.

Filed: April 10, 1978, 11:31 a.m.
Doc. No. 782539

Firemen's Training School Advisory Board

Friday, April 21, 1978, 9:30 a.m. The Firemen's Training School Advisory Board of the Fire Protection Training Division of the Texas Engineering Extension Service, Texas A&M University System, has rescheduled a meeting to be held in the Office of the Vice President for Engineering, Zachry Engineering Center, Texas A&M University campus, College Station. The meeting was originally scheduled for 2 p.m. on April 21.

In this semi-annual meeting, the board will review proposed program content for the annual municipal, industrial, and Spanish-speaking fire schools to be conducted at Texas A&M University on the following dates: July 23-28; July 30-August 4; and August 6-11, 1978. (Meeting advisory only—no rulemaking authority.)

Additional information may be obtained from Henry D. Smith, Texas Engineering Extension Service, Texas A&M University, College Station, Texas 77843, telephone (713) 845-2122.

Filed: April 13, 1978, 9:53 a.m.
Doc. No. 782617

Good Neighbor Commission

Wednesday, April 26, 1978, 9 a.m. The Good Neighbor Commission will meet in the Benjamin Franklin Library, U. S. Embassy, Mexico D.F., Mexico. As summarized, the agenda for this second quarterly meeting will include: report on budgetary matters; update on commission activities; progress report on hearing before Sunset Law Advisory Commission; and round table discussion by commissioners.

Additional information may be obtained from Eddie Aurispa, P.O. Box 12007, Room 507, Sam Houston Building, Austin, Texas 78711, telephone (512) 475-3581.

Filed: April 12, 1978, 3:12 p.m.
Doc. No. 782603



Texas Department of Health

Public Hearings in April and May. The Water Hygiene Division of the Texas Department of Health will conduct public hearings regarding proposed rules and regulations for public water systems (301.83.12.001-.011) as follows:

Monday, April 24, 1978, 10 a.m.

Houston-Galveston Area Council Building, 3701 Alabama, Houston

Wednesday, May 3, 1978, 10 a.m.

City Council Chambers, New City Hall, 318 West Main, Grand Prairie

Tuesday, May 9, 1978, 10 a.m.

Texas Department of Health auditorium, 1100 West 49th Street, Austin

Additional information may be obtained from C. K. Foster, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7533.

Filed: April 12, 1978, 9:36 a.m.
Doc. No. 782577

Thursday, April 27, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Home Help Care, Inc., Lubbock—certificate of need

Visiting Nurse Association of Lubbock, Inc., Lubbock—certificate of need

Shelby County Home Health-Home Care, Inc., Center—certificate of need

Rest Haven Nursing Home, Athens—certificate of need

The Good Shepherd Hospital, Longview—certificate of need

Providence Memorial Hospital, El Paso—certificate of need

Longview Regional Hospital, Longview—certificate of need

Mother Frances Hospital, Tyler—certificate of need

University Hospital, Lubbock—exemption certificate

Waller County Hospital Foundation, Clifton—declaratory ruling

La Mancha II, Irving—declaratory ruling

Texas Children's Hospital, Houston—exemption certificate

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: April 12, 1978, 11:35 a.m.
Doc. No. 782589

Friday, April 28, 1978, 1 p.m. The Texas Statewide Health Coordinating Council of the Texas Department of Health will meet in Room 3-120, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. The summarized agenda includes: committee reports, regarding monitoring and assessment, state medical facilities plan review, state health plan review, annual implementation plans review, application, budget, and project review; Texas Health Facilities Commission discussion of items of interest to the council; preliminary state health plan update; state medical facilities plan update; project development by State Health Planning and Development Agency (SHPDA); Center for Health Planning, Southwest Center of Urban Research (SCUR), discussion of State Health Coordinating Council relationship to other state agencies.

Additional information may be obtained from George R. Anderson, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7261.

Filed: April 12, 1978, 3:38 p.m.
Doc. No. 782605

Saturday, April 29, 1978, 9:30 a.m. The Texas Medical Disclosure Panel 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:

review of brief on procedure; complete surgical subspecialty procedures; review of society meeting; consideration of procedures, needle biopsy (marrow, lung, liver, kidney, breast), transfusions, EKG (treadmill stress), cardiac pacemaker insertion, cardioversion (non-emergency), and drawing blood samples.

Additional information may be obtained from E. P. Tottenham, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7528.

Filed: April 12, 1978, 3:38 p.m.
Doc. No. 782606

Texas Health Facilities Commission

Thursday, April 13, 1978, 10 a.m. The Texas Health Facilities Commission made an emergency addition to the agenda of a meeting held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. Due to the existence of an emergency and urgent public necessity, the commission considered the application for exemption certificate from St. John's Hospital, San Angelo (AH78-0303-001).

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: April 12, 1978, 11:35 a.m.
Doc. No. 782590

Thursday, April 20, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

- Jefferson Davis Hospital, Houston—certificate of need
- Home Health-Home Care, Inc., Center—certificate of need
- Westgate Hospital and Medical Center, Denton—exemption certificate
- Medical Arts Hospital, Dallas—exemption certificate
- Sid Peterson Memorial Hospital, Kerrville—exemption certificate
- St. Joseph's Hospital, Inc., Paris—exemption certificate
- Goodall-Witcher Hospital Foundation, Inc., Clifton—exemption certificate
- Willacy County Hospital, Raymondville—two exemption certificates
- The Recovery Center, Inc., Houston—exemption certificate
- C. Douglas Henderson, M.D., Dallas—declaratory ruling
- St. Luke's Episcopal Hospital, Houston—exemption certificate
- Denton State School, Denton—exemption certificate
- The McKenna Memorial Hospital, Inc., New Braunfels—exemption certificate

Medical Center Hospital, Tyler—exemption certificate
Wadley Hospital, Texarkana—exemption certificate
Navarro County Memorial Hospital, Corsicana—exemption certificate

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: April 12, 1978, 11:35 a.m.
Doc. No. 782588



Texas Historical Commission

Thursday, April 20, 1978, 1:30 p.m. The Texas Board of Review of the Texas Historical Commission will meet at Gethsemane Church, 1510 Congress Avenue, Austin, to consider the West End District, Dallas; B. J. Covington House, Houston; Collin-McKinney Cabin, McKinney; Saenger Theatre, Texarkana; Macatee Building, Houston; J. W. Knox House, Jacksboro; Southern-Pacific Railroad Depot, Brownsville; Scott-Majors House, Colorado City; Dairy Barn, Texas Tech, Lubbock; Mouzon House, Dallas; James Turner House, Marshall; Dossett House, Waco; First Presbyterian Church, Galveston; University Avenue-Elm Street Historic District, Georgetown; Dallas Hall, SMU, Dallas; Westhill, Austin; T&P Passenger Terminal and Office Building Complex, Fort Worth; Sweeney-Royston House, Galveston; and 23 other sites throughout the state.

Additional information may be obtained from Joe Williams, 1511 Colorado, Austin, Texas 78701, telephone (512) 475-3094.

Filed: April 11, 1978; 4:58 p.m.
Doc. No. 782575

State Board of Insurance

Tuesday, April 18, 1978, 2 p.m. The State Board of Insurance will meet in emergency session in Room 408, 1110 San Jacinto, Austin, to discuss the gas leak in Huntington, Texas.

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

Filed: April 11, 1978, 4:24 p.m.
Doc. No. 782574

Thursday, April 20, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider an application by Capitol County Mutual Fire Insurance Company for approval of a transaction with an affiliate, pursuant to Article 21.49-1, Section 4(d) of the Texas Insurance Code. This meeting was originally scheduled from April 3, 1978.

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

Filed: April 10, 1978, 4:39 p.m.
Doc. No. 782534

Tuesday, April 25, 1978, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider an application by Northwestern National Life Insurance Company, Minneapolis, to sell life insurance under Group Life Policy G-3047, Certificate G-3037, Application AGIP 23546-1, One-Case Filing-Trustees of the Alumni Group Insurance Plan Trust, pursuant to Texas Insurance Code, Article 3.50, Section 1(6)(9).

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

Filed: April 10, 1978, 4:39 p.m.
Doc No 782535

Wednesday, April 26, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to discuss an appeal of Texas Hospital Insurance Exchange.

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

Filed: April 11, 1978, 11:23 a.m.
Doc. No. 782552

Thursday, April 27, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to meet with Iowa Beef Processors, Inc., and Texas Employers Insurance Association concerning Texas Workers' Compensation Experience Modification Factor.

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

Filed: April 11, 1978, 11:21 a.m.
Doc. No. 782550

Monday, May 1, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, for a stock purchase hearing pursuant to Texas Insurance Code Annotated, Article 3.05(b), by States General Life Insurance Company, Dallas.

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

Filed: April 10, 1978, 4:39 p.m.
Doc. No. 782536

Tuesday, May 2, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider amendments to rules and regulations regarding insurance trade practices, advertising, and solicitation.

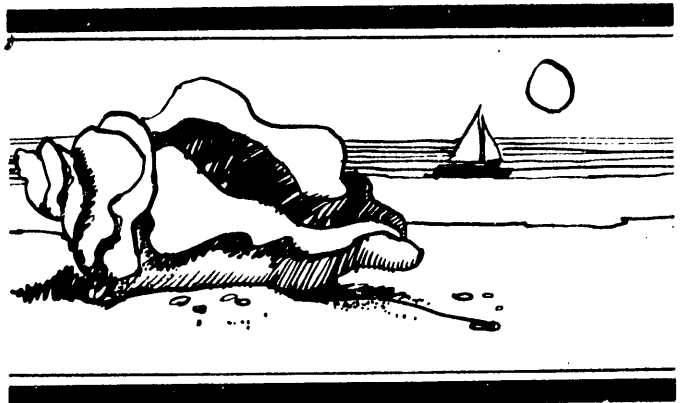
Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: April 11, 1978, 11:22 a.m.
Doc. No. 782551

Tuesday, May 2, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider an application for Clarksville Life Insurance Company of Texas, Clarksville, for an original charter, pursuant to Texas Insurance Code Annotated, Article 22.03.

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

Filed: April 10, 1978, 4:39 p.m.
Doc. No. 782538



Merit System Council

Wednesday, April 26, 1978, 8:30 a.m. The Merit System Council will meet in Room 507, Brown Building, Austin, to conduct an appeals hearing.

Additional information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, telephone (512) 477-9665.

Filed: April 11, 1978, 11:08 a.m.
Doc. No. 782544

State Board of Morticians

Wednesday, April 12, 1978, 9 a.m. The State Board of Morticians makes an emergency addition to the agenda of its meeting held at 1513 South Interstate 35, Austin, to include consideration of a request from David H. Girdner concerning his embalmers apprenticeship; and appearances by Robert Kite and Austin Winter regarding examination given by the National Conference of Funeral Service.

Additional information may be obtained from James W. McCammon, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: April 11, 1978, 1:43 p.m.
Doc. No. 782556

Board of Pardons and Paroles

Monday through Friday, April 24-28, 1978, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. As summarized, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: April 11, 1978, 11:15 a.m.
Doc. No. 782549

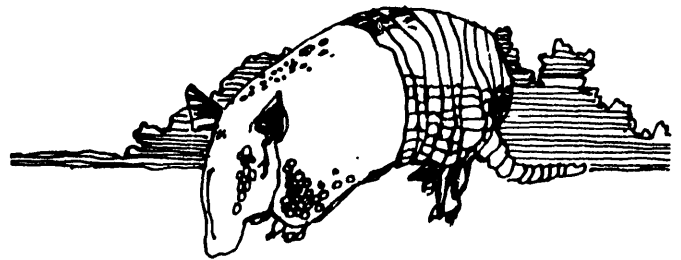
Texas Parks and Wildlife Department

Monday, April 24, 1978, 10 a.m. The Parks and Wildlife Commission will meet in Building B, 4200 Smith School Road, Austin, to consider the following items, as summarized: 1978-79 proposed hunting, fishing, and trapping regulations;

methodology on establishment of statewide outdoor recreational resource and state park system requirements; Buescher State Park's recreation hall condition; Lost Pines golf course green fees, Bastrop State Park; Caddoan Mounds State Historic Site development concept plan; Landmark Inn State Historic Site design development review; Fort Leaton State Historic Site bid review/funding adjustment; Balmorhea State Recreation Area proposed additional funding; additional proposed game warden academy remodeling; and funding review.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed: April 13, 1978, 8:53 a.m.
Doc. No. 782615



Tuesday, April 25, 1978, 9 a.m. The Parks and Wildlife Commission will meet in Building B, 4200 Smith School Road, Austin, to consider the following items, as summarized: 1978-79 proposed hunting, fishing, and trapping regulations; Hueco Tanks State Historical Park development plan modification; Lighthouse Enterprise, Inc., concession contract renewal, Palo Duro State Park; employees' protective equipment; Rules 127.40.01.015-017 amendment and Rules .018 and .019 addition, *Texas Register*, Park Entrance/Park User Fees; Enchanted Rock Park site initial staffing/budget; Texas State Railroad State Historical Park construction permit request; oil/gas nomination request, Palmetto State Park; Landmark Inn State Historic Site construction document funding; local heritage conservation and recreation service projects; Fort Leaton State Historic Site bid review/funding adjustment; Dundee State Fish Hatchery development funding; Balmorhea State Recreation Area additional funding; closed Gulf shrimp season; fund request, appropriated by 65th Legislature; fiscal year 1978 operating budget adjustment, equipment; additional proposed game warden academy remodeling; budget policy; Lake Livingston State Park Site building construction contract dispute.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed: April 13, 1978, 8:53 a.m.
Doc. No. 782616

Public Utility Commission of Texas

Thursday, April 20, 1978, 9 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to sign final orders, hear oral argument, and rule on motions for rehearing, as summarized.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: April 12, 1978, 3:56 p.m.
Doc. No. 782608

Tuesday, April 25, 1978, 9 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on the application of Eddy Water Supply for a rate increase in McLennan County and appeal of Eddy Water Supply from the denial of a rate increase by the City of Bruceville-Eddy (Docket No. 1676), as summarized.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: April 12, 1978, 3:38 p.m.
Doc. No. 782604

Wednesday, May 3, 1978, 1:30 p.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a pre-hearing conference on the application of Burke Water Supply Corporation for a certificate of convenience and necessity to provide water utility service within Angelina County (Docket No. 1641), as summarized.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

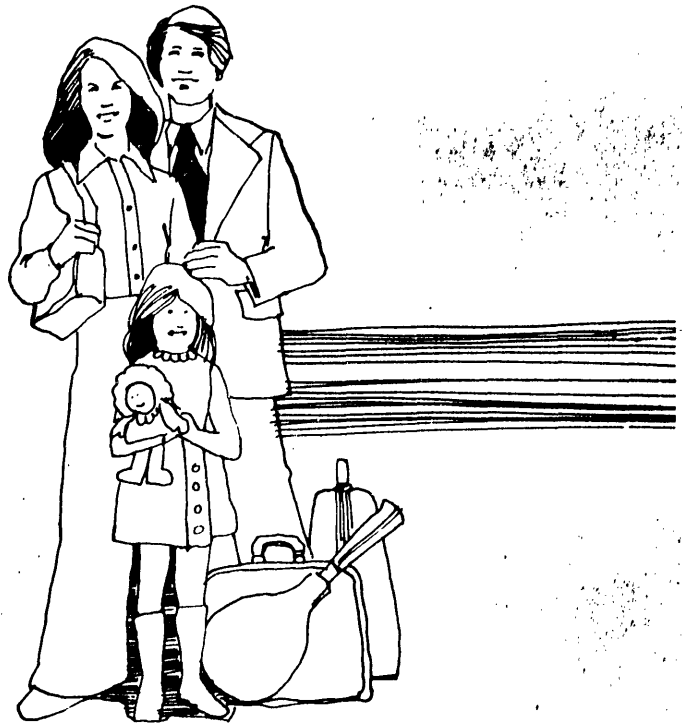
Filed: April 12, 1978, 3:56 p.m.
Doc. No. 782609

Texas Real Estate Commission

Monday, April 17, 1978, 10 a.m. The Texas Real Estate Commission met in emergency session to consider the financial statements for February and March; to hear the Recovery Fund Investment Report through March; to hear enforcement reports for February and March; to consider application processing reports from November, 1977, through March, 1978; and to consider broker-lawyer joint committee work, a petition for public hearing on proposed rules, and education and school matters.

Additional information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, telephone (512) 475-4250.

Filed: April 10, 1978, 10:28 a.m.
Doc. No. 782531



School Land Board

Tuesday, April 18, 1978, 10 a.m. The School Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: eighth pooling agreement applications; two excess acreage applications; coastal public lands; one transfer request; one alteration request; and 37 renewals.

Additional information may be obtained from H. E. White, Room 749, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-6491.

Filed: April 10, 1978, 4:27 p.m.
Doc. No. 782533

Tuesday, April 18, 1978, 10 a.m. The School Land Board made an emergency addition to the agenda of its meeting in Room 831, 1700 North Congress, Austin, to include consideration of the state taking its royalty gas in kind from state leases M-76553 and M-76554; the marketing of the state's royalty gas to an intrastate purchaser; and an amendment to the gas unitization agreement involving these leases. The need of state's royalty gas for intrastate market and the necessity for the beginning of construction of an intrastate pipeline to the state's well prompted this addition.

Additional information may be obtained from H. E. White, Room 749, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed: April 11, 1978, 1:39 p.m.
Doc. No. 782555

State Securities Board

Tuesday, April 18, 1978, 10 a.m. The State Securities Board will meet in Room 704, Lyndon B. Johnson Building, 111 East 17th Street, Austin. As summarized, the board will consider proposals for administrative rules concerning registration exemptions for municipal-sponsored revenue bonds and parent-subsidiary transactions, and revision of securities registration fairness and filing requirements and dealer registration definitions and fairness standards. The board will also discuss the status of other administrative and legislative proposals and act upon requests to waive dealer exam requirements.

Additional information may be obtained from Frank Arnold, 709 LBJ Building, Austin, Texas 78701, telephone (512) 475-4561.

Filed: April 10, 1978, 3:44 p.m.
Doc. No. 782497

Sunset Advisory Commission

Thursday and Friday, April 20-21, 1978, 9 a.m. The Sunset Advisory Commission will meet in Room 301, State Capitol, Austin, to hear staff reports; to take public testimony on the State Board of Morticians; and to adopt recommendations on agencies on which public testimony has been taken.

Additional information may be obtained from Bill Wells, Room 704, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: April 10, 1978, 3:30 a.m.
Doc No 782496

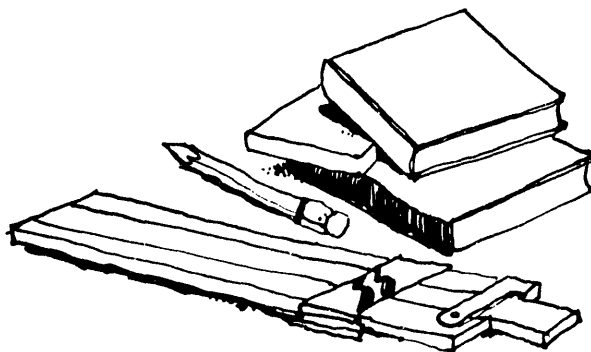
Tax Assessor Examiners Board

Wednesday, April 19, 1978, 9 a.m. The Tax Assessor Examiners Board will meet in the School Tax Assessment Practices Board Office, Suite 500, 3301 Northland Drive, Austin,

to consider the following items: process applications; approval of classifications; proposed final code of ethics; miscellaneous business; and personnel. in executive session.

Additional information may be obtained from Carl S. Smith, 301 San Jacinto, Houston, Texas 77002, telephone (713) 221-5288.

Filed: April 10, 1978, 1:14 p.m.
Doc No. 782530



State Textbook Committee

Friday, April 14, 1978, 8:30 a.m. The State Textbook Committee met in emergency session in the board room, 150 East Riverside Drive, Austin, to elect officers and conduct orientation of committee members.

Additional information may be obtained from J. Henry Perry, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-4676.

Filed: April 12, 1978, 10:44 a.m.
Doc. No. 782582

Texas Turnpike Authority

Thursday, April 27, 1978, 10:30 a.m. The Board of Directors of the Texas Turnpike Authority will meet in the Texas Room, Baker Hotel, 1400 Commerce Street, Dallas. As summarized, the agenda will include consideration of the following items: Dallas City Council resolution regarding north and northeast travel corridors; regarding Mountain Creek Lake Bridge project, construction progress report and approval of contract for construction of toll plaza and administration building and proposal for radio communication repair and maintenance; progress report, appointment of trustee, and approval of right-of-way options, regarding proposed Houston Ship Channel Bridge project; and litigation and personnel matters (in executive session).

Additional information may be obtained from Harry Kabler, P.O. Box 5547, Arlington, Texas 76011, telephone (817) 261-3151.

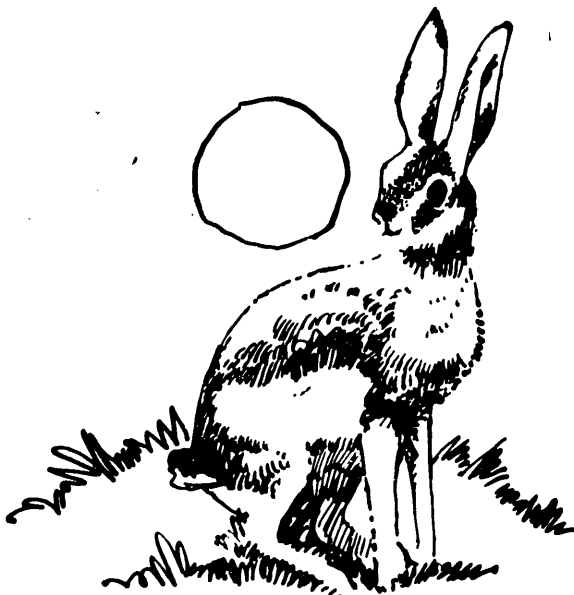
Filed: April 13, 1978, 8:17 a.m.
Doc. No. 782611

Veterans Land Board

Monday, April 24, 1978, 1:30 a.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the board will: receive and open bids for the sale of board bonds and award the sale of bonds and adoption of bond resolution; authorize the issuance of the bonds and authorize execution and delivery of official information statement; receive and open bids for paying agents on board bonds and selection of paying agents; hear report of executive secretary; and consider extension requests and other matters.

Additional information may be obtained from Richard Keahey, Room 738, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3766.

Filed: April 12, 1978, 4:28 p.m.
Doc. No. 782610



Texas Water Commission

Monday, April 24, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following matters, as summarized: district bond approvals; amendment to bond issue; interpretation or waiver of department Rule 156.06.30.006; petition for appointment of district directors; examiner's proposal for decision on water quality matters; amendment to water quality permits; voluntary cancellation of water quality permit; applications for amendments to water rights permits; cancellation of permits; application for contractual permit and regular permit; cancellation of Section 11.303 claim; and amendments to certificates of adjudication.

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

Filed: April 12, 1978, 3:56 p.m.
Doc. No. 782607

Friday, May 5, 1978, 9 a.m. The Texas Water Commission will conduct a hearing in the auditorium of the Houston Health Department, 1115 North MacGregor, Houston, to consider an application of Cape Lago, Inc., Houston, for a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent to 1,000 people.

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

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782565

Tuesday, May 9, 1978, 9 a.m. The Texas Water Commission will conduct a hearing in Room 100-B, John H. Reagan Building, Austin, to consider an application of Spicewood Development Corp., Austin, for an amendment to Permit No. 11363 to accommodate construction of additional plant capacity.

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

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782563

Tuesday, May 9, 1978, 9 a.m. The Texas Water Commission will conduct a hearing in Room 100-B, John H. Reagan Building, Austin, to consider an application of Blockhouse Development Corp., Austin, for a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent to 2,000 people.

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

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782564

Tuesday, May 9, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding petition to organize Carpenters Bayou Municipal Utility District, which is located wholly within Harris County, and will contain approximately 503.692 acres of land, as summarized in the agenda.

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

Filed: April 13, 1978, 10:48 a.m.
Doc. No. 782622

Thursday, May 11, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Stillman Town Hall, Fort Brown Memorial Center, Brownsville, to consider an application by Rancho Refining Company of Texas, Donna, for a permit to allow for a discharge of industrial wastewater effluent not to exceed an average flow of 10,000 gallons per day.

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

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782569

Thursday, May 11, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Stillman Town Hall, Fort Brown Memorial Center, Brownsville, to consider an application by Raymond Bagwell, Edinburg, for a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve 150 people.

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

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782570

Thursday, May 11, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Stillman Town Hall, Fort Brown Memorial Center, Brownsville, to consider an amendment to Permit No. 11803 by Brownsville Public Utility Board to accommodate construction of additional facilities, as summarized in the agenda.

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

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782571



Thursday, May 11, 1978, 11 a.m. The Texas Water Commission will conduct a hearing in Room 216, 301 South Polk, Amarillo, to consider an application by W. A. Estes, Hereford, to allow for disposal of process generated wastewater from the dairy farm in Deaf Smith County.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1339.

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782561

Thursday, May 11, 1978, 11 a.m. The Texas Water Commission will conduct a hearing in Room 216, 301 South Polk, Amarillo, to consider an application by Pacific Adhesives Company, Hillsboro, Oregon, for a permit to allow for discharge not to exceed an average flow of 3,000 gallons per day of industrial wastewater effluent from the dried blood manufacturing plant.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1339.

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782562

Thursday, May 11, 1978, 11 a.m. The Texas Water Commission will conduct a hearing in Room 216, 301 South Polk, Amarillo, to consider a request for an amendment to Permit No. 01990 by Southwestern Public Service Company, Amarillo, to accommodate the addition of a new power generation unit.

Additional information may be obtained from Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1339.

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782566

Friday, May 12, 1978, 10 a.m. The Texas Water Commission will meet in the Council Chamber, City Hall, 302 South Shoreline, Corpus Christi, to conduct a hearing regarding Saber Refining Company, Houston. As summarized, the applicant seeks an amendment to Permit No. 01909 to accommodate production expansion and construction of wastewater treatment facilities.

Additional information may be obtained from David Hume, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1418.

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782567

Friday, May 12, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 302 South Shoreline, Corpus Christi, to consider an application by Terry J. Cox, doing business as Ocean Reef, Inc., Fulton, for a permit to allow for a discharge not to exceed an average flow of 13,500 gallons per month of shrimp process wastewater.

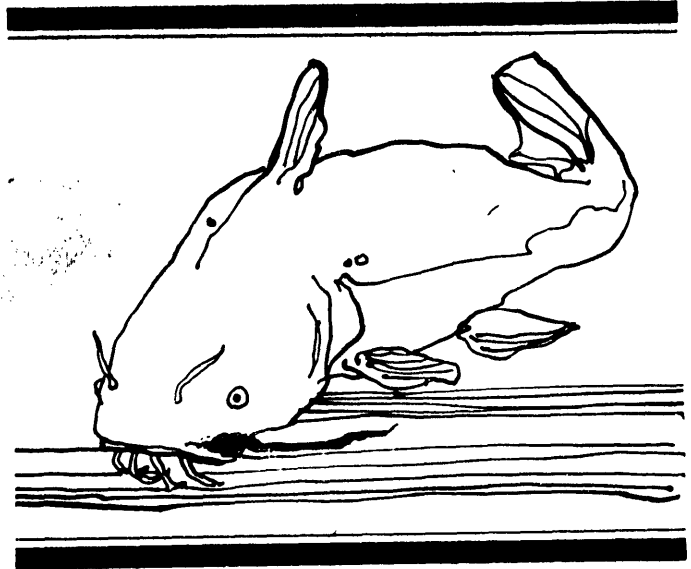
Additional information may be obtained from David Hume, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782568

Friday, May 26, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding amendment to Permit No. 2031, as amended, of Palo Pinto Municipal Water District No. 1, as summarized in the agenda. (The authorization for the diversion dam and reservoir on Palo Pinto Creek was inadvertently omitted.)

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

Filed: April 11, 1978, 4:11 p.m.
Doc. No. 782672



Texas Water Development Board

Tuesday, April 18, 1978, 9 a.m. The Texas Water Development Board will meet in the Barcelona Room, Villa Inn Motel, 3618 Interstate 40 East, Amarillo. The summarized agenda include consideration of: DFM report; amendment of Rule 156.09.65.006; transfer agreements of storage interests in Lake Bob Sandlin to Titus County F.W.S.D. No. 1 and in Lake Conroe to San Jacinto River Authority; water quality loan and Step 3 grant increase to Bell County W.C.I.D. No. 1; adoption of rule regarding private sewage facility regulations, Lake Limestone; authorization of executive director to execute a master agreement with EPA regarding delegating construction grants program and to accept EPA grant regarding assessment of ground water pollution, extending funding line relating to construction grants; and approval of 208 basic data reports for the Colorado, Nueces, Rio Grande, and Sulphur Basins.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed: April 10, 1978, 3:49 p.m.
Doc. No. 782498

Texas Wheat Producers Board

Tuesday, May 2, 1978, 1 p.m., and Wednesday, May 3, 8 a.m. The Texas Wheat Producers Board will meet at the Hilton Inn, Interstate Highway 40, Amarillo. The board will adopt 1978-79 budget; set assessment for 1978 crop; and set direction for research, market development, and education programs.

Additional information may be obtained from D. G. Nelson, 600 Bank of the Southwest, Amarillo, Texas 79109, telephone (806) 352-2191.

Filed: April 12, 1978, 10:12 a.m.
Doc. No. 782580



Regional Agencies

Meetings Filed April 10, 1978

The Education Service Center, Region XVII, Board of Directors, will meet in Room S-107, Lubbock Memorial Civic Center, Lubbock, on May 3, 1978, at 1 p.m. Further information may be obtained from Ray Lanier, 700 Texas Commerce Bank Building, Lubbock, Texas, telephone (806) 763-4127.

The Lubbock Regional MH/MR Center, Human Development Center, met at 1210 Texas Avenue, Lubbock, on April 11, 1978, at 4:30 p.m. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

The Nortex Regional Planning Commission, Executive Committee, will meet at McBride Land and Cattle Company, 501 Scott Street, Wichita Falls, on April 20, 1978, at noon. Further information may be obtained from Edwin B. Daniel, 2101 Kemp, Wichita Falls, Texas 76309, telephone (817) 322-5281.

The North Texas Municipal Water District, Board of Directors, will meet in the administrative offices, NTMWD Central Plant, Highway 78 Est, Wylie, on April 27, 1978, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217, extension 26.5
The Pecan Valley Mental Health/Mental Retardation Region, Board of Trustees, will meet at the First United Methodist Church, 201 East Pearl Street, Granbury, on April 20, 1978, at 7:30 p.m. Further information may be obtained from Theresa B. Mulloy, Ed.D., P.O. Box 973, Stephenville, Texas 76401, telephone (817) 968-8141.

The Sabine Valley Regional MH/MR Center, Board of Trustees, will meet at 731-A South Green, Longview, on April 20, 1978, at 7:30 p.m. Further information may be obtained from Frances H. Willis, P.O. Box 1128, Longview, Texas 75601, telephone (214) 758-8243.

Doc. No. 782532

Meetings Filed April 11, 1978

The Brazos River Authority, Board of Directors, met at 4400 Cobbs Drive, Waco, on April 17, 1978, at 9 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on April 20, 1978, at 10:30 a.m. Further information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, telephone (817) 939-1801.

The Houston Metropolitan Transit Authority, Board of Directors, met at 900 Brazos, Houston, on April 13, 1978, at 7:30 p.m. Further information may be obtained from Marilee M. Wood, P.O. Box 1562, Houston, Texas 77001, telephone (713) 225-1151.

The Lower Neches Valley Authority, Board of Directors, met at 7850 Eastex Freeway, Beaumont, on April 18, 1978, at 10:30 a.m. Further information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704.

The Sabine River Authority of Texas, Board of Directors, will meet at the Republic National Bank, Dallas, on April 18, 1978, at 10 a.m. Further information may be obtained from John W. Simmons, P.O. Box 579, Orange, Texas, telephone (713) 883-9334.

Doc. No. 782543

Meetings Filed April 12, 1978

The Austin-Travis County MH/MR Center, Personnel Committee, met at 1430 Collier, Austin, on April 12, 1978, at 3:30 p.m. Further information may be obtained from Dr. Larry J. Miller, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Central Texas MH/MR Center, Board of Trustees, will meet in the board room, 308 Lakeway Drive, Brownwood, on April 18, 1978, at 4:30 p.m. Further information may be obtained from James H. Dudley, P.O. Box 250, Brownwood, Texas 76801, telephone (915) 646-9574, extension 35 or 23.

The Coastal Bend Subarea Health Advisory Council, Nominating Committee, will meet at All Saints' Episcopal Church, 3026' South Staples, Corpus Christi, on April 19, 1978, at 1 p.m. Further information may be obtained from Douglas Wilkey, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Deep East Texas Regional MH/MR Services, Board of Trustees, will meet in the conference room, Day Treatment/Administration Facility, 4101 South Medford, Lufkin, on April 25, 1978, at 5 p.m. Further information may be obtained from Wayne Lawrence, 4101 South Medford, Lufkin, Texas 75901, telephone (713) 639-1141.

The Texas Municipal Power Agency, Board of Directors, met at 600 Arlington Downs Tower, Arlington, on April 13, 1978, at 9 a.m. Further information may be obtained from Paul R. Cunningham, 600 Arlington Downs Tower, Arlington, Texas, telephone (817) 461-4400.

The South Texas Health Systems Agency, Lower Rio Grande Valley Subarea Advisory Council, will meet at the Service Center, 1200 East 6th Street, Weslaco, on April 23, 1978, at 6:30 p.m. Further information may be obtained from E. M. Maese, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Trinity River Authority of Texas, Administration Committee, met in the Executive Conference Room, 2723 Avenue E East, Arlington, on April 17, 1978, at 1 p.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc. No. 782581

Meetings Filed April 13, 1978

The Alamo Area Council of Governments, Executive Committee, will meet at 532 Three Americas Building, San Antonio, on April 26, 1978, at 1:30 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas, telephone (512) 225-5201.

The Ark-Tex Council of Governments, Governmental Applications Review Committee, will meet in the City Council Chambers, City Hall, Mount Pleasant, on April 19, 1978, at 1:30 p.m. Further information may be obtained from Laura Jacobus, P.O. Box 5307, Texarkana, Texas 75501, telephone (501) 774-3481.

The Education Service Center, Region X, Board of Directors, will meet in the board room, 400 East Spring Valley, Richardson, on April 19, 1978, at 12:30 p.m. Further information may be obtained from H. W. Goodgion, 400 East Spring Valley, Richardson, Texas 75080, telephone (214) 231-6301.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on April 20, 1978, at 10 a.m. Further information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, telephone (512) 379-5822.

Doc. No 782618

Department of Banking Notice of Application

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.

On April 10, 1978, the banking commissioner received an application to acquire control of Bank of the Southwest, Amarillo, Texas, by Jack Fuqua, Dick Harris, Arley Barnett, Vance Reed, Norman Blankenship, Dick Barras, Mark Connell, Ted Connell, Hollis DeGrassi, W. W. Braden III, Joe Reed, Al Nail, Box Cox, Robert Byers, Eddie Baird, Bill Simpson, Stan Davis, Dr. Merrill Winsett, Bob Ferrin, Dean Cluck, and Monte Cluck, all of Amarillo.

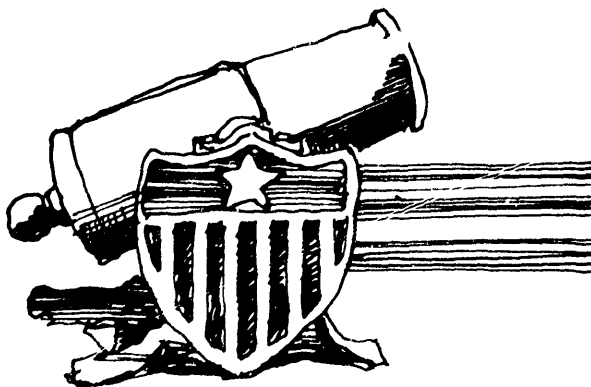
Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on April 10, 1978.

Doc. No. 782579 Robert E. Stewart
Banking Commissioner

Filed: April 12, 1978, 10:10 a.m.

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



Comptroller of Public Accounts

Administrative Decisions

Summary of Administrative Decision 7606

Summary of Decision: Insurance payments received on fire and casualty policies for the repair or replacement of damaged or destroyed property are not "receipts from business done in Texas" for franchise tax purposes, because the

payments do not represent sales, service, rental, royalty, or other business receipts.

For copies of recent opinions selected and summarized by the legal services division, contact Harriet Burke, legal services division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Issued in Austin, Texas, on April 12, 1978.

Doc. No. 782587 Harriet D. Burke
Hearings Section
Comptroller of Public Accounts

Filed: April 12, 1978, 11:10 a.m.

For further information, please call (512) 475-2148

Texas Education Agency State Textbook Committee

The State Board of Education appointed on April 8, 1978, 15 teachers and administrators from all areas of Texas to the 1978 State Textbook Committee.

Members of the committee are: Donald Roy Brown of Spring; Ethel Lee Calloway, Tyler; Jerry L. Surratt, Dallas; Lourene Cook, Houston; Nina Nelson, Anahuac; Leta Mae Tenkell, Temple; Radford Gregg, Jr., Fort Worth; Edith A. Smith, Amarillo; Joyce Elizabeth Williams, Harlingen; W. M. Holm, Odessa; Joe Clark Humphrey, Abilene; David Lee Hill, Lubbock; Paul Slocumb, Brazosport; Olivia E. Garcia, Laredo; and Frederica M. Braidfoot, Irving.

The committee, appointed for a one-year term, will make a detailed study throughout the summer of all materials being submitted by publishers for Texas adoption. They will be assisted by public school specialists in the different subject areas scheduled to receive new books and/or systems beginning September 1, 1979.

Copies of all materials submitted by the nation's publishers will be available for general public review at the state's 20 regional education service centers beginning on April 28 and continuing throughout the adoption process.

The State Textbook Committee and Dr. M. L. Brockette, commissioner of education, will conduct a joint public hearing on the suggested materials in Austin on August 16-18 and 21-22. State Textbook Committee members will meet September 11-13 in Austin to select the materials they will recommend to Brockette for adoption by the State Board of Education. Each book or teaching system on this preliminary list will then be examined in detail by Texas Education Agency curriculum specialists before the final recommendation is completed.

Dr. Brockette may remove one or more items from the committee's list of recommendations. However, he may not add any materials not approved by the State Textbook Committee. This list, minus any books deleted, will then be forwarded to the State Board of Education.

Members of the State Board of Education will hold a final public hearing in Austin November 9. They, too, may delete

but not add materials to the list. The board will adopt new materials at its regular November 11 meeting set for 8:30 a.m.

Total cost of the new materials is estimated at \$39.9 million. Text materials may be adopted for a maximum of six years.

Doc. No. 3IA12

Texas Commission on Law Enforcement Officer Standards and Education

Consultant Proposal Request

Feasibility of Psychological Assessment of Peace Officer Applicants

Description of Services Requested: The Texas Commission on Law Enforcement Officer Standards and Education invites firms to perform a feasibility study concerning the need for and acceptance of psychological testing of peace officer applicants in the State of Texas. The chosen firm will be called on to assess several issues related to the psychological testing of peace officer applicants in relation to its acceptance by local agencies, E.E.O.C., federal statutes governing employment standards, court decisions, and cost benefit aspects.

Contact: Firms wishing to offer their services in such capacity should contact Argel E. Roberts, coordinator, management services section, field services division, Texas Commission on Law Enforcement Officer Standards and Education, 1106 Clayton Lane, Suite 220-E, Twin Towers Office Building, Austin, Texas 78723, telephone (512) 459-1171.

Closing Date for Offers: May 15, 1978.

Evaluation Criteria for Awarding Contract: The bidder exhibiting the highest level of expertise, ability, and objectivity in their proposed approach to attain the goals of this project in the most cost-effective manner will be awarded the bid. Bidders should be prepared to make oral presentation of their proposals to staff members of the Texas Commission on Law Enforcement Officer Standards and Education.

Issued in Austin, Texas, on April 7, 1978.

Doc. No. 782515 Fred Toler
Executive Director
Texas Commission on Law
Enforcement Officer Standards
and Education

Filed: April 7, 1978, 3:09 p.m.

For further information, please call (512) 459-1171.

Texas Register

Correction of Error

A notice of cancellation for an emergency meeting of the *Texas State Board of Pharmacy* appeared in the April 11,

1978, issue of the *Register* (3 TexReg 1383). This meeting was held but the meeting scheduled for April 8-9, 1978 (3 TexReg 1156) was cancelled. The cancellation notice should have reflected this.

Texas Rehabilitation Commission

New Head Appointed

W. K. Harvey, Jr., assumed duties on April 10, 1978, as head of the Texas Rehabilitation Commission. Harvey succeeds Jess M. Irwin, Jr., who retired and is now director of the Texas Public Employees Association.

Mr. Harvey began his employment with the state in September, 1945, when he began working for the vocational rehabilitation division of the State Board of Education. He worked for the division in Houston as a counselor, supervisor, and regional director until the Texas Rehabilitation Commission was created on September 1, 1969, as a separate agency for the rehabilitation program. Since 1969 he had been serving as a senior deputy commissioner.

The commission serves the handicapped through 200 district offices and 2,300 employees. It handles approximately 65,000 active cases going through the rehabilitation process, operating with a budget of \$74 million a year. Approximately 150,000 adjudications for cash disability benefit claims under the Social Security Administration program are made yearly through the agency.

Doc No 3IA11

Texas Department of Water Resources

Texas Water Commission

Notice of Adjudication

Notice is given pursuant to Section 11.306, Texas Water Code, and commission Rule 155.08.02.005 that all claims of water rights in the Blanco and San Marcos Rivers Watershed of the Guadalupe River Basin will be adjudicated pursuant to the Water Rights Adjudication Act of 1967, Sections 11.301, *et seq.*, Texas Water Code, and commission order of November 7, 1977.

The Blanco and San Marcos Rivers Watershed consists of the Blanco River and the San Marcos River and their tributaries, and includes portions of Gillespie, Kendall, Blanco, Comal, Hays, Travis, Caldwell, Guadalupe, and Gonzales Counties, Texas.

On or before July 28, 1978, all persons claiming any right to divert state water, except for domestic or livestock purposes, in the Blanco and San Marcos Rivers Watershed shall file with the Texas Department of Water Resources a sworn claim in accordance with Section 11.307, Texas Water Code, setting forth the following: the name and post-office address of the claimant; the location and nature of the right claimed.

including a description of any permit or certified filing under which the claim is made; the purpose of use; a description of works and irrigated land; and all other information necessary to show the nature and extent of the claim.

Instructions and forms for the filing of claims of water rights under Section 11.307, Texas Water Code, may be obtained without cost from the Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711. Use of department forms is not mandatory.

Copies of the investigation report for the Blanco and San Marcos Rivers Watershed, together with aerial photographs in the appendix to the investigation report, are available for

inspection in the offices of the Texas Department of Water Resources in the Stephen F. Austin State Office Building, 1700 North Congress, Austin, Texas, and in the offices of the county clerks of Blanco, Hays, Caldwell, Guadalupe, and Gonzales Counties, Texas.

Issued in Austin, Texas, on April 10, 1978.

Doc. No. 782573 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: April 11, 1978, 4:11 p.m.

For further information, please call (512) 475-4514.

Now Available

Revised Filing Guide for Secured Transactions

The Office of the Secretary of State has available the *Revised Filing Guide for Secured Transactions* which contains filing procedures, rules, and the statutes of the State of Texas through the regular session of the 65th Legislature, 1977, governing Chapter 9 of the Texas Business and Commerce Code.

The filing information incorporated into this guide should clarify questions on secured transactions concerning UCC filings with the secretary of state or a county clerk.

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