

TEXAS REGISTER

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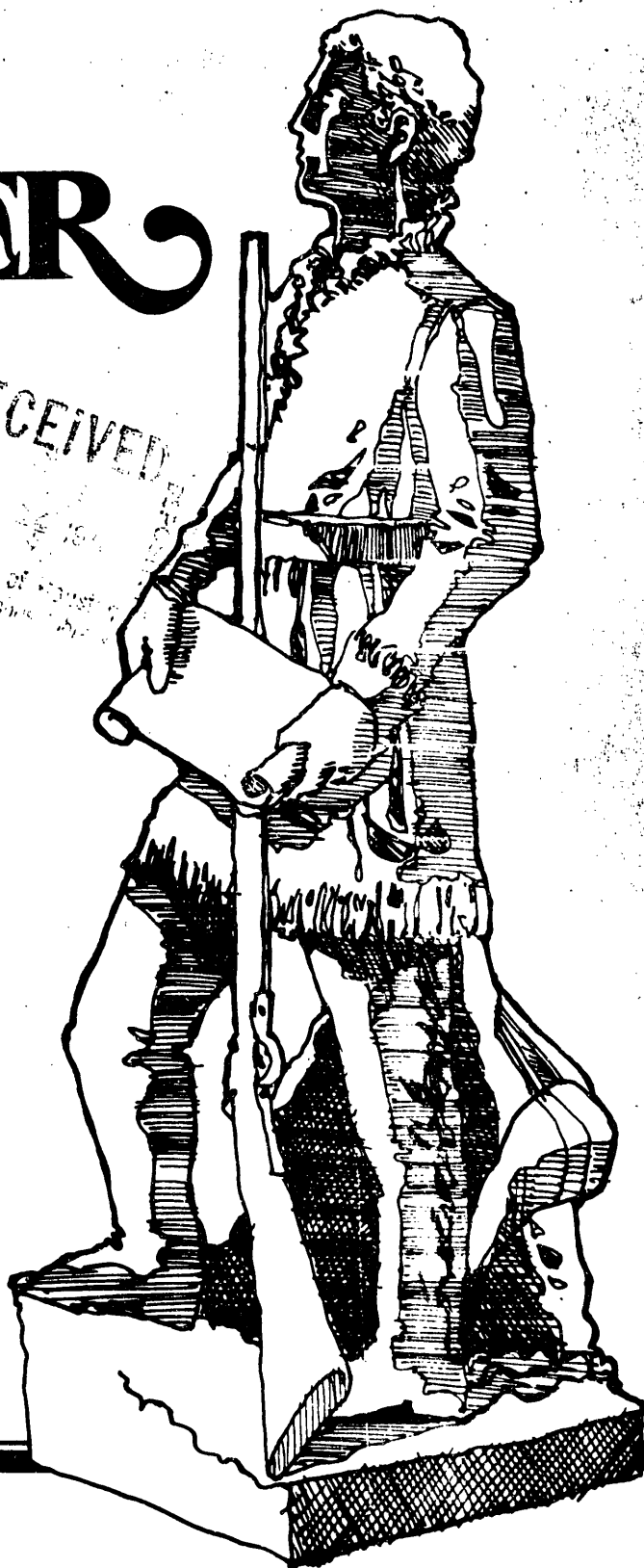
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Office of the Secretary of State

USPS Publication Number 120090

NOTES ON THE ISSUE

New rules by the Board for Lease of University Lands are being proposed concerning the board's organization; the sale of oil and gas leases; disposition of bonuses, rentals, royalties, and fees; operational matters; and special actions. The Board for Lease of University Lands was created by the Texas Legislature in 1929 to oversee the sale of oil and gas leases in and on university lands.

Immunization requirements for Texas elementary and secondary schools, institutions of higher learning, and child-care facilities are outlined in new rules adopted by the Texas Department of Health. The rules cover types of immunizations required, exclusions, booster shots, the types of facility records to be maintained, documentation, and annual reports of immunizations.

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



**Office of the
Secretary of State**

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

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Requests for Opinions

Summary of Request for Opinion RQ-1910

Request from Bob Bowman, chairman, Board of Directors, Angeline and Neches River Authority, Lufkin.

Summary of Request: Does the State Securities Board have authority to adopt the rule which provides that securities issued by a governmental body finance the acquisition of land for construction of facilities to be used by a nongovernmental person, where the principal and interest on the obligations are to be paid primarily from revenues of the nongovernmental person are not exempt from registration under Section 6.A of the Securities Act?

Doc. No. 783946

Summary of Request for Opinion RQ-1911

Request from John J. Kavanagh, M.D., Texas Department of Mental Health and Mental Retardation, Austin.

Summary of Request: May the Texas Department of Mental Health and Mental Retardation furnish housing facilities, meals, and laundry service to employees who are interns in disciplines that are not medically related under the provision of Section 2b of Article II, House Bill 510, Acts of the 65th Regular Session, 1977?

Doc. No. 783944

Summary of Request for Opinion RQ-1912

Request from Jerry L. Harris, city attorney for Austin, Austin.

Summary of Request: Is a transcript of the complaint filed with a city concerning a subcontractor's administration of the CETA-funded program public under the Open Records Act?

Doc. No. 783945

Summary of Request for Opinion RQ-1913

Request from Neal Pfeiffer, criminal district attorney, Bastrop.

Summary of Request: Is it a violation of Article 15.71 of the Texas Election Code to offer to hire a vehicle or person to operate a vehicle for the purpose of conveying voters to a polling place?

Issued in Austin, Texas, on June 14, 1978.

Doc. No. 783972

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

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

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

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

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

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

Texas Department of Human Resources

Medicaid Eligibility

Budgeting for Individuals Related to the SSI Program 326.25.35

The Department of Human Resources proposes the following amendment to its rule concerning the policies for determining eligibility and the amount of applied income for medical assistance for recipients receiving care in Title XIX long-term care facilities. This amendment clarifies the policy to be applied when a couple becomes ineligible because of an increase in income received by one member of the couple. In this situation, the spouse with lower income may reapply for assistance as an individual with an ineligible spouse even if the couple shares the same room in the nursing facility.

The department has determined that the proposed amendment will have no fiscal implications for the state or units of local government. This amendment is simply a clarification of existing policy.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—274, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication of this *Register*.

This amendment is proposed under the authority of Article 695c, Texas Revised Civil Statutes.

.010. *Definitions of Budgeting in Vendor Living Arrangements.*

(e) *If a couple becomes ineligible because of an increase in income received by one member of the couple, the spouse with lower income may reapply for assistance*

as an individual with an ineligible spouse (companion case). This is true even if the couple shares the same room in the nursing facility. No deeming from the spouse would apply as they are not considered to be residing in the same household while in a nursing facility.

Doc. No. 784007

Family Services

The Texas Department of Human Resources has proposed the following amendments and repeals to its rules regarding the purchase of child day care services in the Family Services Program. Day care services purchased by DHR include care and supervision of children of low-income parents while they work or are in training, children in danger of abuse or neglect, children in need of developmental opportunities, or children who may be unnecessarily in institutions. Such care may be provided outside the child's home in a day home or day care center.

Concurrent with the proposing of these repeals, the department is adopting a larger body of related rule amendments and repeals which were proposed earlier in the February 17 issue of the *Texas Register* (3 TexReg 626). This present group of proposed repeals represents changes suggested by public response to the department's initial proposals regarding policy and procedural changes and also includes several minor changes in procedure and technical terminology.

The department has determined that these amendments and repeals will provide only a differing payment method, not different allocation or expenditure levels and will, therefore, have no fiscal implications for the state or for local units of government.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—280, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

Day Care Services for Children

326.53.63.003., .007, .024, .051, .053,
.054-.057, .067, .073

(Editor's note. The text of the proposed repeals is not being published. It may be examined in the office of the Department of Human Resources in the John H. Reagan Building, Austin, or in the Texas Register Division of the Office of the Secretary of State, 503E, Sam Houston Building, Austin.)

These repeals are proposed under the authority of Article 695c, Texas Revised Civil Statutes.

- .003. *Explanation of Cost-Related Service Categories.*
- .007. *In-Home Day Care Services for Children.*
- ✓ .024. *Selection of In-Home Care.*
- .051. *DPW Individual Provider Agreement Purchase Procedures—In-Home Care.*
- .053. *Recruitment.*
- .054. *Study of the In-Home Provider.*
- .055. *Monitoring of In-Home Care.*
- .056. *Payment Procedures.*

- .057. *Renewal.*
 .067. *Payment Process.*
 .073. *Fee Requirements.*

Doc. No. 783993

326.53.63.008, .025-.027, .029, .035,
 .043-.044, .047, .049-.050, .058-.059,
 .063-.064

These amendments are proposed under the authority of Article 695c, Texas Revised Civil Statutes.

.008. Types of [Out-of-Home] Day Care Services Purchased for Children.

[(a)] **Day care** [These] services are provided outside the child's own home in family day homes, group day homes, or day care centers. These facilities must comply with applicable state minimum standards and be licensed, certified, or registered depending upon which is appropriate. All [out-of-home] facilities from which the department purchases day services must comply with the **Texas Quality Child Care Requirements (QCCR)** and are purchased according to their federal definitions.

(1) **Family day home.** A private home where six or fewer children under 14 years of age, including the provider's own children, are cared for during part of the 24-hour day. Several family day homes under the auspices of one agency are a family day home system.

(2) **Group day care home.** A facility which offers care for 7 to 12 children under 14 years of age for part of the 24-hour day.

(3) **Day care center.** A facility which provides care for more than 12 children under 14 years of age for part of the 24-hour day.

.025. Responsibility to Report Substandard Care.

(a) All **departmental** [DPW] staff who have occasion to visit [in-home] care providers or day care facilities from which the department purchases services have responsibility to be alert for anything that threatens children's well-being and to report these things to **DHR** [the DPW] staff responsible for monitoring the facility.

(b) [If an in-home care provider is involved, the social services worker should confer with the child's parent or caretaker and the provider and assist them in alleviating the problem. This may involve helping the parent secure another provider.]

[(c)] **The social services worker should** [When a center or day home is involved,] report promptly to the child development program staff and/or licensing representative the following. . . .

.026. DHR [DPW] Purchase of Service Contract Procedure—Day Care.

.027. Recruitment for Purchase of Service Contracts.

(a) Day care centers and day home systems may be recruited to supply day care services to meet **DHR** [DPW] priorities. Day-home systems include child placing agencies (day care only) and agencies which subcontract with licensed group day homes, licensed family day homes, and/or registered family homes to make day care available through a grouping of homes. Purchase of social services staff according to regional plans may approach an existing agency

regarding the provision of day care services to the department through a purchase of services contract. This may involve contracting for:

(1) An agency's existing services which have been unavailable to **DHR** [DPW] clients.

.029. Planning Program Goals and Objectives.

[(a)]. Assistance is given in planning goals and objectives which relate to the department's service needs and state and federal requirements. **DHR** [DPW] staff may assist the provider with formulation of program goals and objectives by. . . .

.035. Maintenance of Operating Contract.

[(a)] **DHR** [DPW] staff **help** [helps] the provider to make whatever changes are needed during the contract period and to maintain **accountability** [quality service and compliance with the QCCR]. In this effort, review, evaluation, and documentation of QCCR compliance, consultation, and technical assistance in developing expertise and resources are continued.

.043. Recruitment.

(a) Existing nonprofit and commercial day-care centers and [individual licensed family day homes,] group day-care homes[,] and registered family homes may be recruited and approved by the department staff to enter into a provider agreement to serve individual children designated as eligible by **DHR** [DPW] staff.

(c) Inquiries to licensing units may be made by the child development program staff to locate potential providers who comply with state standards. Day homes can also be sought by the use of available public information media. Any individual interested in providing child care in his or her own home for **DHR** [DPW] purchase may complete the form and return it to the child development unit. **DHR** [DPW] will maintain a permanent card file of day home information requests.

(d) Any individual in good health who relates well to children, maintains a clean, safe home, and is interested in providing child care daily in his or her home for a specified rate is a prospective day home provider (including group homes) and may be referred to the child development program staff.

.044. Application Process for Provider Agreement—Day Care Center.

(b) For centers in which the number of children for whom **DHR** [DPW] purchases day care services does not exceed five children or 20 percent of capacity, QCCR staffing requirements may be waived. These centers must comply with applicable licensing standards, including staff-child ratios.

(d) Each provider must submit a Plan for Providing Services, which becomes the plan for the center's compliance with QCCR. For each provider, the department staff must help determine how supportive services to meet Texas Quality Child Care Requirements will be provided in centers where **non-DHR** [non-DPW] related clients provide these services for themselves. In relation to these services, staff and the provider will confer to determine how the children and their families will receive required health and social services. The provider's Plan for Providing Services will specify what the center will provide. An attachment will

summarize what the department and the families will assume responsibility for securing.

(f) The department staff will assess the center, plan, and operation to determine whether it complies with the core services of QCCR. Health services, social services, parent involvement, and staff training will be evaluated in terms of services from **DHR** [DPW] and other sources as well as those of the center. This study will cover. . . .

(g) Upon completion of the assessment, the department staff will approve or disapprove the facility for provider agreement. If it is approved, the provider and **DHR** [DPW] staff agree upon the daily rate that the department will pay for each unit of service.

.047. Maintenance of Agreement—Individual Day Home.

(a) **DHR** [DPW] staff responsibilities as related to the provider include. . . .

.049. Audits by DHR.

(a) *All [Purchase of service] contracts utilizing the cost reimbursement method will be audited on an annual basis [at least annually]. The audit includes financial records, attendance/enrollment records, fee records, and eligibility of the children. The audited rate is used as a guideline in determining rates for subsequent contract periods.* [Auditors examine enrollment/attendance records, eligibility documents, journals, ledgers, and all supporting documentation. The audit is completed prior to the expiration of the contract period in order to facilitate the renegotiation of the contract. A report is issued summarizing the audit findings. Department staff negotiates the settlement of audit exceptions with the provider agencies.]

(b) *Contracts with nonpublic agencies utilizing the audited unit rate or the budget-based unit rate method are audited annually in regard to attendance/enrollment records, fee records, and eligibility of the children. A financial audit is conducted only every second contract period. The financial audit every second year is the basis for continuation under the audited unit rate method. Annual audits for contracts using the published unit rate type of payment mechanism review the attendance/enrollment records, fee records, eligibility for the children, and published rate documentation. Federally approved indirect cost percentages and nonpublic agency subcontracts of public agencies are audited as costs and will not be included in determining surpluses. The federally approved indirect cost percentages are maximum allowables when used by public agencies. A lesser percentage may be negotiated by the department. When financial audits are conducted for nonpublic agencies, federally approved indirect cost percentages will be considered costs, but subcontracts will be audited and included in determining surpluses.* [The short-term agreement services will be audited after completion. Auditors will examine the records specified in the Short-Term Agreement for Child Day Care. The procedures followed will be the same as those for day care purchase of services contracts (no exception will be taken for surplus funds generated by payment based on a set unit rate). A report will be issued summarizing audit findings. Department staff will negotiate the settlement of audit exceptions with the provider. Although exception is not taken to surplus funds generated from the unit rate, these will be considered in setting the rates for future agreements.]

.050. Renewal of Provider Agreement.

(a) At least every six months, department staff will review the status of each facility to determine the appropriateness of continuing the provider agreement. The review should begin at least two months before the renewal date. This allows time for **DHR** [DPW] staff to reply to inquiries to and negotiate needed changes with the provider, and, if necessary, to relocate enrolled children. As with new providers, department staff will. . . .

.058. DHR [DPW] Purchased Day Care Requirements Compliance.

(a) All out-of-home day care services purchased by the department must comply with Texas Quality Child Care Requirements (QCCR) which include the Federal Interagency Day Care Requirements (FIDCR), the staff-child ratio stated in the Title XX regulations, and state licensing standards. A potential provider may be accepted for contracting when:

(2) The facility which is beginning a new operation:

(C) agrees to comply with QCCR and to demonstrate this compliance within 60 days after the contract effective date (**DHR** [DPW] will assess compliance during the first 30 days of child care).

.059. Certification of Compliance.

[(a)] The department staff is responsible for certifying that facilities providing **DHR** [DPW] purchased day care services are in compliance with QCCR. This staff will assess each facility's compliance with these requirements at least annually and make quarterly visits to observe the maintenance of this compliance.

.063. Notification of Certification Withdrawal.

(a) If the provider has not complied with QCCR after the time limit given in accordance with Rule 326.53.63.062, a **DHR** [DPW] staff member will notify the provider by certified letter that his or her QCCR certification is withdrawn as of a specific date five days after the date of the letter.

(b) Notification by the Licensing Division of suspension or revocation of the state license automatically leads to the notice of certification withdrawal and the *immediate* termination or suspension of purchase of and payment for day care services.

.064. Grants to Child Day Care Providers to Employ Welfare Recipients.

(a) Under federal law, grants are available to qualified day care providers to employ AFDC recipients. The following limitations apply to the grants.

(1) At least 20 percent of the regularly enrolled children in the facility must be eligible children for whom **DHR** [DPW] purchases day care services with Title XX funds.

(3) For AFDC recipients to qualify they must:

(A) have been certified by **DHR** [DPW] as being eligible for and received an AFDC financial assistance grant continuously for 90 days preceding the date on which they are hired; and. . . .

Doc. No. 783994

Support Documents 326.53.99.200, .203

These amendments are proposed under the authority of Article 695c, Texas Revised Civil Statutes.

200. Maximum Rates of Payments for Day Care in Contract Agencies [Services for Children].

(a) Rates are categorized by the ages of the children served because the ratio of children to caregivers and other related costs vary greatly from one age group to another. The following are the maximum rates which the department will pay for each day of enrollment for the age group shown:

Rate Group	Age Group	Full Day Maximum	Half Day Maximum
I	0 through 2 years	\$12.92	\$6.46
II	3 years to school age	\$10.28	\$5.14
III	school age through 14 years	\$7.28	\$3.64
IV	0 to school age	\$11.74	\$5.87
V	0 through 14 years	\$9.70	\$4.85
VI	0 through 17 years	\$24.22	\$12.11

(b) Group VI programs are programs which serve only handicapped children who cannot be mainstreamed. The rate group selected must encompass the ages of all the children in that particular program.

(c) Rates for service to handicapped. Maximum rates may be adjusted by the Texas Department of Human Resources to reflect the increase or decrease in minimum wage rates and the Consumer Price Index as published by the United States Bureau of Labor Statistics. These adjustments will be effective on January 1 of each year. Extraordinary circumstances, such as changes in state or federal regulations, may require changes in the maximum rates at times other than January 1. Any changes in the rates will be disseminated by the Texas Department of Human Resources at least 90 days prior to the effective date of the change in order to be available during the negotiation period for contracts and provider agreements.

(1) The formula used by the department to adjust maximum rate on January 1 will be as follows:

$$R + ((XY)(R)) + ((1-y)(Z)(R)) \text{ equals } R_1, \text{ where:}$$

X equals percentage increase in minimum wage

Y equals percentage that minimum wage-related items occupy in the budgets used for the statistical base (40 percent sample)

1-Y equals percentage that nonminimum wage-related items occupy in the budgets used for the statistical base

R equals current rate for the age group

R₁ equals new rate

Z equals percentage increase in the Consumer Price Index for the most recent 12-month period

(2) Handicapped children may receive services in either programs that serve handicapped children exclusively or in programs that mainstream some handicapped children. When all handicapped children are served in a program, children through 17 years of age may be served. When individual handicapped children are mainstreamed into a program with nonhandicapped children, ages 0-14 may be served. The provider must secure a signed statement from a physician that the child needs special attention in the regular day care program in order to consider the child handicapped. The statement will be included in the child's folder. In all contracts which mainstream handicapped children (except

cost reimbursement payment basis), services to the handicapped children are to be billed at 190 percent of the contract rate for the program in which the child participates.

[The maximum rates of reimbursement for out-of-home day care services purchased through provider agreements for WIN and DPW-VR related clients' children are based on weekly enrollment rates not to exceed \$6.20 per day, \$3.10 per half day.]

203. Method of Rate Determination and Maximum Rates for Provider Agreements [Individual Providers].

(a) Method of rate determination.

(1) In order to purchase day care services through a provider agreement, two rate plans are provided. The standard rate will apply to those facilities in which less than 20 percent of the children receiving care are subsidized from any source of funds. The published rate will apply to facilities in which more than 20 percent of the children receiving care are subsidized from any source.

[The department does not pay more than an amount equal to what the general public pays for out-of-home child day care. The facility's published usual and customary weekly enrollment rate plus \$.75 per day to cover reporting and administrative costs can be charged for each child, provided the total cost does not exceed the ceiling for each child. Rates are to be redetermined prior to each provider agreement renewal.]

(2) Standard rate. If less than 20 percent of the care is a facility in nonsubsidized care, the department will pay a standard rate of six dollars per full day or three dollars per half day of enrollment. If the facility is paid through this mechanism, ineligible children may be charged a rate which is different from the standard rate. If eligible children also receive more than one meal, an extra meal rate will be paid to those facilities which are not eligible for participation in the DHR food program. The percentage of nonsubsidized care is determined by comparing the number of enrollment days for nonsubsidized children to the total enrollment days for the same period. [Payment rates for facilities which use a sliding fee scale based on family income or size may be computed on the customary maximum (full cost) fee for each child served.]

(3) Published rate. If at least 20 percent of the care in a facility (center, group day home, or family day home) is nonsubsidized care, the department will pay the facility's published rate (or rates, if different rates are published for different age groups) plus a \$.75 per child per enrollment day administrative fee. The \$.75 administrative fee will also be paid for half-day enrollment. If a sliding scale is used by the facility, the published rate will be the rate at or above which at least 20 percent of the care is nonsubsidized. (For example, if 10 percent is at the highest rate and 15 percent is at the next-to-highest rate, the department will pay the next-to-highest rate.) [In determining the above rate, breakfast, transportation, or some other service which the facility offers may be included in the rate for a designated amount when the services are needed by children for whom DPW purchases care and are available to the non-AFDC related children at the same cost.]

(4) If services such as transportation and breakfast or supper are offered to the nonsubsidized children at an additional cost, the department may purchase these services at rates up to one dollar per day for transportation and extra meal rate. The resulting rate(s) may not exceed the maximum rate(s) for the age group(s) in care.

[The documentation shall consist of a statement giving the usual and customary weekly rate, the cost of additional services (if such are provided), and the final rate(s) to be charged, including any administrative and reporting charge. This shall be signed by the person legally responsible for the facility. The provider retains one copy and one copy is placed in the department's file for the facility.]

(5) *The published rate must be documented by attaching written documentation to the provider agreement. At the time of negotiation and each subsequent renegotiation of the provider agreement, the provider will select any three of the preceding six month's enrollment records for the child development specialist to review. If the 20 percent or greater ratio is maintained, the published rate method of rate determination will apply. If fewer than 20 percent of the children enrolled during the three months reviewed paid the published rate, the standard rate will apply.* [The maximum rate of reimbursement for out-of-home day care services purchased through provider agreements are based on weekly enrollment rates and are not to exceed \$6.20 per day or \$3.10 per half day.]

(b) *Maximum rates for provider agreements. Rates are categorized by the ages of the children served because the ratio of children to caregivers and other related costs vary greatly from one age group to another. The following are the maximum rates which the department will pay for each day of enrollment for the age group shown:*

Rate Group	Age Group	Full Day Maximum	Half Day Maximum
I	0 through 2 years	\$12.92	\$6.46
II	3 years to school age	\$10.28	\$5.14
III	school age through 14 years	\$7.28	\$3.64
IV	0 to school age	\$11.74	\$5.87
V	0 through 14 years	\$9.70	\$4.85

(1) *The rate group selected must encompass the ages of all the children in that particular program.*

(2) *Additional policies and procedures for serving handicapped children are currently being developed. When these are available, services to handicapped children are to be billed at 190 percent of the standard rate or published rate for the program in which the child participates.*

(3) *Maximum rates and standard rates may be adjusted by the Texas Department of Human Resources to reflect the increase or decrease in minimum wage rates and the Consumer Price Index as published by the United States Bureau of Statistics. These adjustments will be effective on January 1. Extraordinary circumstances, such as a change in state or federal regulations, may require changes in the maximum and standard rates at times other than January 1. Any changes in the rates will be disseminated by the Texas Department of Human Resources at least 90 days prior to the effective date of the change in order to be available during the negotiation period for contracts and provider agreements.*

(4) *The formula used to adjust maximum and standard rates on January 1 will be as follows:*

$R + ((XY)(R)) + ((1-Y)(Z)(R))$ equals R_1 , where:

X equals percentage increase in minimum wage

Y equals percentage that minimum wage-related items occupy in the budgets used for the statistical base (40 percent sample)

1-Y equals percentage that nonminimum wage-related items occupy in the budgets used for the statistical base

Z equals percentage increase in the Consumer Price Index for the most recent 12-month period

R equals current rate for the age group

R₁ equals new rate

Doc. No. 783995

326.53.99.201, .801

These repeals are proposed under the authority of Article 695c, Texas Revised Civil Statutes.

.201. *Rates for Providers of In-Home Child Care.*

.801. *Provider Agreement for In-Home Child Day Care.*

Issued in Austin, Texas, on June 16, 1978.

Doc. No. 783996

Jerome Chapman

Commissioner

Texas Department of Human Resources

Proposed Date of Adoption: July 24, 1978

For further information, please call (512) 475-4601.

Texas Judicial Council Continuing Legal Education of Municipal Court Judges 602.02.00

The Texas Judicial Council is proposing to amend Rule 602.02.00.002, entitled Application for Accreditation. The proposal provides for semi-annual submission of applications for accreditation of courses for the continuing legal education of municipal court judges. The purpose of the amendment is to allow better coordination of the location of courses, so as to reduce commuting distance for judges and unnecessary duplication of courses in the same area of the state.

The fiscal implications of the amendment are a possible estimated annual \$340 savings due to less travel expense of council members to attend meetings to accredit courses.

Public comment on the proposed rules is invited. Comments should be submitted in writing to C. Raymond Judice, P.O. Box 12066, Austin, Texas 78711.

This amendment is proposed under the authority of Section 3 of Article 1200f, Texas Civil Statutes.

.002. *Application for Accreditation.* In order to be accredited, a schedule of topics to be covered, time to be spent on each, and instructors must be submitted to the council on or before August 1 if the course, program, or seminar is scheduled to be held within the subsequent September 1—February 28 period, or on or before February 1 if the course, program, or seminar is scheduled to be held within the subsequent March 1—August 31 period [at least 60 days in advance of the beginning of any course, program, or seminar, or series of courses, programs, or seminars], pro-

vided the time *constrictions* [limitation] contained herein may be waived by the council.

Issued in Austin, Texas, on June 13, 1978.

Doc. No. 784006 C. Raymond Judice
Executive Director
Texas Judicial Council

Proposed Date of Adoption: July 24, 1978

For further information, please call (512) 475-2421.

retest will require a separate examination for which a **\$10** [\$25] fee will be charged. Successful completion of this examination is a prerequisite of the issuance of a license under this statute.

Issued in Austin, Texas, on June 16, 1978.

Doc. No. 783982 G. L. "Lynn" Tate
Commissioner
Texas Department of Labor and
Standards

Proposed Date of Adoption: July 24, 1978

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

Board for Lease of University Lands

The Board for Lease of University Lands was created by Chapter 282, Acts of the 41st Legislature, 1929, as amended, which is codified as Subchapter D, Chapter 66, Texas Education Code. This act provides for the sale of oil and gas leases in and on university lands and establishes a board to perform the duties with reference to such sale.

The staff of the Board for Lease of University Lands has determined that there are no fiscal implications for the state or any unit of local government that would result from these rules and regulations.

Public comment on the proposed rules and regulations is invited. Comments may be submitted in writing to Maxine R. Dean, secretary to the board, Board for Lease of University Lands, P.O. Box 7968, Austin, Texas 78712.

Organization of the Board 137.01.00

Organization of the Board for Lease of University Lands is described in Chapter 137.01.

These rules are proposed under the authority of Subchapter D, Chapter 66.62 of the Texas Education Code.

.001. Membership. The Board for Lease of University Lands shall consist of the commissioner of the General Land Office and two members of the Board of Regents of The University of Texas System, neither of whom is employed either directly or indirectly by any oil or gas company nor is an officer or attorney thereof. Selection of the two regent members is to be made by the Board of Regents of The University of Texas System. Pursuant to Section 31.015 of the Texas Resources Code, the chief clerk of the General Land Office shall be authorized to perform all of the duties of the commissioner of the General Land Office in connection with the Board for Lease of University Lands, except the power to serve as acting chairman in case of sickness, absence, death, or resignation of the commissioner. In the event of the absence or disability of either or both of the regent members, the Board of Regents may select interim replacements.

.002. The Chairman and the Vice Chairman of the Board.

(a) Election of the chairman. There shall be elected a chairman of the board at the first meeting of the Board for Lease in each odd-numbered year subsequent to reorganization of the Board of Regents, as defined in the minutes of the



Texas Department of Labor and Standards

Employment Agency Division

Labor Agencies .063.22.10

The Texas Department of Labor and Standards is proposing to amend Rule .063.22.10.012(b), entitled "Rules Concerning Labor Agencies." The proposal amends Section (b) of the rule, concerning the fee that an applicant must pay for the labor agency exam.

The amendment would reduce the labor agency exam fee from \$25 to \$10. This reduction has been done after meeting with many persons who are involved in the labor agency industry.

The staff of the Texas Department of Labor and Standards has determined that this would result in a loss to the State of Texas of approximately \$375 per year for the first five years.

Public comment on the proposed amendment to Rule .063.22.10-.012(b) is invited. Persons should submit their comments in writing to Blake Travis, staff attorney, P.O. Box 12157, Austin, Texas 78711.

This amendment is proposed under the authority of Article 5221a-5, Texas Civil Statutes.

.012. Examinations.

(b) The fee for such examination shall be **\$10**[\$25] per person per examination. An applicant may take the examination until he achieves a satisfactory score, but each

Board of Regents, who shall serve at the will of the Board for Lease. In case of the death or resignation of the chairman, the board shall elect a successor as soon as practicable at a duly authorized meeting. In the interim, and until such time as a successor is elected, all correspondence shall be forwarded in the name of the vice chairman.

(b) Duties of the chairman. It shall be the duty of the chairman to preside over the meetings and to perform such special administrative duties as shall be delegated to him by a majority of the board.

(c) Election of the vice chairman. There shall be elected a vice chairman of the board, immediately following the election of the chairman, who shall serve at the will of the board. Vacancies in the office of vice chairman shall be filled in like manner as the office of chairman.

(d) Duties of the vice chairman. It shall be the duty of the vice chairman to discharge the duties of the chairman in the absence of the chairman.

.003. The Secretary of the Board.

(a) Appointment. The board shall appoint a secretary and assistant secretary at the time of the election of the chairman, who shall serve at the will of the board. The secretary shall be employed and compensated by the Board of Regents.

(b) Duties of the secretary.

(1) The secretary shall have charge of the agenda and dockets at all times and shall supply the members of the board with complete agenda and dockets at least one week prior to a meeting.

(2) The secretary shall keep minutes of the meetings of the board, properly indexed, which shall constitute a complete public record of the proceedings of the board.

(3) The secretary shall file, index, and preserve carefully all papers and documents pertaining to the business and proceedings of the board.

(4) The secretary shall have custody of the official seal of the Board for Lease of University Lands.

(5) The secretary shall be authorized to certify to all proceedings and actions of the board, and the official seal of the Board for Lease shall be affixed thereto.

(6) The secretary shall keep current the rules and regulations of the board, and shall furnish to board members and administrative staff any changes or additions as soon as possible after the meeting at which adopted.

(7) The secretary shall perform all other duties which are customary to the position of secretary.

.004. Employees. A geologist and mineralogist and such other employees as may be deemed necessary in connection with the performance of the duties of the Board for Lease of University Lands may be employed and compensated by the Board of Regents. The geologist and mineralogist shall keep informed with reference to the minerals in the university lands and all activities under leases and sales of the minerals therein, and shall report all information gained with reference thereto to the Board of Regents and to the Board for Lease of University Lands.

.005. Meetings.

(a) Time and place. The board shall hold meetings at such times as deemed necessary. Special meetings shall be upon the request of a majority of the members of the board or shall be at the request of the chairman. Two members of the board shall constitute a quorum for the transaction of business,

and should a quorum not be present on the day designated for any meeting, those present may adjourn from day to day until a quorum is present. Meetings of the board shall be held at the General Land Office or at such other place as determined by the board. The date, time, and place of all meetings approved by the board shall be stated in the notice or call issued for the meeting by the secretary of the board.

(b) Docket. All matters to be presented to the board, except those presented by a board member, shall be referred to the secretary of the Board for Lease, who shall submit the agenda for consideration by the board. The agenda shall contain all items recommended by board members, and by the president of The University of Texas System and the executive director for Investments, Trusts, and Lands of The University of Texas System. The docket shall list all matters on the agenda and shall include a summary or review of each of these matters.

(c) Attendance at meetings. The members of the staff to be in attendance at each meeting of the board shall be designated by the president of The University of Texas System and by the commissioner of the General Land Office. Other persons who desire to be heard by the board may appear only with the permission of the board.

(d) Rules of order.

(1) "Robert's Rules of Order," when not in conflict with any of the rules and regulations of the board, shall be the rule of parliamentary procedure when the Board for Lease is in session.

(2) A majority of the board shall have the power to act for the board.

.006. Minutes. The official minutes of the board shall be kept in bound volumes, properly indexed by the secretary, in the Office of Investments, Trusts, and Lands of The University of Texas System, and shall be open to public inspection. The minutes shall reflect, as much as possible, only the action of the board, and the details of the proceedings relative to such action shall be kept in a separate file for reference purposes. After each meeting of the Board for Lease, the minutes shall be forwarded by mail to each member of the board for confirmation, who shall indicate his approval upon the carbon copy of the letter of transmittal. Such minutes shall be approved, if in order, according to parliamentary procedure, at the first subsequent meeting of the board. They shall be signed in the minute book by the chairman of the board and by the secretary. An approved copy of the minutes shall be furnished the General Land Office.

.007. Notification of Policies of the Board. Notification of all policies adopted by the board may be forwarded to interested parties after the minutes of the meeting at which such policies were adopted have been confirmed by a majority of the members of the board. The notice shall be sent in the name of chairman of the board and signed by the secretary, and may be forwarded prior to the formal approval of such minutes at a subsequent meeting.

Doc. No. 783997

Sale of Oil and Gas Leases 137.02.00

The manner in which oil and gas leases will be sold is described in Chapter 137.02.

These rules are proposed under the authority of Subchapter D, Chapter 66.64 of the Texas Education Code.

.001. Time and Place. Whenever there shall be such demand for the purchase of oil and gas leases in any university lands as will reasonably insure that said leases may be sold advantageously, the board shall place the oil and gas leases in said lands on the market for sale. The sale of oil and gas leases shall be made at public auction and shall be held in Austin, Texas, or any other location designated by the board, at any hour between 10 a.m. and 5 p.m. A majority of the board shall be in session throughout the auction sale of oil and gas leases.

.002. Tracts.

(a) Manner of selection.

(1) Upon the recommendation of the university staff at a duly held board meeting, the board at its discretion may authorize the issuance of a notice of contemplated sale to its mailing list of operators and such other persons as appear interested, directing that requests for tracts desired to be offered be sent to the University Lands Office at Midland, Texas.

(2) Selection by the university staff of tracts to be recommended to the board for offering for lease shall be based upon requests received, and upon geological and technical information that will protect the interest of the university.

(3) The university staff shall recommend to the board the tracts selected by it for offering. Such tracts as are approved for offering by a majority of the board are to be advertised for sale.

(b) Size.

(1) In no event shall any tract in which oil and gas rights are offered for sale as a unit exceed an area of 6,000 acres.

(2) As a general rule, tracts may be advertised as quarter-sections, half-sections, or sections, but smaller or larger tracts may be advertised when advisable. Should one or more sections be advertised as a drilling block or bidding unit for sale purposes as a single tract, the successful bidder will be issued a series of separate leases, one on each of the separate portions thereof, constituting quarter-section or half-section tracts, each lease being for a proportionate share of the unit bid price, and each lease to stand on its own terms, in all respects, as a separate lease.

.003. Advertising.

(a) Sales of oil and gas leases shall be advertised in two or more newspapers of general circulation in the State of Texas. Such advertisements shall state the method, time, and place of sale; the primary term of the leases proposed to be executed covering any sale; the royalty to be paid; and that lists describing the land to be leased for oil and gas rights may be obtained from the board; as well as any other matters as in the judgment of the board are deemed advisable. There may also be other and additional advertising of such sales of oil and gas leases as in the discretion of the board may be deemed advisable. Such newspaper advertisements shall be published once, approximately three weeks prior to the date of the sale, and at such other times as may be directed by the board. The authorized brochure advertising the sale shall be distributed approximately eight weeks in advance of the sale.

(b) The board may withdraw any advertised tract from sale prior to the specified hour of sale.

.004. Information and Inspection of Lands.

(a) Interested parties may have the privilege of geological and geophysical inspection and exploration of university lands under rules and regulations of the Board of Regents of The University of Texas System.

(b) Records concerning production of wells on university lands may be inspected at the University Lands Office in Midland, Texas, under rules and regulations of the Board of Regents of The University of Texas System, or at the General Land Office in Austin, Texas.

(c) Description of tracts to be offered and general information concerning sales of oil and gas leases may be obtained from the board, the University Lands Office at Midland, Texas, or the General Land Office.

.005. Auctioneer.

(a) Application of individuals interested in serving as auctioneer, together with proper credentials and recommendations, shall be considered by the board at a duly held meeting.

(b) Appointment of the auctioneer who will officiate at a sale and the fee to be paid said auctioneer shall be based upon approval of a majority of the board at a duly held meeting.

.006. Bidding.

(a) As a general policy:

(1) Minimum opening bids shall be set by the board prior to each sale.

(2) Opening bids for drilling blocks shall be as advertised.

(3) In bidding for a tract, each raise shall be \$100 or more.

(4) Minimum bids, determined and adopted by the board at a duly held meeting, shall be announced to prospective bidders prior to opening of a sale.

(b) When a tract offered at a sale has been "passed" because of no bid being offered, or rejected because of a low bid, said tract or tracts will not again be offered at the sale in progress.

(c) The board, at its discretion, may require an agent to produce a power of attorney, or other evidence satisfactory to the board, that he is authorized to act for his principal.

(d) The board, at its discretion, may require any bidder to submit satisfactory evidence that he has the cash in hand or an authenticated statement to the effect that the bidder has the means to purchase the property.

(e) Successful bidders must make known at the time of the sale the name of party or parties to whom the lease is to be issued.

(f) There shall be no limit to the number of tracts that may be bid on by any individual or company.

(g) The board reserves the right to reject any or all bids.

(h) If the board shall determine that a satisfactory bid has been offered for an oil and gas lease, it will make an award to the bidder offering the highest price therefor.

(i) The highest successful bidder shall pay to the commissioner of the General Land Office, on the day such bid is accepted, the full amount of the bonus and of the special one percent fee, as required by law. Separate checks must be submitted for payment of the bonus and of the special one percent fee due from the lessee.

.007. Terms of Lease.

(a) The board shall adopt such forms and contracts, not inconsistent with statutory provisions, as in its judgment will best effectuate the purpose of the statutes and protect the interests of the university.

(b) Each lease shall be for a primary term not to exceed five years.

(c) Leases shall cover oil and gas rights, together, and shall remain in force and effect after the primary term as long as there is production in paying quantities of either oil or gas from the leased premises. Leases shall not be issued covering oil only, or gas only.

(d) Each lease shall be subject to a royalty of not less than one-eighth of the gross production of oil and gas in the land, and shall, furthermore, be subject to a payment of an annual rental, after the first year, of not less than 10 cents per acre, payable each year in advance, unless the royalties received from such land during the preceding year shall equal or exceed the amount of the annual rental payment.

(e) Lessee agrees to use reasonable diligence to prevent the underground or above-ground waste of oil or gas and, to avoid the physical waste of gas produced from the leased premises, lessee shall pay lessor a royalty of not less than one-eighth of the market value on any oil or gas so wasted. The board shall determine that royalty percentage and the rate per M.C.F. prior to each lease sale.

Doc. No. 783998

Disposition of Bonuses, Rentals, Royalties, Fees 137.03.00

The disposition of bonuses, rentals, royalties, and fees is described in Chapter 137.03.

These rules are proposed under the authority of Subchapter D, Chapter 66.65 of the Texas Education Code.

.001. Payments of Fees. All payments or fees made in connection with university oil and gas leases shall be paid to the commissioner of the General Land Office; successful bidders shall make payment, on the day of the sale, in the form of exchange, or certified check, of a solvent member bank of the Federal Reserve System.

.002. Bonus, Rental, and Royalty Payments. Bonus, rental, and royalty payments shall be transmitted by the commissioner of the General Land Office to the state treasurer for deposit to the credit of the permanent university fund.

.003. Assignment and Relinquishment Fees, and Other Fees. Assignment and relinquishment fees, and all other payments due university funds from oil and gas leases (except the special one percent fee and those payments specified under .001 above), shall be transmitted by the commissioner of the General Land Office to the state treasurer for deposit to the credit of the available university fund.

.004. Special One Percent Fee The special one percent fee for defraying expenses of sales of oil and gas leases shall be transmitted by the commissioner of the General Land Office to the comptroller of The University of Texas System for deposit to the credit of the Board for Lease of University Lands. The special one percent fee fund, derived from an assessment of one percent of the bonus received from the suc-

cessful bidder for oil and gas leases on university lands, shall be used as follows:

(1) To defray expenses of sales of oil and gas leases, including payment for the services of the auctioneer crying the sale.

(2) Payment of general operating expenses in geologizing, oil field supervision, and auditing oil and gas production of university lands, including salaries and traveling expenses of persons employed by the Board of Regents of The University of Texas System for said purposes.

(3) For the purpose of acquiring, constructing, and equipping a building in the City of Midland or adjacent area to house the administrative staff of the offices of University Lands, Geology and Land Agent, and such other related agencies necessary for the management and development of university lands in West Texas.

(4) Disbursement of appropriations made by the board from this special fund shall be by means of vouchers initiated by the secretary of the board and approved by the comptroller and the executive director for investments, trusts, and lands of The University of Texas System.

(5) Upon authorization by the board, any unexpended balances remaining in the special one percent fee fund, after reserving a sufficient amount therein for the payment of necessary expenses, shall be transmitted by the comptroller of The University of Texas System to the state treasurer for deposit to the credit of the permanent university fund.

Doc. No. 783999

Operational Matters 137.04.00

Operational matters pertaining to common tankage and/or commingling of oil and gas; lease automatic custody transfer (LACT) systems; vapor recovery systems; and off-lease storage are described in Chapter 137.04.

These rules are proposed under the authority of Subchapter D, Chapter 66.79, of the Texas Education Code.

.001. Common Tankage and/or Commingling of Oil and Gas; Lease Automatic Custody Transfer (LACT) Systems; Vapor Recovery Systems; and Off-Lease Storage.

(1) Permission must be obtained from the Board for Lease to common store and/or commingle oil, install lease automatic custody transfer systems, and install off-lease storage facilities on university lands. Applications shall be directed to the geologist in charge of university lands, who will forward them to the commissioner of the General Land Office with his recommendations for action.

(2) The Board for Lease, or any of its authorized representatives, may demand of operators a witnessed test at any time of any well, lease, or equipment covered by these regulations.

.002. Applications.

(a) Applications for permission are made by transmitting three copies of the application and supporting data to the geologist in charge, University Lands, P.O. Box 553, Midland, Texas 79702.

(b) Applications shall include the following:

(1) Formal application stating type of permission desired.

(2) Name of field or fields involved, as designated by the Railroad Commission of Texas.

(3) Description of leases involved (General Land Office lease number, county, block, section, and part of section in which leases are located).

(4) Plat showing location of leases, wells, and tank battery. Plat must accurately show current and exact well status and count.

(5) Estimate of water to be produced and present or planned disposition of such water. (See .008.)

(6) Estimate of gas to be produced and present or planned disposition of such gas.

(7) Any other pertinent data that will assist the Board for Lease of University Lands in deciding upon the application.

(8) Applications for LACT systems, in addition to the requirements listed in .002(b)(1-7), shall include:

(9) Schematic diagram of entire system from production manifold to pipe line connection showing position of all components in flow stream.

(10) Detailed drawing(s) of any component which is specially fabricated, i.e., not commercially available.

(11) Description of operating sequence, explaining complete operation, including any and all fail-safe features.

(12) Statement from pipe line company concerned, agreeing to proposed installation.

(c) The data required by (b)(10) and (11) need not be submitted if the proposed LACT system is identical to one previously approved, but such identity should be stated.

(d) Notification of approval will be received from the commissioner of the General Land Office.

.003. Operating Requirements for Common Tankage and/or Commingling Systems.

(a) The leases involved shall be contiguous or in such proximity to each other as to permit, under practical operations, the running of oil from all tracts. All leases involved shall be university leases.

(b) Tracts of land with different lease numbers are separate leases. A tract of land originally having only one lease number may become two or more separate leases as a result of assignment and resultant "split out" lease numbers. Such split leases shall be considered as separate leases for the purposes of these common tankage regulations, and permission to commingle between split leases will be required. If two or more operators are producing from a single tract or lease, each individual operator is subject to these regulations, just as though each operator owned a separate base lease.

(c) A common tank battery may be used under the conditions described below for storage of oil and/or condensate produced from (1) a single producing reservoir from two or more leases; (2) two or more reservoirs from a single lease; or (3) two or more reservoirs from more than one lease. The tank battery must be located on one of the commingled leases unless off-lease storage has been approved under the provisions of .007.

(1) The metering equipment and component accessories shall be approved by the geologist in charge.

(2) The lessee or operator shall install metering equipment and accessory component parts to measure accurately the produced oil and gas. The metered volumes shall be used for determining the amounts of oil and gas produced from their respective sources. Meters must be utilized to measure any injected gas-lift gas and power oil delivered to each lease and/or horizon. If the metered fluid contains more than two percent BS&W, a BS&W sampler must be installed

in conjunction with the meter. The sampler must operate continuously with the production as it is obtained. Shake outs of a representative sample must be performed at least once each month and the determined percentages of BS&W applied to correct the metered volume. Lease meter readings, power oil meter readings, injected gas meter readings, and the results of shake outs—all properly identified—shall be reported monthly to the commissioner of the General Land Office on daily gauge reports or otherwise.

(3) All oil produced from each lease or level (reservoir) shall pass through the metering equipment installed for that lease or level. The installation of by-pass connections around such metering equipment, or of interlease or interlevel manifold connections upstream from such metering equipment, will not be permitted.

(4) All installed oil metering equipment and component accessories shall be maintained in proper working condition at all times and shall be test-calibrated at least every three months, and at such other times as the geologist in charge may deem advisable.

(5) Oil meter factors shall be maintained within the limits of .9700 and 1.0300. A minimum of two test runs must be made on each proving of a meter or measured vessel in order to prove accuracy of measurement. Values of factors on current test runs must repeat within 1/100 (.01). Factors must be calculated to four decimal places.

(6) Flow line manifolds, separators, heater-treaters, test separators, gas meter runs, water knockouts, storage tanks, and other equipment must have stenciled on each the lease name, producing horizon, and well numbers. Installation of these production facilities shall be made in such manner as to reflect reasonably the course of the production from its source at the well manifold to final disposition at the pipe line connection(s).

(7) Gas produced from each lease shall be metered. In the event that gas produced under a common tankage agreement is being marketed, flared, or vented, but the gas volume from one or more leases is not sufficient to justify a separate meter for low volume leases, a waiver of such placement can be granted upon written application for, and the recommendation of the geologist in charge of university lands. In the event of such waiver, the gas produced shall be allocated to the respective leases upon the basis of semi-annual gas-oil ratio tests. Such waivers shall be effective for only so long as the gas volume is below meter placement justification.

.004. Lease Automatic Custody Transfer Systems.

(a) General design requirements. These shall conform with the recommendations contained in A.P.I. Bulletin RP 2502, as well as with standards generally accepted in the industry.

(b) Meter proving, accuracy, repeatability, and meter factors. These factors shall conform with the recommendations in A.P.I. Bulletin RP 2502, A.P.I. Standard 1101, as well as with standards generally accepted in the industry.

(c) Meters shall be test-calibrated at least every three months as well as at such other times that the geologist in charge of university lands may deem advisable. Operators utilizing a measuring-tank LACT system are required to furnish annually a certification of volume.

(d) Meter calibration reports must contain the following information, in addition to that customarily shown. Some

oil purchasers show the information required below, but the practice is not uniform.

(1) Each calibration report must be numbered in numerical sequence.

(2) The serial number of the meter being proved must be shown on the meter-proving report. The various oil purchasers may carry numbers that are useful to them *viz.*, totalizer serial number, station number, or temperature-compensator serial number. However, only the meter serial number is required by the Board for Lease and this number must be shown on the meter-proving report and identified as such.

(3) When a LACT meter is replaced, the serial number of the meter being replaced, as well as the new meter serial number, shall be shown, *e.g.*, Meter Serial No. 188039 replaces Meter Serial No. 24936.

(4) Totalizer reading must be shown on each meter-proving report.

.005. Unitizations.

(a) Unitization agreements. Unitized substances produced from a unitized interval shall not be commingled with other hydrocarbons. Approval by the Board for Lease is required prior to the installation of an automatic custody transfer system on any unitized leases. This applies to any unitized leases involving university lands, whether or not the unit is comprised solely or partially of university lands, and whether or not the LACT system is located on or off university lands.

(b) Consolidations and/or cooperatives. Consolidations and/or cooperatives, and other agreements of such nature, which are sanctioned by the Railroad Commission of Texas, are not forbidden by the Board for Lease. Each lease, however, must continue to stand on its own merits, and production must be reported separately for each lease and each horizon in the usual manner. The Board for Lease will allow production to be allocated back to university leases only under the terms of a formal unitization agreement.

.006. Vapor Recovery Systems. Permission to install vapor recovery systems is not required by the Board for Lease. However, notification of such installation, upon its completion, is required. Statement of notification shall contain information as shown in .002(b)(2-3) of Applications and shall be forwarded to:

Commissioner of the General Land Office
and Chairman, Board for Lease of University Lands
General Land Office
Austin, Texas 78701

Geologist in Charge
University Lands
P.O. Drawer 553
Midland, Texas 79702

Director, Auditing Oil and Gas Production
The University of Texas System
640 Stephen F. Austin Building
Austin, Texas 78701

.007. Off-Lease Storage. In hardship cases created by adverse terrain or other adverse conditions, permission may be granted for the tank battery to be installed off the productive lease or leases involved. The application shall contain information as shown in .002(b)(1-7) under Applications. See provisions under .003(a) and (b) for separate lease definitions.

.008. Produced Water. All produced waters must be injected into subsurface salt water bearing formations, stored in lined surface pits, or utilized in secondary recovery operations. All injection intervals in salt water disposal wells must be approved by the geologist in charge of university lands. All surface pits shall be sealed with an impervious material, and be constructed and maintained in such a manner that will prevent any leakage, seepage, or other escape of deleterious substance.

.009. Reporting Procedures.

(a) The production of oil and condensate from each level or reservoir of each lease and the production of gas from each lease shall be reported monthly to the commissioner of the General Land Office in the manner provided by law.

(b) LACT meter-proving reports and certifications of volume are due within 10 days after recalibrations are made and shall be sent to the three addressees shown under .006. Reports of test calibrations of lease and/or reservoir meters are due within 20 days and shall be sent to the commissioner of the General Land Office and the geologist in charge of university lands.

(c) If the allocation of production to leases and/or horizons is accomplished by the use of periodic well tests, the operator shall submit well tests within 30 days following the required test period. All individual well tests shall be reported in an orderly manner by lease and by reservoir. In addition, the operator shall summarize on one form the manner in which the production is to be allocated. These well tests and summaries shall be sent to the commissioner of the General Land Office and the geologist in charge of university lands.

.010. Limited Period for Taking Action. Where there has not been actual commingling, installation of a LACT system, or off-lease storage within six months of the date of the letter authorizing same, the authority to do so shall terminate and thereafter the operator shall initiate another application for such authority.

.011. Field Inspection.

(a) All systems, upon their completion, will receive a field inspection by a representative from the Midland, Texas, office of the geologist in charge. Noncompliance, if not immediately corrected, will result in revocation of authority from the Board for Lease. Field inspections will be made periodically on each system for as long as it is utilized; no alterations or additions shall be made in a system without first obtaining authority from the geologist in charge of university lands.

(b) Systems requiring an inordinate amount of effort and time to determine the routing of the production streams, with resultant doubtful conclusions, will be disqualified. Operator should avoid burying or concealing any lines in the storage area.

(c) Haphazard arrangements of lines, separators, and other equipment, or lack of proper identification of systems, will cause the system to fail inspection and if not immediately corrected will result in revocation of authorization from the Board for Lease.

(d) Temporary tank battery hookups, such as the use of flexible hoses and stub connections, will not be approved. Installations shall be permanent, durable, and stable as if intended to be fixed in their given positions and not transitory. Practices continued in violation of Board for Lease regula-

tions will subject the operator to penalties as recited in .015 of these regulations.

.012. Alterations in System Design. Alterations in system design, subsequent to system approved by Board for Lease, shall not be made until approval for such change has been granted by the geologist in charge of university lands. Application for design changes are to be made in the same manner as the original application.

.013. Exceptions. Exceptions to these regulations may be granted by the Board for Lease, upon proper application, when supported by sufficient evidence of extreme hardship. Applications for exceptions shall be presented in the same manner as are other requests. Exceptions, when granted, are to be temporary and shall be subject to periodic review and possible revocation by the Board for Lease.

.014. Termination. The operator must notify the three addresses shown in .006, within 30 days, of the discontinuance of all or any part of any operations authorized under these regulations.

.015. Penalties.

(a) Chapter 282, Acts of the 41st Legislature, 1929, as amended, codified as Subchapter D, Chapter 66, Texas Education Code, provides that the Board for Lease of University Lands may adopt rules and regulations pertinent to the development and production of oil and gas on university lands. Further, the statutes specifically provide that the failure or refusal of the lessee or the authorized agent thereof to comply with the material terms of the lease, the filing of a false report, the failure or refusal to give correct information to the proper authorities, the refusal to give the proper authorities access to the records and other data pertaining to operations under the lease, or failure to comply with rules and regulations adopted by the Board for Lease of University Lands shall subject the lease to forfeiture by the board.

(b) Operators under farm-out agreements or other contracts with the lessee of record are required to comply with these regulations.

.016. Tank Cleaning Regulations.

(a) Whenever tanks are cleaned or tank residues are disposed of, tests shall be made to determine the quantity of merchantable oil in said tanks. The manner of disposition and the results of such tests shall be reported to the commissioner of the General Land Office. Such reports shall be made within 20 days following the end of the month of such cleaning or other disposition.

(b) The above regulations may be satisfied by filing with the commissioner of the General Land Office copies of the proper Railroad Commission forms containing the required information. Copies of tank-cleaning requests (Forms G-ES-A), when issued, and ES-A forms must be furnished in order to comply with this requirement.

(c) The lessee is responsible to the board for filing all required forms regardless of the tank-cleaning procedures or disposition of the residue. When tank bottoms and/or residue are disposed of without filing the proper forms with the commissioner of the General Land Office, royalty shall be due on the gross contents of such tank bottoms.

.017. Reporting of Production. In accordance with the lease provisions, the board reiterates its long-standing policy that all daily gauge reports covering production of oil on

university lands must accurately reflect actual stock on hand at the opening of the business on the first day of a calendar month, actual stock on hand at the close of business on the last day of a calendar month, and actual gross production during a given calendar month. All of the above shall be as reflected by actual measurements. Furthermore, such daily gauge reports must be in agreement with corresponding information appearing on the Affidavit of Production for any given month, and/or a reconciliation provided herewith.

Doc. No. 784000

Special Actions by the Board 137.05.00

Certain special actions by the board concerning proration of production; suspension of leases; approval of unitization agreements; and forfeiture and reinstatement of leases are described in Chapter 137.05.

These rules are proposed under the authority of Subchapter D, Chapter 66 of the Texas Education Code.

.001. Proration of Production. Whenever in the discretion of the board it is to the best interest of The University of Texas and of the permanent university fund that production from any lease for a limited period of time be prorated or reduced, the board is authorized to execute the necessary contract or contracts with the lessee or lessees, and their assigns, to effectuate the same.

.002. Suspension of Leases. Under certain statutory conditions, the board may suspend the running of the primary and principal terms of a lease, or any condition, obligation, or duty thereunder. The necessary letter of notification shall be sent in the name of the chairman of the board, signed by the secretary, notifying the interested parties of such suspension. When the cause for suspension ceases to exist, the board shall make proper entry in its minutes ending the period of suspension, and proper notification shall be sent to interested parties.

.003. Approval of Unitization Agreements. The board shall approve all unitization agreements affecting university lands before such initiation agreements can become operative. The board may require that such additional provisions be contained in the agreement as the board may deem necessary for the protection of the interest of the state. Such unit agreements shall be executed by the commissioner of the General Land Office, provided they are approved by the Board for Lease of University Lands and are found by the commissioner to be to the best interest of the state.

.004. Forfeiture and Reinstatement of Leases. The board may forfeit a lease for failure of the lessee to comply with any statutory or lease provisions, by entering upon the minutes an order reciting the facts constituting the default and declaring the forfeiture. The board may, if it so determines, have suit instituted for forfeiture and for damages or specific performance through the attorney general of the state. At the discretion of the board, and upon such terms as it may prescribe, the board may reinstate a forfeited lease upon

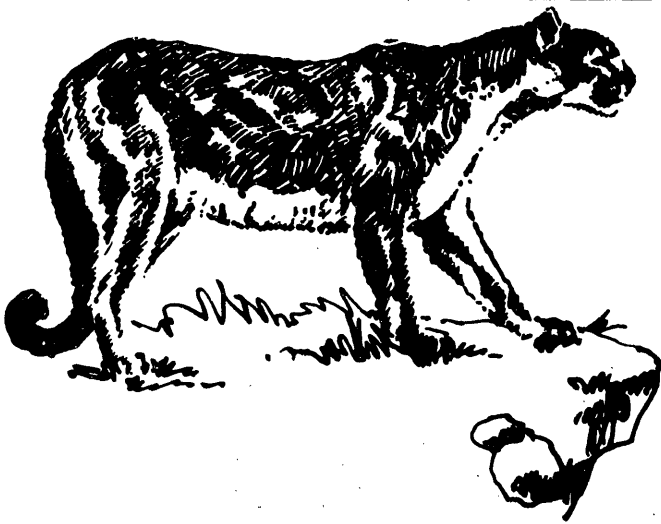
proper showing by the forfeiting owner within 30 days after the declaration of forfeiture.

Issued in Austin, Texas, on June 15, 1978.

Doc. No. 784001 Maxine R. Dean
Secretary
Board for Lease of University Lands

Proposed Date of Adoption: July 24, 1978

For further information, please call (512) 471-5781.



Texas Parks and Wildlife Department

Wildlife

Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation No. 23, 1977-78, 127.70.13.002-.059

(Editor's note: The text of these rules is not being published. It may be examined at the office of the Texas Parks and Wildlife Commission at 4200 Smith School Road, Austin, or in the office of the Texas Register Division of the Office of the Secretary of State, Room 503E, Sam Houston Building, Austin.)

The Texas Parks and Wildlife Commission proposes to repeal Rules 127.70.13.002-.059, constituting Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation No. 23, 1977-78.

The commission is responsible for establishing seasons, bag limits, means, and methods for harvesting the wildlife resources on wildlife management areas. The commission

proposes these repeals since changes in game populations, habitat, and research activities require that a new proclamation be enacted for the 1978-79 season. Simultaneously with the repeal of these rules, the commission is proposing to adopt Rules 127.70.13.100-.133, which will constitute Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation for 1978-79.

The department staff has determined that the repeal will have no fiscal implications for the state or units of local government.

Public comments on the proposed repeal of these rules are invited and may be submitted by contacting Phil Evans, regulatory coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4875. Comments must be received within 30 days of the publication of this proposal in the *Texas Register*.

The repeal of these rules is proposed under the authority of Chapter 81, Subchapter E, Texas Parks and Wildlife Code.

- .002. Application.
- .003. Authority.
- .004. Effective Date.
- .005. Finding of Fact.
- .006. Consent.
- .007. Open Seasons: General Rules.
- .010. Definitions.
- .011. General Regulations.
- .016. Means and Methods.
- .017. Rifle and Shotgun.
- .018. Archery.
- .019. Hunting with Dogs.
- .020. Migratory Birds.
- .024. Hunting Permits.
- .025. Checking Game.
- .026. Fishing Permits.
- .027. Tagging of Game.
- .032. Open Seasons and Bag Limits for Game Animals, Game Birds, Fur-bearers, and Predators.
- .033. Deer and Exotic Mammals—By Permit Only.
- .034. Javelina.
- .035. Squirrel.
- .037. Turkey.
- .038. Quail.
- .039. Pheasant.
- .040. Migratory Birds.
- .042. Other Nonprotected Species: Rabbits.
- .043. Fur-Bearing Animals.
- .044. Nutria.
- .045. Predatory Animals.
- .050. Fish.
- .051. Seasons.
- .052. Means and Methods.
- .053. Bag Limits.
- .054. Fish Size Limits.
- .057. Alligators.
- .059. Penalties.

Doc. No. 784003

Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1978-79, 127.70.13.100-.133

The Texas Parks and Wildlife Commission proposes to adopt Rules 127.70.13.100-.133, which will constitute Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation, 1978-79.

The commission is responsible for establishing seasons, bag limits, means, and methods for harvesting the wildlife resources on wildlife management areas. Rules 127.70.13.100-.133 are being proposed since changes in game populations, habitat, and research activities require that a new proclamation be enacted for the 1978-79 season. The commission also proposes to increase hunting permit fees in compliance with Section 81.403(c), Texas Parks and Wildlife Code.

The department staff has determined that the adoption of Rules 127.70.13.100-.133 will have no fiscal implications for the state or units of local government.

Public comments on the proposed adoption of Rules 127.70.13.100-.133 are invited and may be submitted by contacting Phil Evans, regulatory coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4875. Comments must be received within 30 days of the publication of this proposal in the *Texas Register*.

These rules are proposed under the authority of Chapter 81, Subchapter E, Texas Parks and Wildlife Code.

.100. Application. These rules apply to all species of fish, game animals, game birds, and fur-bearing animals in:

- (a) Angelina Wildlife Management Area:
 - (1) Dam "B" Unit in Jasper and Tyler Counties;
 - (2) Stephen F. Austin Unit in Nacogdoches County;
 - (3) Toledo Bend Unit in Shelby County;
- (b) Black Gap Wildlife Management Area in Brewster County;
- (c) Chaparral Wildlife Management Area in Dimmit and La Salle Counties;
- (d) Sierra Diablo Wildlife Management Area in Culberson and Hudspeth Counties;
- (e) Gus Engeling Wildlife Management Area in Anderson County;
- (f) Granger Wildlife Management Area in Williamson County;
- (g) Gene Howe Wildlife Management Area in Hemphill County;
- (h) Kerr Wildlife Management Area in Kerr County;
- (i) Matador Wildlife Management Area in Cottle County;
- (j) Pat Mayse Wildlife Management Area in Jefferson County;
- (k) J. D. Murphree Wildlife Management Area in Jefferson County;
- (l) Las Palomas Wildlife Management Area:
 - (1) Adams Unit in Hidalgo County;
 - (2) Frederick Unit in Willacy County;
 - (3) Grulla Unit in Starr County;
 - (4) Kelly Unit in Hidalgo County;
 - (5) Longoria Unit in Cameron County;

- (6) Prieta Unit in Starr County;
- (7) Voshell Unit in Cameron County; and
- (m) Sheldon Wildlife Management Area in Harris County.

.101. Authority. These rules are issued pursuant to Chapter 81, Subchapter E, Texas Parks and Wildlife Code.

.102. Finding of Fact. After having conducted continuous research and investigations of the supply, economic value, environment, breeding habits, and sex ratio of the wildlife resources, and the factors affecting their increase or decrease, it is deemed expedient and in the interest of sound conservation practices to allow such wildlife resources to be taken and possessed in accordance with these rules.

.103. Consent.

(a) None of the wildlife resources of the wildlife management areas may be taken except by holders or permits that have been issued by the Parks and Wildlife Department; however, no permits are required for the Angelina Wildlife Management Area (Dam "B" Unit and Toledo Bend Unit), Granger Area, and Pat Mayse Wildlife Management Area, except during the regular deer season. No permit is required for taking fish.

(b) The department shall charge a permit fee based on the costs to the department.

(c) The permit fees are:

- (1) white-tailed deer—\$20;
- (2) mule deer—\$40;
- (3) javelina—\$10;
- (4) squirrel—\$4;
- (5) turkey—\$10;
- (6) quail—\$5;
- (7) mourning doves and/or white-winged doves—\$5;
- (8) waterfowl—\$4;
- (9) predatory animals (feral hogs)—\$10.

.104. Open Seasons: General Rules.

(a) Open seasons are given by their opening and closing dates and include all days between the opening and closing dates.

(b) Open seasons may be closed earlier by order of the executive director of the department.

(c) Except for fishing, seasons are closed during the hours between one-half hour after sunset and one-half hour before sunrise.

(d) Hours during which migratory birds may be taken may be further restricted by the migratory game bird proclamation. Hours during which migratory birds may be taken are set out in Rule .122 below.

(e) It is unlawful to take any wildlife resources on the wildlife management areas except during open seasons set out in these rules.

.105. Definitions.

(a) "Department" or "Parks and Wildlife Department" is the Texas Parks and Wildlife Department or a specifically authorized employee of the department.

(b) "Game animals" are wild deer, wild elk, wild antelope, wild desert bighorn sheep, wild black bear, wild gray or cat squirrels, wild fox squirrels or red squirrels, and colored peccary or javelina.

(c) A "buck deer" is a deer having a hardened antler protruding through the skin.

(d) An "antlerless deer" is a deer having no hardened antler protruding through the skin.

(e) "Game birds" are wild turkey, wild ducks of all varieties, wild geese of all varieties, wild brant, wild grouse, wild prairie chickens, wild pheasants of all varieties, wild partridge, wild bobwhite quail, wild scaled quail, wild Mearns's quail, wild Gambel's quail, wild red-billed pigeons, wild band-tailed pigeons, wild mourning doves, wild white-winged doves, wild snipe of all varieties, wild shore birds of all varieties, chachalacas, wild plover of all varieties, and wild sandhill cranes.

(f) "Migratory birds" are wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallinules, wild plovers, Wilson's snipe or jack snipe, woodcock, mourning doves, white-winged doves, and sandhill cranes.

(g) A "bearded hen" is a female turkey possessing a clearly visible beard protruding through the feathers of the breast.

(h) "Fur-bearing animals" are wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, or civet cat.

(i) "Exotic mammals" on wildlife management areas are nonindigenous wild mammals.

(j) "Daily bag limit" is the quantity of a species of game that may be taken in one day.

(k) "Possession limit" is the maximum number of a species of game that may be possessed at one time.

(l) "Predatory animals" are coyotes, feral hogs, European wild hogs, and crosses thereof.

(m) Other nonprotected species for the purpose of these rules are rabbits.

106. General Regulations.

(a) Hunters, fishermen, and campers will be required to occupy designated campsites only, except camping and camp fires are not permitted on the Granger, Gene Howe, J. D. Murphree, Kerr, Matador, Angelina (Stephen F. Austin and Toledo Bend Units), Las Palomas (Adams, Frederick, Grulla, Kelly, Longoria, Prieta, and Voshell Units), and Sheldon Wildlife Management Areas. Camping on Dam "B" Unit of the Angelina Wildlife Management Area will be by permit only. Permits will be available at the U.S. Corps of Engineers office at the reservoir site.

(b) All hunters, fishermen, and campers shall be required to register at area headquarters or designated check stations, except on the Pat Mayse Area, all hunters and fishermen shall register at boxes provided at access points, and deer hunters shall register at hunt headquarters located on FM 1499. Hunters and fishermen are not required to register before entering Angelina Wildlife Management Area (Dam "B" Unit).

(c) All vehicles shall be restricted to designated roads. Parking will be permitted only in designated areas. On the Granger Area, parking is permitted only along designated roads and in such manner as to not obstruct traffic.

(d) Fishermen and campers shall be required to use Maravillas Canyon and Horse Canyon Roads only while going to and from the Rio Grande on the Black Gap Wildlife Management Area. From that point where the Maravillas Canyon Road enters the Rio Grande Valley downstream to the area boundary, all fishermen shall be confined to the area between the road and the river. From the same point upstream

to the area boundary, all fishermen shall be confined to an area within 300 yards of the river.

(e) Use of firearms except during open hunting seasons, disturbance or removal of plants, rocks, artifacts, or other objects is prohibited. It is unlawful for any person to possess any type of firearms, or bow and arrow, on any wildlife management area, except persons possessing a *bona fide* permit issued by the Parks and Wildlife Department to hunt on the area, or commissioned law enforcement officers and department employees in the performance of their duties.

(f) Strewing of refuse, litter, trash, or garbage is prohibited.

(g) No person may hunt, take, or kill, or attempt to hunt, take, or kill any game bird, game animal, or other protected species of wildlife from a motor vehicle or from any aircraft or airborne device.

(h) No person may possess or consume alcoholic beverages within the areas.

(i) Employees of the department may remove parts from specimens harvested on management areas for scientific investigation.

(j) A person hunting deer, javelina, or predatory animals on a wildlife management area, other than bowhunters during a special archery-only season, must visibly wear a minimum of 400 square inches of daylight fluorescent orange material with 144 square inches appearing on both the chest and back.

(k) Business concessions such as selling, renting, leasing, or peddling goods, merchandise, or services to the public may not be conducted on any area unless specifically authorized in writing by the executive director.

(l) No person may enter or attempt to enter a wildlife management area with a gun, rifle, or any other weapon, except persons duly selected to hunt on the areas or employees of the department in performance of their duties.

(m) No dogs are allowed within the J. D. Murphree Area, except one dog per permit-holding hunter is permitted to retrieve dead or wounded waterfowl.

(n) Dogs in camp on wildlife management areas shall be confined or leashed.

(o) Water skiing is prohibited.

(p) Airboats are prohibited in the J. D. Murphree Area, except in Big Hill Bayou.

(q) Boats, skiffs, or floating craft of any type may not be left overnight.

(r) Swimming is prohibited.

(s) Sheldon Wildlife Management Area shall be open for fishing from 5 a.m. to 9:30 p.m. each day, except Mondays when the area will be closed unless a federal or state legal holiday occurs on Monday. In that event, the area shall open Monday and close on the following Tuesday.

107. Rifle and Shotgun.

(a) It is lawful to shoot game animals, predatory animals, and exotic mammals only with a rifle or shotgun capable of and designed for being shot from the shoulder.

(b) It is unlawful to shoot a game bird with a rifle, except turkey, or to shoot a migratory game bird with a shotgun that is not permanently plugged to three-shell capacity.

(c) It is unlawful to use rimfire ammunition, jet gun, or rocket gun in shooting deer, javelina, predatory animals, and turkey.

(d) It is unlawful to use shotgun shells other than rifled slugs or buckshot in shooting predatory animals.

(e) It is unlawful to use a rifle to take turkey during the spring turkey gobbler season.

.108. Archery.

(a) It is lawful to hunt deer, exotic mammal, turkey, and javelina during the open seasons with a longbow and arrow only if:

(1) the bow is capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards;

(2) the arrow is equipped with a broadhead hunting point at least seven-eighths inch in width and not over 1-1/2 inches in length;

(3) the arrow bears the name and address of the user in a nonwater soluble medium; and

(4) the arrow is not poisoned, drugged, or explosive.

(b) It is unlawful to use a crossbow.

.109. Hunting with Dogs.

(a) It is unlawful to use a dog or dogs in hunting, pursuing, or taking deer or predatory animals.

(b) It is lawful to use no more than two leashed dogs in trailing wounded deer.

(c) A wounded deer is defined as a deer leaving a blood trail.

.110. Migratory Birds: Means and Methods.

(a) The following means and methods are lawful in taking migratory birds on wildlife management areas:

(1) artificial decoys, manual or mouth-operated birdcalls, shotgun not larger than 10 gauge and permanently plugged to three-shell capacity;

(2) taking from floating craft (other than a sink-box which is beached, at anchor, or tied within or alongside a fixed hunting blind);

(3) taking by the use of power boats, sailboats, or other craft when used solely as a means of picking up dead or injured birds; and

(4) taking mourning and white-winged doves shall be in accordance with the current migratory bird proclamation.

(b) All other means and methods of taking migratory game birds on wildlife management areas are unlawful.

.111. Hunting Permits.

(a) Special permits for hunting wildlife species on any of the wildlife management areas shall be issued by the department to applicants by means of an impartial method of distribution subject to limitations on the maximum number of permits to be issued.

(b) No person may receive a special permit for hunting on wildlife management areas for two consecutive years unless all applications from persons who applied but did not receive a permit for the preceding year are filled.

(c) All hunting and trapping shall be by special permit, except quail hunters on the Black Gap, Chaparral, Gus Engeling, Gene Howe, and Matador Wildlife Management Areas will be accepted on a first-come, first-served basis.

(d) No special permit is required for squirrel and duck hunting on the Engeling Area.

(e) A maximum number of 30 quail hunters per day is permitted on the Gene Howe Area, with no repeat hunters after the first day unless the daily quota is not filled.

(f) No permit is required for hunting on the Angelina Area (Toledo Bend and Dam "B" Units) and Granger Management Area during open seasons provided in these rules.

.112. *Checking Game.* All game birds, game animals, exotic mammals, predatory animals, other nonprotected species and fur-bearers taken or killed on the wildlife management areas, except Pat Mayse Area, Granger Area, and Angelina Area (Toledo Bend and Dam "B" Units), must be checked at designated check stations before the hunter or trapper leaves the premises. On the Pat Mayse Area during the regular deer season, hunters must check deer in at check station located on FM 1499.

.113. *Fishing Permits.* Fishing privileges shall be extended to the public in an impartial manner.

.114. Tagging of Game.

(a) The sex of deer or turkey and definition of antlered buck to be taken shall be determined at the time of the hunt and stipulated on the permit issued by the department to the hunter.

(b) The carcass of deer or turkey in possession of a person shall have attached to it a tag issued to the person from his or her valid hunting license; in addition, a special tag issued from the wildlife management area must be attached to each deer or turkey until the deer or turkey is processed for consumption, except no special tag is required for deer or turkey killed on the Angelina Area (Dam "B" Unit) and the Pat Mayse Area during the deer archery season.

(c) No tag from the valid hunting license is required on exotic mammals; however, a special tag issued from the area must be attached to each exotic mammal until it is processed for consumption.

.115. *Open Seasons and Bag Limits for Game Animals, Game Birds, Other Nonprotected Species, Fur-bearers, and Predators.* It is unlawful to take wildlife resources at any time other than during the open seasons provided in these rules, or to take more than the daily bag limits, or to have in possession more than the possession limits, as provided in these rules.

.116. Deer and Exotic Mammals—By Permit Only.

(a) Except during open seasons on Angelina Area (Dam "B" Unit) and during the special archery season on Pat Mayse Area.

(b) Special archery season—open season:

(1) Angelina (Dam "B" Unit): October 1-31, 1978;
(2) Gus Engeling: October 20-22, 23-25, 26-28, 29-31, 1978;

(3) Pat Mayse: October 1-13, 1978;

(4) Other areas: no open season.

(c) Regular season—open season:

(1) Angelina (Dam "B" Unit): November 18, 1978-January 1, 1979;

(2) Chaparral: November 18-December 31, 1978;

(3) Gus Engeling: November 18, 1978-January 1, 1979, muzzle-loading rifles, .45 caliber or larger without telescopic sights may be used;

(4) Gene Howe: November 18-20, 25-29, December 2-4, 1978;

(5) Kerr: November 18, 1978-January 1, 1979;

(6) Pat Mayse: November 18-30, 1978;

(7) Sierra Diablo: November 25-27, December 2-4, 1978;

(8) Other areas: no open season.
 (d) Bag and possession limit: on all areas, one deer or exotic mammal per person; sex, definition of antlered buck, and species to be determined at time of the hunt.

.117. Javelina.

- (a) Open season.
 - (1) Black Gap: December 9-15, 1978.
 - (2) Other areas: no open season.
- (b) Bag limit: one javelina.
- (c) Possession limit: one javelina.

.118. Squirrel.

- (a) Open season.
 - (1) Angelina
 - (A) Stephen F. Austin Unit: October 6-8, 20-22, November 3-5, 1978, May 4-6, 11-13, 1979;
 - (B) Dam "B" Unit: October 1, 1978-January 15, 1979, May 1-31, 1979;
 - (C) Toledo Bend Unit: October 1-December 31, 1978.
 - (2) Gus Engeling: October 7-13, 1978, May 4-6, 11-13, 1979;
 - (3) Granger: October 1, 1978-January 15, 1979;
 - (4) Pat Mayse: October 14-17, December 1, 1978-January 15, 1979, May 1-31, 1979;
 - (5) Other areas: no open season.
- (b) Bag limit: 10 squirrels per day.
- (c) Possession limit: 20 squirrels.

.119. Turkey.

- (a) Open season.
 - (1) Gus Engeling: April 20-22, 27-29, May 4-6, 1979;
 - (2) Gene Howe: November 18-20, 25-27, December 2-4, 1978, April 20-22, 27-29, May 4-6, 1979;
 - (3) Kerr: April 20-22, 27-29, May 5-7, 1979;
 - (4) Matador: April 20-22, 27-29, May 4-6, 1979;
 - (5) Other areas: no open season.
- (b) Bag limit: one gobbler or bearded hen, except during spring season where the bag limit is one gobbler only.
- (c) Possession limit: one turkey.

.120. Quail.

- (a) Open season.
 - (1) Angelina (Toledo Bend Unit): December 1, 1978-January 31, 1979;
 - (2) Black Gap: October 7, 8, 14, 15, 21, 22, 28, 29, November 4, 5, 11, 12, 18, 19, 1978;
 - (3) Chaparral: October 28, 29, November 4, 5, 11, 12, December 23, 24, 30, 31, 1978, January 6, 7, 13, 14, 20, 21, 1979;
 - (4) Gus Engeling: December 9-10, 16-17, 1978;
 - (5) Granger: November 18, 1978-February 18, 1979;
 - (6) Gene Howe: November 4, 5, December 9, 10, 1978, January 6, 7, 20, 21, February 3, 4, March 3, 4, 1979;
 - (7) Matador: November 4, 5, 11, 12, 18, 19, December 2, 3, 9, 10, 16, 17, 1978, February 3, 4, 10, 11, 17, 18, 1979;
 - (8) Pat Mayse: December 1, 1978-February 18, 1979;
 - (9) Other areas: no open season.
- (b) Bag limit: 12 quail per day.
- (c) Possession limit: 36 quail.

.121. Pheasant. No open season.

.122. Migratory Birds.

- (a) Mourning doves.
 - (1) Open season: to correspond with season set by the migratory game bird proclamation.
 - (A) Angelina (Toledo Bend Unit)
 - (B) Black Gap
 - (C) Chaparral
 - (D) Granger
 - (E) Matador
 - (F) Pat Mayse
 - (G) Other areas: no open season.
 - (2) Shooting hours: to correspond with shooting hours set by the migratory game bird proclamation.
 - (3) Bag limit: to correspond with the bag limit set by the migratory game bird proclamation.
 - (4) Possession limit: to correspond with possession limit set by the migratory game bird proclamation.
- (b) White-winged doves.
 - (1) Open season.
 - (A) Black Gap.
 - (B) Other areas: no open season.
 - (2) Shooting hours: to correspond with shooting hours set by the migratory game bird proclamation.
 - (3) Bag limit: to correspond with the bag limit set by the migratory game bird proclamation.
 - (4) Possession limit: to correspond with the possession limit set by the migratory game bird proclamation.
- (c) Waterfowl.
 - (1) Open season.
 - (A) J. D. Murphree—teal ducks only: to correspond with the season set by the migratory game bird proclamation; other migratory waterfowl: every Tuesday, Thursday, and Saturday of the duck season for Jefferson County as set in the migratory game bird proclamation, except there shall be no hunting on Thanksgiving, Christmas, or New Year's Day. Should any of these holidays fall on a Tuesday, Thursday, or Saturday, the following Wednesday, Friday, or Monday shall be hunted in lieu thereof;
 - (B) Angelina:
 - (i) (Dam "B" Unit): to correspond with the season set by the migratory game bird proclamation;
 - (ii) Toledo Bend Unit: to correspond with the season set by the migratory game bird proclamation;
 - (C) Gus Engeling: to correspond with the season set by the migratory game bird proclamation;
 - (D) Pat Mayse: to correspond with the season set by the migratory game bird proclamation;
 - (E) Other areas: no open season.
 - (2) Shooting hours: to correspond with shooting hours set by the migratory game bird proclamation.
 - (3) Bag limit: to correspond with the bag limit set by the migratory game bird proclamation.
 - (4) Possession limit: to correspond with the possession limit set by the migratory game bird proclamation.
- (d) Other migratory birds: no open season.

.123. Other Nonprotected Species: Rabbits. Granger: no closed season and no bag or possession limit.

.124. Fur-bearing Animals. No open season.

.125. Nutria. No open season.

.126. Predatory Animals. There is no open season on predatory animals, except they may be taken by valid permit

holders only during the deer and javelina open seasons and on the Gus Engeling Area, feral hogs, European wild boars, and crosses thereof may be taken during the special hunt.

.127. *Fish.* It is unlawful to take or possess fish in greater numbers or at any time other than as permitted in these rules.

.128. *Seasons.*

(a) No closed season, except that there shall be no open season on the Chaparral, Gene Howe, or Las Palomas Wildlife Management Areas.

(b) **Black Gap:** impoundments are closed to fishing. Access to the Rio Grande and camps on the Rio Grande are closed to fishermen and campers during the deer and javelina seasons.

(c) J. D. Murphree.

(1) In that portion of Big Hill Bayou which lies within the J. D. Murphree Area, fishing shall be permitted from January 16 through October 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset.

(2) In the remainder of the area, fishing shall be permitted from March 1 through August 31, both days inclusive, from 30 minutes before sunrise to 30 minutes after sunset, except that when required by the department for the proper management of waterfowl resources, compartments may be closed to fishing for temporary periods of time.

(3) Powered skiffs, powered boats, or powered floating craft of any type with motor not to exceed 25 horsepower shall be permitted within compartments during the period from March 1 through August 31.

(4) Boats, skiffs, or floating craft of any type are not permitted in the ditches along the west boundary of compartments 5, 6, 7, 8, and 9, and the north boundary of compartment 11 during the period from March 1 through August 31, both days inclusive.

(d) Gus Engeling: no fishing is permitted during public hunts.

.129. *Means and Methods.*

(a) Means and methods of fishing are the same as provided by general and special laws and proclamations, except as provided in these rules issued by the commission for the county or counties where the management area is located.

(b) J. D. Murphree.

(1) A person may take fish within compartment and borrow ditch areas only by means of rod and reel, pole and line, and throw line.

(2) No fishing lines shall be left unattended at any time within compartment and borrow ditch areas.

(3) Means and methods of fishing in the Big Hill Bayou shall be the same as provided by general and special laws and proclamations issued by the Parks and Wildlife Commission for Jefferson County, except seines and nets other than 20-foot minnow seines are prohibited.

(c) Sheldon.

(1) Fishing is permitted in accordance with fishing regulations in Harris County, except handlines and trotlines are prohibited.

(2) Fishing is closed to boat and wade fishermen between the period October 1 through February 1, both days inclusive.

(3) Boat motors over 10 horsepower are prohibited.

.130. *Bag Limits.* Bag limits for fish shall be the same as provided by general and special laws and proclamations issued by the Parks and Wildlife Commission for the county or counties where the management area is located.

.131. *Fish Size Limits.* Fish size limits shall be the same as provided by general and special laws and proclamations issued by the Parks and Wildlife Commission for the county or counties where the management area is located.

.132. *Alligators.* No open season.

.133. *Penalties.*

(a) Section 81.006, Texas Parks and Wildlife Code, provides a penalty of not less than \$25 nor more than \$100 upon conviction of a person who shall violate any of the rules, or who shall hunt or fish at any time other than the times specified by the Parks and Wildlife Commission.

(b) The rules and regulations herein promulgated are cumulative of all general and special laws enacted by the legislature regulating the taking of wildlife.

Issued in Austin, Texas, on June 16, 1978.

Doc. No. 784004

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Commission

Proposed Date of Adoption: July 24, 1978

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

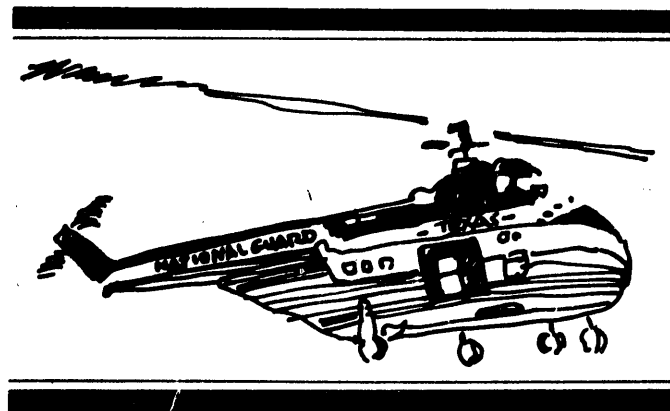
ADOPTED RULES

2141.

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.



Office of the Governor

Criminal Justice Division

State-Federal Relations 001.55.02

Under the authority of Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968 as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, Public Law 93-83, Crime Control Act of 1973, and Public Law 94-503, Crime Control Act of 1976; Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974; rules and guidelines promulgated by the Law Enforcement Assistance Administration; and the provisions of Article 6252-13, Section 10(a)(3), Vernon's Annotated Civil Statutes, the Criminal Justice Division adopts by reference Public Law 95-115, Juvenile Justice Amendments of 1977, without prior notice due to the effective date of the federal statute of October 3, 1977, and amends Rule 001.55.02.005 by adding a new Section (f).

.005. *Federal Acts Adopted by Reference.* The Criminal Justice Division adopts by reference the following federal acts. Copies are available for inspection in the office of Willis Whately, general counsel, Criminal Justice Division, 411 West 13th, Austin, Texas.

- (a) Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968;
- (b) Public Law 91-644, Omnibus Crime Control Act of 1970;
- (c) Public Law 93-83, Crime Control Act of 1973;
- (d) Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974;
- (e) Public Law 94-503, Crime Control Act of 1976;
- (f) Public Law 95-115, Juvenile Justice Amendments of 1977.

Issued in Austin, Texas, on June 7, 1978.

Doc. No. 784005

Robert C. Flowers, Executive Director
Criminal Justice Division
Office of the Governor

Effective Date: October 3, 1977

For further information, please call (512) 475-6065.

Texas Department of Health Communicable Diseases

Immunization Requirements in Child-Care Facilities 301.41.03

The Texas Board of Health has adopted the proposed amendments with the following major changes to the ones previously published on September 6, 1977 (2 TexReg 3386):

- (1) An affidavit is required for medical contraindications.
- (2) Dosage and booster requirements for inactivated polio vaccine are revised and published in a new section.
- (3) Requirements for measles and rubella vaccines were removed from a separate section and included in a section listing all vaccine requirements.
- (4) Physician verification of measles illness will not be required until September 1, 1979, and then only for children presenting new histories of measles illness.
- (5) Measles requirements will apply to 12-year-old children on September 1, 1979. On the first of September each year thereafter, the measles requirements will also apply to children one year older, until persons through 18 years of age are included.
- (6) Effective September 1, 1979, mumps vaccine will be required for children less than eight years of age. On the first of September each year thereafter, mumps vaccine will also be required for children one year older, until those through 18 years of age are included. Physician-verified mumps illness will serve in lieu of mumps vaccine.
- (7) Verification of measles or mumps illnesses is acceptable from any physician licensed to practice medicine in the United States.
- (8) Flexibility is allowed in record interpretation relative to measles, DTP/Td, and polio vaccines. In addition, only the month and year of immunizations or diseases (measles and mumps) are required on immunization records.

Several minor changes have been made for purposes of clarification.

These rules are being adopted under authority of Article 695c, Texas Civil Statutes.

.001. *Children Included in Requirements.* The immunization requirements are specified elsewhere in these rules and

apply to all children attending child-care facilities. A child-care facility is defined as a facility providing care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the service offered by it.

.002. Exclusions from Compliance. Exclusions from compliance are allowable on an individual basis for medical contraindications and religious conflicts. Children in these categories must have signed statements submitted as specified in the law.

(a) **Medical contraindications.** The person applying for the child's admission must present an affidavit signed by a physician, duly registered and licensed under the Medical Practice Act, in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his or her family or household.

(b) **Religious conflicts.** The person applying for the child's admission must present an affidavit signed by the parent or guardian of the child stating that the vaccination or immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member.

.003. Required Immunizations. (See .011 for the policies on provisional enrollment, and .017 for remarks and special considerations.) Oral polio vaccine is the usual vaccine of choice for preventing polio; however, inactivated polio vaccine may be medically indicated for some children. The required number of doses and booster requirements for inactivated polio vaccine (IPV) differ from the requirements for oral polio vaccine. See .006. If a child fails to complete the oral polio vaccine series and, upon medical advice, starts receiving IPV, then the IPV requirements specified in Rule .006 will apply. The following immunizations are required in the respective age groupings:

(a) Children less than five years of age.

(1) Children less than two months old: no immunizations required.

(2) Children two months of age, but not yet four months of age: one dose each of oral polio and diphtheria-tetanus-pertussis (DTP) vaccines.

(3) Children four months of age, but not yet six months of age: two doses each of oral polio and DTP vaccines.

(4) Children six months of age, but not yet 18 months of age: two doses of oral polio and three doses of DTP vaccines.

(5) Children 18 months of age, but not yet five years of age: three doses each of oral polio and DTP vaccines, and one dose each of measles and rubella vaccines. The dose of measles vaccine must have been received on or after the first birthday. Effective September 1, 1979, all children in this group must have also received mumps vaccine. See Rules .007-.010 for policies on the acceptance of histories of measles and/or mumps illnesses in lieu of the vaccines.

(b) Children ages 5 through 11 years.

(1) **Polio.** At least three doses of oral polio vaccine are required, provided at least one dose has been received on or after the fourth birthday. See .017(c), (d).

(2) **Tetanus/diphtheria.** At least three doses of DTP and/or Td vaccines are required, provided at least one dose

has been received on or after the fourth birthday. See .017(c), (d).

(3) **Measles.** All children in this group must have received measles vaccine on or after the first birthday, or provide a history of measles illness. On or after September 1, 1979, all new histories of measles illness presented by children's parents or guardians must be verified by a physician's statement. See .007-.009 and .017(e).

(4) **Rubella.** One dose of rubella vaccine is required. Rubella vaccine is not required past the 12th birthday. See .017(g).

(5) **Mumps.** Beginning September 1, 1979, mumps vaccine will be required for all children in this group less than eight years old. On the first of September each year thereafter, children one year older will also be required to have received mumps vaccine. Children through 11 years of age will be required to have received mumps vaccine effective September 1, 1983. See the table below:

Mumps Vaccine Requirements by Effective Dates for Children 18 Months through 11 Years of Age in Child-Care Facilities

Effective Dates	Ages in Years*
September 1, 1979	thru 7
September 1, 1980	thru 8
September 1, 1981	thru 9
September 1, 1982	thru 10
September 1, 1983	thru 11

*Ages of children in child-care facilities on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old. A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated in writing by a licensed physician. See .010 and .017(f).

(c) Children ages 12 and older. See .005.

(1) **Polio.** At least three doses of oral polio vaccine are required, provided one or more doses have been received on or after the fourth birthday. See .017(c), (d). Polio vaccine is not required for persons 19 years of age or older.

(2) **Tetanus/diphtheria.** A minimum of three doses of DTP and/or Td is required, with at least one dose having been received on or after the fourth birthday and with the last dose within the past 10 years. See .017(c), (d).

(3) **Measles.** Effective September 1, 1979, children 12 years of age will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. On the first of September each year thereafter, children one year older must also meet these requirements. Effective September 1, 1985, children through 18 years of age will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. See the table below:

Measles Vaccine Requirements by Effective Dates for Children in Child-Care Facilities

Effective Dates	Ages in Years*
September 1, 1978	thru 11
September 1, 1979	thru 12
September 1, 1980	thru 13
September 1, 1981	thru 14
September 1, 1982	thru 15
September 1, 1983	thru 16
September 1, 1984	thru 17
September 1, 1985	thru 18

*Ages of children in child-care facilities on the effective date.

Note: Measles vaccine is not required for children less than 18 months old. On or after September 1, 1979, all new histories of measles illness presented by children's parents and guardians must be verified by a physician's statement. See .007-.009 and .017(e).

Eventually, all children will be included in the measles requirements. In the meantime, measles vaccine is recommended for children for whom measles vaccine is not yet required, especially if:

- (A) history of vaccine or illness is uncertain, or
- (B) measles vaccine was received prior to the first birthday, or
- (C) the "inactivated" (killed) type of measles vaccine was received.

(4) Rubella. Rubella vaccine is not required past the 12th birthday. See .017(g).

(5) Mumps. Beginning September 1, 1984, mumps vaccine will be required for all children 12 years of age in child-care facilities. On the first of September each year thereafter, children one year older will also be required to have received mumps vaccine. Effective September 1, 1990, children through 18 years of age will be required to have received mumps vaccine. See the following table:

Mumps Vaccine Requirements by Effective Dates for Children 12 Years of Age through 18 Years of Age in Child-Care Facilities

Effective Dates	Ages in Years*
September 1, 1984	thru 12
September 1, 1985	thru 13
September 1, 1986	thru 14
September 1, 1987	thru 15
September 1, 1988	thru 16
September 1, 1989	thru 17
September 1, 1990	thru 18

*Ages of children in child-care facilities on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old. A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated by a physician. See .010 and .017(f).

.004. Boosters.

(a) Boosters are not required for oral polio, rubella, and mumps vaccines.

(b) Reinforcing or "booster" doses of Tetanus/diphtheria (Td) vaccine are required every 10 years after the dose obtained on or after the fourth birthday. See .003(c)(2).

(c) Effective September 1, 1978, a measles booster is required for each child 18 months to 12 years of age who received measles vaccine prior to the first birthday, unless the child has had measles illness. On the first of September each year thereafter, each child one year older will also be required to receive a measles booster if his or her previous dose was received prior to the first birthday, unless measles illness has occurred. On or after September 1, 1979, all new histories of measles illness presented by children's parents or guardians must be verified by a physician's statement. Note: .004(c) contains the same policies previously stated in .003(a)(5), (b)(3), and (c)(3).

.005. *Pregnancy.* Requirements for polio, measles, rubella, and mumps vaccines are waived during pregnancy. This does not apply to Tetanus/diphtheria vaccine.

.006. *Inactivated Polio Vaccine.* This vaccine is the injectable type which is usually recorded as "IPV" or "Salk" on immunization records. A few children may need this type of polio vaccine instead of oral polio vaccine because of medical considerations.

A child may be provisionally enrolled with a history of one dose of IPV, provided two more doses are taken at one- to two-month intervals, and a fourth dose is received 6 to 12 months later. A child will be in full compliance with the IPV requirements whenever he or she has received the four initial IPV doses, and has received a dose within three years. Booster IPV's are required every three years after the fourth dose. If a child fails to receive the three-year IPV booster, but, upon medical advice starts receiving oral polio vaccine, then the oral polio vaccine requirements specified in Rule .003 will apply.

.007. *Verification of Measles Illness.* Rule .003 states that a history of measles illness is acceptable in lieu of vaccine. All verbal or written histories of measles illness received by facilities from parents, guardians, or physicians prior to September 1, 1979, will always be considered to be valid histories; however, effective September 1, 1979, all new histories of measles illness must be supported by a physician's written statement of measles illness. The physician's statement should contain wording such as "This is to verify that (name of child) had measles (rubella) illness on or about (date) and does not need measles vaccine." A copy of the statement must be attached to the child-care facility immunization record, and the original should be returned to the parent or guardian. Standard Form C-90 is available at no charge from the Texas Department of Health for facilities to use in obtaining verification of measles illness, or facilities may design and use similar forms. See .008 and .009. Note: If a child's parent or guardian is unable to obtain the physician's statement, then measles vaccine is required.

.008. *Unspecified Dates for Measles on Immunization Records.* This section applies to all children in child-care facilities at the time when measles vaccine is required, as specified in Rule .003. Whenever the facility immunization record, and/or the copy presented by the child's parent or guardian, contains a measles date which is not specified as to whether it relates to measles vaccine or measles illness (and no histories of measles illness have been filed), the facility should issue a "Notice to Parents or Guardians Concerning Measles Immunizations." Texas Department of Health Form C-90, or a similar form designed by the facility, as follows:

From September 1, 1978, on: issue a Form C-90 whenever the unspecified measles date is prior to the first birthday.

From September 1, 1979, on: in addition to the above, a facility should also issue a Form C-90 whenever the unspecified measles date is on or after the first birthday.

The use of Form C-90 or a similar form will instruct the parents and guardians as to one of the following actions they will need to take, depending on the significance of the date:

(a) the date relates to measles vaccine which was received prior to the first birthday, and measles illness has not occurred since: a booster dose of measles vaccine is required; or,

(b) the date relates to measles vaccine which was received prior to the first birthday, and measles illness has occurred since: either a booster dose of measles vaccine or a history of measles illness is required (after September 1, 1979, all new histories of measles illness presented by children's parents or guardians must be verified by a physician's statement); or.

(c) the date relates to measles vaccine which was received on or after the first birthday: no action needed by parents, other than returning Form C-90 (or similar form); or.

(d) the date relates to measles illness: either a booster dose of measles vaccine or a history of measles illness is required (after September 1, 1979, all new histories of measles illness presented by children's parents or guardians must be verified by a physician's statement).

Note: a "new" history of measles illness is defined as one filed on or after September 1, 1979, for a child for whom a history of measles illness was not received by a Texas facility either verbally or in writing from parents, guardians, or physicians prior to September 1, 1979.

.009. Allowable Time for Responses to Form C-90 or Similar Forms. Parents and guardians shall be granted a maximum 45-day period after issuance of Form C-90 in which to reply and take necessary action; otherwise, the child will not be in compliance with the child-care facility measles requirements.

.010. Statement for a History of Mumps Illness. A history of mumps illness is acceptable in lieu of mumps vaccine if the parent or guardian presents a signed and dated statement of past mumps illness from a physician licensed to practice medicine in the United States. The suggested wording for the statement is: "This is to verify that (name of child) had mumps illness on or about (date) and does not need mumps vaccine." A copy of the statement must be attached to the child-care facility immunization record. The original statement should be returned to the parent or guardian.

.011. Provisional Enrollment. The law requires that children be fully immunized against the specified diseases. However, a child may be provisionally admitted if he or she has begun the required immunizations and if he or she continues to receive necessary immunizations as rapidly as is medically feasible. The facility granting provisional enrollment must ensure that the required immunizations are received on schedule. If a child transfers from one child-care facility to another, a grace period of no more than 30 days may be allowed at the new facility while awaiting the transfer of the immunization record, during which the child may be provisionally enrolled.

.012. Facility Records. All child-care facilities are required by law to "keep an individual immunization record for each child admitted, and the records shall be open for inspection by the Texas Department of Human Resources at all reasonable times." Representatives of the Texas Department of Health and local health departments may provide assistance in the examination of these immunization records.

.013. Acceptable Documents of Immunizations. Any validated document of immunization presented by a child's parent or guardian is acceptable, provided it shows at least the month and year when each immunization was received.

A machine copy of the validated record, or a hand-written copy, is also acceptable, provided it has been signed by the director of the child-care facility or other responsible staff person who has viewed and completely copied the material, including the name of the physician and the dates of the immunizations. At least the month and year of vaccine or disease must be recorded in all new facility records initiated, and in existing records updated, after September 1, 1978. The month, day, and year of immunization, or diseases, should be recorded whenever possible. All new entries in immunization files must be based upon a certificate of immunization which has been validated by, or for, a physician or public health personnel. The validated record should be returned to the parent or guardian after the immunization history has been entered in facility records. The Texas Department of Health and local health departments will provide record-keeping cards free of charge for maintaining facility immunization files, or commercially or locally produced record cards may be used.

.014. Transfer of Records. When a child transfers from one child-care facility to another and a request for record transfer is received, a copy of the immunization record and any measles or mumps illness statements from physicians should be sent within 30 days to the receiving facility. A record received by mail from the director or staff of another facility may be considered a validated record.

.015. Assistance and Review of Records. Representatives of the Texas Department of Health and local health departments will, upon request, advise and assist facility directors in meeting the requirements of the law. Periodic review of facility immunization records is occasionally necessary in order to allow public health epidemiologists to obtain information required in preventing or controlling community outbreaks of vaccine-preventable diseases.

.016. Annual Report of Immunization Status. An annual report of the immunization status by age group of all children enrolled as of a specified date shall be submitted by each child-care facility to the Texas Department of Health, so that compliance with the legislation may be monitored.

.017. Remarks and Special Recommendations.

(a) Immunization recommendations vary from state-to-state and from physician-to-physician. The immunization requirements specified herein will assure protection against the vaccine-preventable diseases for the majority of children. Some physicians and local health departments adhere to an immunization schedule which may require more doses than other physicians; therefore, many children will have received more doses of vaccine than those specified above.

(b) If there is an epidemic of vaccine-preventable disease in or near a community, the local health authority may require or recommend additional doses or boosters to provide further protection for children attending child-care facilities.

(c) If a dose of oral polio or DTP/Td vaccine is administered within the month prior to, or of, the fourth birthday, it will satisfy the requirement for a dose on or after the fourth birthday.

(d) When a validated immunization record contains only one vaccine date for either oral polio or DTP/Td, and a "B" or the word "booster," or the words "series completed" (or similar wording) appears by the immunization date, assume that three doses of the vaccine have been ad-

ministered. If the date is within the month prior to, or of, the fourth birthday, then the requirement for a dose on or after the fourth birthdate is met under these circumstances.

(e) If a child has received measles vaccine during the month of the first birthday, and the exact date is not specified in the immunization record, it may be assumed that the dose was received on or after the first birthday.

(f) The requirements for mumps vaccine will apply to children one year older each year until all children are included. In the meantime, mumps vaccine is recommended for all children 15 months or older enrolled in child-care facilities.

(g) Rubella immunizations are not required for children 12 years of age and older. Previously unimmunized females 12 and older should be serologically tested for rubella and referred to their usual source of medical care if the tests indicate susceptibility to rubella.

(h) Directors of child-care facilities are strongly encouraged to report promptly all suspected or known cases of vaccine-preventable disease which occur among children or staff. This will alert public health officials in sufficient time to prevent possible outbreaks of these diseases. Such cases should be reported on the day of recognition to the city or county health department, the city or county health officer, the public health regional office, or the Texas Department of Health in Austin.

Doc. No. 783978

Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education 301.41.04

The Texas Board of Health has adopted the proposed amendments with the following major changes to the ones previously published on March 10, 1978 (3 TexReg 812):

(1) Requirements for children less than five years of age are added for preschool (prekindergarten) students.

(2) Dosage and booster requirements for inactivated polio vaccine are revised and published in a new section.

(3) Physician verification of measles illness will not be required until September 1, 1979, and then only for students presenting new histories of measles illness.

(4) Measles requirements will apply to 12-year-old students, or those in the sixth grade, on September 1, 1979. On the first of September each year thereafter, the measles requirements will also apply to students one year older, or in one higher grade in schools.

(5) Effective September 1, 1979, mumps vaccine will be required for students less than eight years of age, or those enrolled through the first grade. On the first of September each year thereafter, mumps vaccine will also be required for students one year older, or in one higher grade in schools. Physician-verified mumps illness will serve in lieu of mumps vaccine.

(6) Verification of measles or mumps illnesses is acceptable from any physician licensed to practice medicine in the United States.

(7) Requirements for live virus antigens are waived during pregnancy.

(8) Flexibility is allowed in record interpretation relative to measles, DTP/Td, and polio vaccines. In addition, only the

month and year of immunizations or diseases (measles and mumps) are required on immunization records. Several minor changes have been made for the purposes of clarification.

These rules are being adopted under authority of Article 2.09, Education Code, Vernon's Texas Codes Annotated.

.001. Students Included in Requirements. The immunization requirements are specified elsewhere in this policy statement and apply to all students entering, attending, and/or transferring to public, private, or parochial schools, for example: preschool programs and kindergartens associated with elementary schools; elementary and secondary (junior and senior high) schools; academies; colleges; universities; and schools for the blind, deaf, mentally ill, and mentally retarded.

.002. Exclusions from Compliance. Exclusions from compliance are allowable on an individual basis for medical contraindications and religious conflicts. Students in these categories must submit evidence as specified in the law.

(a) Medical contraindications. The student must present an affidavit or certificate signed by a physician, duly registered and licensed under the Medical Practice Act, in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his or her family or household.

(b) Religious conflicts. The student must present an affidavit signed by the applicant, or if a minor, by his or her parent or guardian, stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member; provided, however, that this exemption does not apply in times of emergency or epidemic declared by the commissioner of health.

.003. Required Immunizations. (See .011 for the policies on provisional enrollment and .017 for remarks and special considerations.) Oral polio vaccine is the usual vaccine of choice for preventing polio; however, inactivated polio vaccine may be medically indicated for some students. The required number of doses and booster requirements for inactivated polio vaccine (IPV) differ from the requirements for oral polio vaccine. See .006. If a student fails to complete the oral polio vaccine series and, upon medical advice starts receiving IPV, then the IPV requirements specified in Rule .006 will apply. The following immunizations are required in the respective age groupings.

(a) Children less than five years of age enrolled in preschool (prekindergarten) programs.

(1) Children less than two months old: immunizations required.

(2) Children two months of age, but not yet four months of age: one dose each of oral polio and diphtheria-tetanus-pertussis (DTP) vaccines.

(3) Children four months of age, but not yet six months of age: two doses each of oral polio and DTP vaccines.

(4) Children six months of age, but not yet 18 months of age: two doses of oral polio and three doses of DTP vaccines.

(5) Children 18 months of age, but not yet five years of age: three doses each of oral polio and DTP vaccines, and one dose each of measles and rubella vaccines. The dose of measles vaccine must have been received on or after the first

birthday. Effective September 1, 1979, all children in this group must have also received mumps vaccine. See Rules .007-.010 for policies on the acceptance of histories of measles and/or mumps illnesses in lieu of the vaccines.

(b) Children in kindergarten and grades one through five, or children ages 5 through 11 in ungraded schools.

(1) Polio. At least three doses of oral polio vaccine are required, provided at least one dose has been received on or after the fourth birthday. See .017(c), (d).

(2) Tetanus/diphtheria. At least three doses of DTP and/or Td vaccines are required, provided at least one dose has been received on or after the fourth birthday. See .017(c), (d).

(3) Measles. All students in this group must have received measles vaccine on or after the first birthday, or provide a history of measles illness. On or after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement. See .007-.009 and .017(e).

(4) Rubella. One dose of rubella vaccine is required. Rubella vaccine is not required past the 12th birthday. See .017(g).

(5) Mumps. Beginning September 1, 1979, mumps vaccine will be required for all students through seven years of age, or enrolled in preschool, kindergarten, or the first grade. On the first of September each year thereafter, children one year older, or in the next higher grade, will also be required to have received mumps vaccine. Children through 11 years of age or the fifth grade will be required to have received mumps vaccine effective September 1, 1983. See the table below:

Mumps Vaccine Requirements by Effective Dates for Children in Preschool, Kindergarten, and Grades One Through Five, or Children 18 Months through 11 Years of Age in Ungraded Schools

Effective Dates	Grades	Ages in Ungraded Schools
September 1, 1979	Preschool, Kindergarten, and First Grade	Thru 7
September 1, 1980	Thru Second	Thru 8
September 1, 1981	Thru Third	Thru 9
September 1, 1982	Thru Fourth	Thru 10
September 1, 1983	Thru Fifth	Thru 11

Ages in ungraded schools on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old.

A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated in writing by a licensed physician. See .010 and .017(f).

(c) Children and others in grades 6 through 12, or children and others age 12 and older in ungraded schools other than institutions of higher education. See .005.

(1) Polio. At least three doses of oral polio vaccine are required, provided one or more doses have been received on or after the fourth birthday. See .017(c), (d). Polio vaccine is not required for students 19 years of age or older.

(2) Tetanus/diphtheria. A minimum of three doses of DTP and/or Td is required, with at least one dose having been received on or after the fourth birthday and with the last dose within the past 10 years. See .017(c), (d).

(3) Measles. Effective September 1, 1979, students 12 years of age, or those enrolled in the sixth grade, will be required to have received measles vaccine on or after the first birthday, or provide a history of measles illness. On the first of September each year thereafter, students one year older, or in one higher grade, must also meet these requirements. Effective September 1, 1985, students through 18 years of age, or in the 12th grade, will be required to have received

measles vaccine on or after the first birthday, or provide a history of measles illness. See the table below:

Measles Vaccine Requirements by Effective Dates for Students in Schools

Effective Dates	Grades	Ages in Ungraded Schools
September 1, 1978	Preschool, Kindergarten, Grades 1 thru 5	Thru 11
September 1, 1979	Thru 6th	Thru 12
September 1, 1980	Thru 7th	Thru 13
September 1, 1981	Thru 8th	Thru 14
September 1, 1982	Thru 9th	Thru 15
September 1, 1983	Thru 10th	Thru 16
September 1, 1984	Thru 11th	Thru 17
September 1, 1985	Thru 12th	Thru 18

Ages of students on the effective date.

Note: Measles vaccine is not required for children less than 18 months old.

On or after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement. See .007-.009 and .017(e). Eventually, all students will be included in the measles requirements. In the meantime, measles vaccine is recommended for all students for whom measles vaccine is not yet required, especially if:

- (A) history of vaccine or illness is uncertain, or
- (B) measles vaccine was received prior to the first birthday, or
- (C) the "inactivated" (killed) type of measles vaccine was received.

(4) Rubella. Rubella vaccine is not required past the 12th birthday. See .017(g).

(5) Mumps. Beginning September 1, 1984, mumps vaccine will be required for students through 12 years of age, or in the sixth grade. On the first of September each year thereafter, students one year older, or in one higher grade, will also be required to have received mumps vaccine. Effective September 1, 1990, students through 18 years of age or in the 12th grade, will be required to have received mumps vaccine. See the following table:

Mumps Vaccine Requirements by Effective Dates for Students in Grades 6 through 12, or Students 12 through 18 Years in Ungraded Schools

Effective Dates	Grades	Ages in Ungraded Schools
September 1, 1984	Thru 6th	Thru 12
September 1, 1985	Thru 7th	Thru 13
September 1, 1986	Thru 8th	Thru 14
September 1, 1987	Thru 9th	Thru 15
September 1, 1988	Thru 10th	Thru 16
September 1, 1989	Thru 11th	Thru 17
September 1, 1990	Thru 12th	Thru 18

Ages in ungraded schools on the effective date.

Note: Mumps vaccine is not required for children less than 18 months old.

A history of mumps illness may be accepted in lieu of mumps vaccine if it has been validated by a physician. See .010 and .017(f).

(d) Students in institutions of higher education. See .005 and .017(g).

(1) Polio. Polio vaccine is not required for persons 19 years of age and older. For persons less than 19 years of age, at least three doses of oral polio vaccine are required, of which at least one dose must have been received on or after the fourth birthday. See .017(c), (d).

(2) Tetanus/diphtheria. A minimum of three doses of Td is required, of which the last dose was administered within 10 years. DTP doses may be credited to the three required doses. See .017(c), (d).

.004. Boosters.

(a) Boosters are not required for oral polio, rubella, and mumps vaccines.

(b) Reinforcing or "booster" doses of Tetanus/diphtheria (Td) vaccine are required every 10 years after the dose obtained on or after the fourth birthday. See .003(c)(2), (d)(2).

(c) Effective September 1, 1978, a measles booster is required for each child 18 months to 12 years of age (or enrolled through the fifth grade) who received measles vaccine prior to the first birthday, unless the child has had measles illness. On the first of September each year thereafter, each student one year older, or in one higher grade, will also be required to receive a measles booster if his or her previous dose was received prior to the first birthday, unless measles illness has occurred. On or after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement. Note: .004(c) contains the same policies previously stated in .003(a)(5), (b)(3), and (c)(3).

.005. Pregnancy. Requirements for polio, measles, rubella, and mumps vaccines are waived during pregnancy. This does not apply to Tetanus/diphtheria vaccine.

.006. Inactivated Polio Vaccine. This vaccine is the injectable type which is usually recorded as "IPV" or "Salk" on immunization records. A few students may need this type of polio vaccine instead of oral polio vaccine because of medical considerations.

A student may be provisionally enrolled with a history of one dose of IPV, provided two more doses are taken at one- to two-month intervals, and a fourth dose is received 6 to 12 months later. A student will be in full compliance with the IPV requirements whenever he or she has received the four initial IPV doses and has received a dose within three years. Booster IPV's are required every three years after the fourth dose. If a student fails to receive the three-year IPV booster, but, upon medical advice, starts receiving oral polio vaccine, then the oral polio vaccine requirements specified in Rule .003 will apply to the student.

.007. Verification of Measles Illness. Rule .003 states that a history of measles illness is acceptable in lieu of vaccine. All verbal or written histories of measles illness received by schools from parents, guardians, or physicians prior to September 1, 1979, will always be considered to be valid histories; however, effective September 1, 1979, all new histories of measles illness must be supported by a physician's written statement of measles illness. The physician's statement should contain wording such as "This is to verify that (name of student) had measles (rubella) illness on or about (date) and does not need measles vaccine." A copy of the statement must be attached to the student's school immunization record, and the original should be returned to the student, parent, or guardian. Standard Form C-90 is available at no charge from the Texas Department of Health for schools to use in obtaining verification of measles illness, or schools may design and use similar forms. See .008 and .009. Note: if students who are required to submit physician's statements are unable to obtain them, then measles vaccine is required.

.008. Unspecified Dates for Measles on Immunization Records. This rule applies to all students in schools at the time when measles vaccine is required, as specified in Rule

.003. Whenever the school immunization record and/or the copy presented by the student contains a measles date which is not specified as to whether it relates to measles vaccine or measles illness (and no histories of measles illness have been filed), the school should issue a "Notice to Parents or Guardians Concerning Measles Immunizations," Texas Department of Health Form C-90, or a similar form designed by the school, as follows:

From September 1, 1978, on: Issue a Form C-90 whenever the unspecified measles date is prior to the first birthday.

From September 1, 1979, on: In addition to the above, a school should also issue a Form C-90 whenever the unspecified measles date is on or after the first birthday.

The use of Form C-90, or a similar form, will instruct the parents and guardians as to one of the following actions they will need to take, depending on the significance of the date:

(a) the date relates to measles vaccine which was received prior to the first birthday, and measles illness has not occurred since: a booster dose of measles vaccine is required; or,

(b) the date relates to measles vaccine which was received prior to the first birthday, and measles illness has occurred since: either a booster dose of measles vaccine or a history of measles illness is required (after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement); or,

(c) the date relates to measles vaccine which was received on or after the first birthday: no action needed by parents, other than returning Form C-90 (or similar form); or,

(d) the date relates to measles illness: either a booster dose of measles vaccine or a history of measles illness is required (after September 1, 1979, all new histories of measles illness presented by students, parents, or guardians must be verified by a physician's statement).

Note: A "new" history of measles illness is defined as one filed on or after September 1, 1979, for a student for whom a history of measles illness was not received by a Texas school either verbally or in writing from parents, guardians, or physicians prior to September 1, 1979.

.009. Allowable Time for Responses to Form C-90 or Similar Forms. Parents and guardians shall be granted a maximum 45-day period after issuance of Form C-90 in which to reply and take necessary action; otherwise, the student will not be in compliance with the school measles requirements.

.010. Statement for a History of Mumps Illness. A history of mumps illness is acceptable in lieu of mumps vaccine if the student presents a signed and dated statement of past mumps illness from a physician licensed to practice medicine in the United States. The suggested wording for the statement is: "This is to verify that (name of student) had mumps illness on or about (date) and does not need mumps vaccine." A copy of the statement must be attached to the student's school immunization record. The original statement should be returned to the student, parent, or guardian.

.011. Provisional Enrollment. The law requires that students be fully immunized against the specified diseases. However, a student may be provisionally admitted if he or she has begun the required immunizations and if he or she con-

tinues to receive necessary immunizations as rapidly as is medically feasible. The school granting provisional enrollment must ensure that the required immunizations are received on schedule. If a student transfers from one school to another, a grace period of no more than 30 days may be allowed at the new school while awaiting the transfer of the immunization record, during which the student may be provisionally enrolled.

.012. School Records. All schools are required to maintain records of the immunization status of individual students. The records must be made available for inspection by representatives of the Texas Education Agency, the Texas Department of Health, or local health departments, at all reasonable times.

.013. Acceptable Documents of Immunizations. Any validated document of immunization presented by a student is acceptable, provided it shows at least the month and year when each immunization was received. At least the month and year of vaccine or disease must be recorded in all new school records initiated, and in existing records updated, after September 1, 1978. The month, day, and year of immunizations or diseases should be recorded whenever possible. All new entries in immunization files must be based upon a certificate of immunization which has been validated by, or for, a physician or public health personnel. The validated record should be returned to the student or the student's parent or guardian after the immunization history has been entered in school records. The Texas Department of Health and local health departments will provide record-keeping cards free of charge for maintaining school immunization files, or commercially or locally produced record cards may be used.

.014. Transfer of Records. When a student transfers from one school or district to another, a copy of the immunization record and any measles or mumps illness statements from physicians should be sent within 30 days to the receiving school. A record received by mail from school officials of another district or state may be considered a validated record.

.015. Assistance and Review of Records. Representatives of the Texas Department of Health and local health departments will, upon request, advise and assist school administrators in meeting the requirements of the law. Representatives of the Texas Education Agency review immunization records when annual immunization reports are submitted, and again when schools are visited for accreditation purposes. Periodic review of school immunization records is occasionally necessary in order to allow public health epidemiologists to obtain information required in preventing or controlling community outbreaks of vaccine-preventable diseases.

.016. Annual Report of Immunization Status. Annual reports of the immunization status of students as of a specified date shall be required of all public school districts and private schools so that compliance with the legislation may be monitored. Data derived from these reports are published jointly by the Texas Education Agency and the Texas Department of Health.

.017. Remarks and Special Recommendations.

(a) Immunization recommendations vary from state-to-state and from physician-to-physician. The immunization

requirements specified herein will assure protection against the vaccine-preventable diseases for the majority of students. Some physicians and local health departments adhere to an immunization schedule which may require more doses than other physicians; therefore, many students will have received more doses of vaccine than those specified above.

(b) If there is an epidemic of vaccine-preventable disease in or near a community, the local health authority may require or recommend additional doses or boosters to provide further protection for students attending schools and institutions of higher education.

(c) If a dose of oral polio or DTP/Td vaccine is administered within the month prior to, or of, the fourth birthday, it will satisfy the requirement for a dose on or after the fourth birthday.

(d) When a validated immunization record contains only one vaccine date for either oral polio or DTP/Td, and a "B" or the word "booster," or the words "series completed" (or similar wording) appears by the immunization date, assume that three doses of the vaccine have been administered. If the date is within the month prior to, or of, the fourth birthday, then the requirement for a dose on or after the fourth birthday is met under these circumstances.

(e) If a child has received measles vaccine during the month of the first birthday, and the exact date is not specified in the immunization record, it may be assumed that the dose was received on or after the first birthday.

(f) The requirements for mumps vaccine will apply to one higher grade each year until all students are included. In the meantime, mumps vaccine is recommended for students enrolled in all grades.

(g) Rubella immunizations are not required for students 12 years of age and older. Previously unimmunized females 12 and older should be serologically tested for rubella and referred to their usual source of medical care if the tests indicate susceptibility to rubella.

(h) Authorities in schools and institutions of higher learning are strongly encouraged to report promptly all suspected or known cases of vaccine-preventable diseases which occur among students or staff. This will alert public health officials in sufficient time to prevent possible outbreaks of these diseases. Such cases should be reported on the day of recognition to the city or county health department, the city or county health officer, the public health regional office, or the Texas Department of Health in Austin.

Issued in Austin, Texas, on May 26, 1978.

Doc. No. 783979 Raymond T. Moore, M.D.
Deputy Commissioner
Texas Department of Health

Effective Date: September 1, 1978

For further information, please call (512) 458-7284.

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*.

State Banking Board

Thursday, June 29, 1978, 9 a.m. The State Banking Board will conduct a hearing at 2601 North Lamar, Austin, on the motion for rehearing on San Patricio State Bank, Sinton, as summarized in the agenda.

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

Filed: June 16, 1978, 3:50 p.m.

Doc. No. 784030

Coordinating Board, Texas College and University System

Friday, July 7, 1978, 1 p.m. The Certification Committee of Private Degree Granting Institutions of the Coordinating Board, Texas College and University System, will meet in Room 1-122, Joe C. Thompson Center, 26th and Red River, Austin, to study recommendations of evaluation panels of institutions requesting recertification by the next board meeting.

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

Filed: June 16, 1978, 3:11 p.m.

Doc. No. 784028

Texas Education Agency

Saturday, June 24, 1978, 8:30 a.m. The Committee of the Whole of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin, to consider final adoption of the following: amendment to Policy and Administrative Procedure Sub-Series 3570, Adaptations for Special Populations-Handicapped; new Policy and Administrative Procedure 4121, Special Education Funding; and amendment to Policy and Administrative Procedure 8100, Texas Schools for the Blind and for the Deaf.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 15, 1978, 4:52 p.m.

Doc. No. 783980

Saturday, June 24, 1978, following 8:30 meeting of the Committee of the Whole. The State Board of Education will meet in the board room, 150 East Riverside Drive, Austin, to consider final adoption of the following: amendment to Policy and Administrative Procedure Sub-Series 3570, Adaptations for Special Populations-Handicapped; new Policy and Administrative Procedure 4121, Special Education Funding; and amendment to Policy and Administrative Procedure 8100, Texas Schools for the Blind and for the Deaf.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: June 15, 1978, 4:52 p.m.

Doc. No. 783981

Texas Commission on Jail Standards

Wednesday, June 28, 1978, 9:30 a.m. The Texas Commission on Jail Standards will meet in Room 101, Texas Law Center, 1414 Colorado, Austin. As summarized, the agenda will include: consideration of subcommittee recommendations on requests for variances; discussion of proposals and adoption of rules; adoption of Life Safety Rules 217.08 and hearing of requests for variances; director's report; and operational matters.

Additional information may be obtained from Guy Van Cleave, Suite 500, 1414 Colorado, Austin, Texas 78701, telephone (512) 475-2716.

Filed: June 16, 1978, 11:35 a.m.

Doc. No. 783991

Texas Department of Mental Health and Mental Retardation

Thursday, June 29, 1978, 2 p.m. The Texas State Mental Health Advisory Council of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, TDMHMR Central Office, 909 West 45th Street, Austin. As summarized, the agenda will include: report on status of federal legislation impacting mental health; status report on construction projects; and discussion of "Annual Review and Progress Report, 1979," relating to the Texas State Plan for Comprehensive Mental Health Services-1977.

Additional information may be obtained from Stuart Fisher, M.P.H., P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761, extension 261.

Filed: June 19, 1978, 9:35 a.m.
Doc. No. 784031

Friday, June 30, 1978, 8:30 a.m. The Texas State Mental Health Advisory Council of the Texas Department of Mental Health and Mental Retardation will meet in Room 240, TDMHMR Central Office, 909 West 45th Street, Austin. As summarized, the agenda will include: review of business of June 29 meeting; continuation of discussion of "Annual Review and Progress Report, 1979," relating to the Texas State Plan for Comprehensive Mental Health Services-1977; and review and discussion of TDMHMR budget proposal for state fiscal years 1980 and 1981.

Additional information may be obtained from Stuart Fisher, M.P.H., P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761, extension 261.

Filed: June 19, 1978, 9:35 a.m.
Doc. No. 784032

North Texas State University

Thursday, June 29, 1978, 11 a.m. The Budget and Finance Committee of the Board of Regents of North Texas State University will meet in the Board Room, Administration Building, North Texas State University campus, Denton, to consider personnel matters in an executive session (pursuant to Vernon's Civil Statutes, Article 6252-17, Section 2, paragraph g, personnel), as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: June 19, 1978, 10:09 a.m.
Doc. No. 784033

Thursday, June 29, 1978, Noon. The Student Affairs Committee of the Board of Regents of North Texas State University will meet in the Board Room, Administration Building, North Texas State University campus, Denton, to consider personnel matters in an executive session (pursuant to Vernon's Civil Statutes, Article 6252-17, Section 2, paragraph g, personnel), as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: June 19, 1978, 10:09 a.m.
Doc. No. 784034

Thursday, June 29, 1978, 1 p.m. The Role and Scope Committee of the Board of Regents of North Texas State University will meet in the Board Room, Administration Building, North Texas State University campus, Denton, to consider personnel matters in an executive session (pursuant to Vernon's Civil Statutes, Article 6252-17, Section 2, paragraph g, personnel), as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: June 19, 1978, 10:09 a.m.
Doc. No. 784035

Thursday, June 29, 1978, 3:30 p.m. The Facilities Committee of the Board of Regents of North Texas State University will meet in the Board Room, Administration Building, North Texas State University campus, Denton. As summarized, the committee will consider legal, real estate, and personnel matters in an executive session, pursuant to Vernon's Civil Statutes, Article 6252-17, Section 2, paragraphs e, legal; f, real estate; and g, personnel.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: June 19, 1978, 10:09 a.m.
Doc. No. 784036

Friday, June 30, 1978, 9 a.m. The Board of Regents of North Texas State University will meet in the Board Room, Administration Building, North Texas State University campus, Denton, to consider personnel and fiscal matters, small class report, budget, and other matters, as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: June 19, 1978, 10:09 a.m.
Doc. No. 784039

Friday, June 30, 1978, 9 a.m. The Board of Regents of North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine, will meet in the Board Room, Administration Building, North Texas State University campus, Denton, to consider personnel and fiscal matters, as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: June 19, 1978, 10:09 a.m.

Doc. No. 784038

Railroad Commission of Texas

Monday, June 19, 1978, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered Gas Utilities Dockets 1622 and 1630. Emergency posting was necessary to allow the commission to consider proposed rate increases before they became effective by operation of the law.

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

Filed: June 16, 1978, 11:19 a.m.

Doc. No. 783989

Monday, June 19, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered various Rule 37 cases and two motions for rehearing.

Additional information may be obtained from Synda Arbuckle, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3256.

Filed: June 16, 1978, 11:19 a.m.

Doc. No. 783988

Monday, June 19, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The commission considered an application of Galaxy Oil Company and Claud B. Hamill to drill State Tract No. 225, Well No. 1 (Wildcat), Estes Cove Fields, Nueces County, exception to Rule 37.

Additional information may be obtained from Synda Arbuckle, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3256.

Filed: June 16, 1978, 11:20 a.m.

Doc. No. 783987

Monday, June 19, 1978, 9 a.m. The Office of Special Counsel of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The commission considered approval of contract for the purchase of a computer and related equipment from the Texas Department of Human Resources. Consideration of this matter on less than seven days notice was required to expedite computer and current financial planning and 1980-81 budget preparation and submittal.

information may be obtained from Rex H. White, Jr., P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed: June 16, 1978, 11:20 a.m.

Doc. No. 783986

Monday, June 19, 1978, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered an application for reinstatement of a certificate.

Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3207.

Filed: June 16, 1978, 11:19 a.m.

Doc. No. 783990

School Land Board

Tuesday, June 20, 1978, 10 a.m. The School Land Board of the General Land Office made an emergency addition to the agenda of a meeting held in Room 831, Stephen F. Austin Building, 1700 North Congress, Austin, to include consideration of one good faith claimant (Doc. No. 144), as summarized in the agenda. Due to sale of this land, this vacancy must be approved as soon as possible.

Additional information may be obtained from H. E. White, Room 749, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed: June 16, 1978, 3:34 p.m.

Doc. No. 784029

Texas State Technical Institute

Sunday, June 25, 1978, 2 p.m., and Monday, June 26, 9 a.m. The Board of Regents of Texas State Technical Institute will meet at the TSTI-Harlingen campus, Harlingen. As summarized, the agenda will include: report by TSTI-Harlingen campus; authorization to contract with Waco Air-motive for flight instruction services on the TSTI-Waco campus; approval of budget changes; approval of lease agreement

with B&B Overhead Door for Building 9508 at TSTI-Amarillo; approval to award contract for modification of the Welding and Fabrication Program Building at TSTI-Amarillo; approval to award contract for construction plans and specification for construction of the Electronics Technology Center at TSTI-Waco; authorization to take bids for construction of approved single student housing project on TSTI-Waco campus; approval of holiday schedule for 1978-79; approval of operating budget for fiscal year ending August 31, 1979; approval of requests for legislative appropriations for the biennium beginning September 1, 1979; and other business.

Additional information may be obtained from Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, telephone (817) 799-3611, extension 385.

Filed: June 16, 1978, 11:40 a.m.

Doc. No. 783992

Texas Water Commission

Monday, June 19, 1978, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application of U.P.G., Inc., Application No. 3865, for a Section 11.121 Permit. As summarized, the applicant seeks authority to maintain an existing one acre/foot capacity dam and reservoir on an unnamed tributary of Saline Branch, Trinity River Basin, and to divert water for mining purposes in Freestone County.

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

Filed: June 16, 1978, 2:55 p.m.

Doc. No. 784010

Monday, June 19, 1978, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding petitions for creation of the following districts, as summarized: Northeast Harris County Municipal Utility District No. 1; Fort Bend County Municipal Utility District No. 25; The Woodlands Metro Center Municipal Utility District; and West Harris County Municipal Utility District No. 7. Also, the commission set a hearing date on the George T. Slaughter and Charles E. Cullipher Section 11.121 permit application.

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

Filed: June 16, 1978, 2:55 p.m.

Doc. No. 784011

Monday, June 26, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: district bond applications; examiner's proposals for decision on water quality matters; applications for water rights permits; amendment to water rights permit; adjudication matters; extension of time applications; amendments to contractual permits; amendment to certified filing; voluntary cancellation of water rights claim; setting of hearing date on water rights application; and rescission of previous action taken on two applications; and setting of hearing date on the George T. Slaughter and Charles E. Cullipher Section 11.121 permit application.

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

Filed: June 16, 1978, 2:56 p.m.

Doc. No. 784012

Thursday, June 29, 1978, 5:30 p.m. The Board of Regents of North Texas State University will meet in Golden Eagle Suite A, University Union, North Texas State University campus, Denton. As summarized, the board will consider personnel matters and other business in an executive session, pursuant to Vernon's Civil Statute, Article 6252-17, Section 2, paragraphs e, legal; f, real estate; and g, personnel, as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: June 19, 1978, 10:09 a.m.

Doc. No. 784037

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by A. K. Gillis and Sons, Inc. As summarized, the applicant seeks a temporary permit to use 20 acre/feet of water for a two-year period from Little Mustang Creek, Lake Fork Creek, Sabine River, Sabine River Basin, for industrial purposes in Wood County.

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

Filed: June 16, 1978, 2:56 p.m.

Doc. No. 784013

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Ivan Dement, Inc. As summarized, the applicant seeks a temporary permit to use six acre/feet of water for a two-year period from reservoir on unnamed tributary of Jonah Creek and Parker Creek, Prairie Dog Town Fork Red River, Red River, Red River Basin, for industrial purposes in Hall County.

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

Filed: June 16, 1978, 2:56 p.m.

Doc. No. 784014

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by C. C. Lease Service Company, Inc. As summarized, the applicant seeks a permit to divert and use public waters from Spring Creek, Middle Concho River, Concho River, Colorado River, Colorado River Basin, for industrial and mining purposes in Tom Green County.

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

Filed: June 16, 1978, 2:57 p.m.

Doc. No. 784015

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Texas Parks and Wildlife Department to use 100 acre/feet of water for a three-year period from Paluxy River, Brazos River Basin, for irrigation in Somervell County, as summarized.

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

Filed: June 16, 1978, 2:57 p.m.

Doc. No. 784016

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by Justiss-Mears Oil Company, Inc.. As summarized, the applicant seeks a temporary permit to use three acre/feet of water for a two-year period from reservoir on unnamed tributary of Little Cypress Creek, Cypress Basin, for mining purposes in Upshur County.

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

Filed: June 16, 1978, 2:57 p.m.

Doc. No. 784017

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by C. C. Lease Service Company, Inc. As summarized, the applicant seeks a permit to divert and use public waters from North Llano River, Llano River, Colorado River, Colorado River Basin, for industrial and mining (oil field service) purposes in Sutton County.

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

Filed: June 16, 1978, 2:57 p.m.

Doc. No. 784018

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by C. C. Lease Service Company, Inc. As summarized, the applicant seeks a permit to divert and use public waters from South Concho River, Concho River, Colorado River, Colorado River Basin, for industrial and mining purposes in Tom Green County.

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

Filed: June 16, 1978, 2:58 p.m.

Doc. No. 784019

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Ivan Dement, Inc. As summarized, the applicant seeks a temporary permit to use one acre/foot of water for a two-year period from West Salt Creek, Salt Creek, Prairie Dog Town Fork Red River, Red River, Red River Basin, for industrial purposes in Childress County.

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

Filed: June 16, 1978, 2:58 p.m.

Doc. No. 784020

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by Gaylord Construction Company. As summarized, the applicant seeks a temporary permit to use two acre/feet of water for an 18-month period from Mustang Creek, Caney Creek, Bedias Creek, Trinity River, Trinity River Basin, for industrial purposes in Madison County.

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

Filed: June 16, 1978, 2:58 p.m.

Doc. No. 784021

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by Reynolds-Land, Inc. As summarized, the applicant seeks a temporary permit to use 36 acre/feet of water for a three-year period from Cherokee Bayou, Sabine River, Sabine River Basin, for industrial purposes in Rusk County.

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

Filed: June 16, 1978, 2:58 p.m.

Doc. No. 784022

Tuesday, July 11, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Dahlstrom Corporation. As summarized, the applicant seeks a temporary permit to use 10 acre/feet of water for a two-year period from Atascosa River, Frio River, Nueces River, Nueces River Basin, for industrial purposes in Atascosa County.

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

Filed: June 16, 1978, 2:59 p.m.

Doc. No. 784023

Regional Agencies

Meetings Filed June 15, 1978

The Austin/Travis County MH/MR, Ad Hoc Committee, met at 1430 Collier, Austin, on June 15, 1978, at 6 p.m. Further information may be obtained from Dr. Larry J. Miller, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

Doc. No. 783976

Meetings Filed June 16, 1978

The East Texas CETA Consortium, Board of Directors, met in the Blue Room, Allied Citizens Bank Building, Kilgore, on June 21, 1978, at 2 p.m. Further information may be obtained from Don R. Edmonds, fifth floor, Citizens Bank Building, Kilgore, Texas, telephone (214) 984-8641.

The Houston-Galveston Area Council, Executive Committee, met at 3701 West Alabama, Houston, on June 20, 1978, at 9:30 a.m. Further information may be obtained from Stevie Walters, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

The Middle Rio Grande Development Council, Regional Manpower Advisory Committee, will meet at Del Rio High School, Memorial Drive, Del Rio, on June 28, 1978, at 3:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Texas Municipal Power Agency, Board of Directors, met at 600 Arlington Downs Tower, Arlington, on June 19, 1978, at 10 a.m. Further information may be obtained from Robert E. Nelson, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

The South Texas Development Council, Government Application Review Committee, met in the conference room, Building S-1, 600 South Sandman, Laredo, on June 22, 1978, at 10 a.m. Further information may be obtained from Julie Saldana, P.O. Box 1287, Laredo, Texas, telephone (512) 722-3995.

Doc. No. 783983

Meetings Filed June 19, 1978

The Camino Real Health Systems Agency, Inc., Board of Directors, met at the Executive "K" Center, Suite 310, 1017 North Main Avenue, San Antonio, on June 21, 1978, at 7 p.m. Further information may be obtained from Jose A. Contreras, 1017 North Main Avenue, Suite 310, San Antonio, Texas 78212, telephone (512) 225-4426.

The Coastal Bend Council of Governments, Membership Division, will meet in the central jury room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on June 23, 1978, at 2 p.m. Further information may be obtained from John Buckner, Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Copano Bay Soil Conservation, District No. 329, will meet in the council room, Refugio City Hall, Refugio, on June 26, 1978, at 8 p.m. Further information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, telephone (512) 526-2334.

The Lower Rio Grande Valley Development Council, Board of Directors, met at Harlingen City Hall, 118 East Tyler, Harlingen, on June 22, 1978, at 2 p.m. Further information may be obtained from Robert A. Chandler, First National Bank Building, Suite 207, McAllen, Texas 78501.

The Middle Rio Grande Development Council, A-95 Project Review Committee, rescheduled a meeting held in the City Council Chambers, City Hall, Uvalde, on June 22, 1978, at 2:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on June 26, 1978, at 8 p.m. Further information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas, telephone (214) 645-2241.

The Panhandle Regional Planning Commission, Board of Directors, met in the Chamber of Commerce conference room, Amarillo Building, 301 Polk, Amarillo, on June 22, 1978, at 1:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79015.

The South Texas Health Systems Agency, Board of Directors, will meet at Nolan's Restaurant, 406 North 6th Street, Kingsville, on June 24, 1978, at noon. Further information may be obtained from Richard Kull, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 784052

Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received May 29 through June 2, 1978.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

The following list of construction permit applications were received during the week ending June 2, 1978. Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new source or modification.

Ethyl Corp., Houston; dodecene storage facility; C-6568; modification

Ethyl Corp., Houston; heavy alcohol storage; C-6567; new source

Dubrook, Inc., Spring; concrete plant; C-6566; new source

Muenster Milling Co., Muenster; grain handling, drying, and storage facility; West Cross Street; C-6565; new source

Union Carbide Corp., Chemicals and Plastics, Texas City; liquid inhibitor storage tank; 3301 5th Avenue South; C-6562; new source

Ethyl Corp., Houston; high purity butene production facility; C-6563; new source

The Lubrizol Corp., Pasadena; first 1978 process one storage expansion; 12801 Bay Area Boulevard; C-6564; new source

Quikrete of Texas, Irving; packaging cement mixes modification; 324 North Nursery Road; C-433A; modification

Centex Seed and Delinting, Inc., Hillsboro; cottonseed delinting facility; Route 1; C-6572; modification

Halliburton Services, Albany; hydrochloric acid storage tank; Baird Highway South; C-6571; new source

ARMCO Steel Corp., Houston Works, Houston; steel desulfurization facility; Industrial Road; C-6570; new source

E Z Kart Concrete, Inc., Houston; ready-mix concrete plant; 3538 Pinemont; C-6569; new source

Lamesa Ready Mix Concrete, Lamesa; ready-mix concrete facility; 711 North East 7th; C-6581; new source

Bruce Hardwood Floors, Center; modification to oil specialty manufacturing process; 1100 Cottonford Road; C-3339A; modification

Sid Richardson Carbon and Gasoline Co., Big Spring; tail gas firing of dryer; C-6580; new source

Air Curtain Destructor Corp., Houston; air curtain destructor; Wallisville Road and East Belt; C-6579; new source

Halliburton Services, Abilene; addition of pressure tank to bulk cement handling plant; 2701 Industrial Boulevard; C-6377A; modification

Delhi Gas Pipeline, Alto; triethylene glycol dehydrator; West Alto Dehy; C-6577; new source

Electric Service and Construction, Inc., Odessa; electric motor stator burn-off; 1606 North Lee Avenue; C-6578; new source

Ethyl Corp., Houston; octene storage facility; C-6576; new source

Southwestern Contracting Company, Dallas; concrete batching plant; C-6575; new source

Reece Albert, Inc., San Angelo; crusher; Willeke Pit; C-6574; new source

Adobe Refining Co., Division of Funding Systems Refining, LaBlanca; crude tankage; Adobe Refinery; C-6573; new source

Issued in Austin, Texas, on June 14, 1978.

Doc. No. 783977 John B. Turney
Hearing Examiner
Texas Air Control Board

Filed: June 15, 1978, 3:34 p.m.

For further information, please call (512) 451-5711, ext. 354.

Texas Department of Community Affairs

Grant Modification—Title I of CETA

Public Notice

The Texas Department of Community Affairs, Manpower Services Division, announces that it has submitted a grant modification to the Department of Labor for Title I of the Comprehensive Employment and Training Act of 1973 as amended (CETA), Public Law 93-203. The modification increases the grant amount by \$603,387. The increase represents carryover funds from fiscal year 1977 and will be utilized for the balance of state area for the fiscal year 1978 program year.

In fiscal year 1978, it is the purpose of employment and training programs administered under this grant to provide economically disadvantaged, unemployed, and underemployed individuals with an opportunity to develop the variety of per-

sonal resources, skills, education, training, and abilities needed to secure, maintain, and progress in any given employment experience which enhances self-sufficiency. To serve these individuals, programs have been developed under the components of classroom training (prime sponsor); classroom training (vocational education); on-the-job training (public and private); and work experience (youth services, youth out-of-school, and adult). Supportive services are provided to participants as they are needed.

The complete grant modification can be reviewed at the Texas Department of Community Affairs, 210 Barton Springs Road, first floor, Room 131, Austin, Texas, between the hours of 8 a.m. and 5 p.m. Interested persons wishing to make comments should telephone (512) 475-6216 or mail them to L. C. Harris III, director, Manpower Services Division, Texas Department of Community Affairs, P.O. Box 12397, Austin, Texas 78711, and to William S. Harris, regional administrator, U.S. Department of Labor, Employment and Training Administration, 555 Griffin Square, Dallas, Texas 75202. Comments should be made no later than July 7, 1978. Further information about programs in your area can be obtained from your Regional Council of Governments' offices.

Issued in Austin, Texas, on June 9, 1978.

Doc. No. 783951 Tom A. Laramey, Jr.
General Counsel
Texas Department of Community
Affairs

Filed: June 14, 1978, 1:55 p.m.

For further information, please call (512) 475-6216.

Texas Energy Advisory Council

Statement of Program Intent

Groundwater-Heat Pump HVAC Demonstration Project

The Texas Energy Advisory Council desires to receive and consider for support, proposals which develop and analyze groundwater-heat pump heating ventilating and air conditioning (HVAC) system designs which would provide for more efficient end use of energy. Several of these designs may at a later date be selected as demonstration projects.

Each funded designed project will be required to develop designs for three applications in the same geographical area. The three applications are required to have different physical characteristics, such as a school, a shopping center, and a high-rise condominium.

This Statement of Program Intent (SPI) is issued pursuant to the Texas Energy Development Fund Act of 1977 and subject to the principles and procedures adopted by the Texas Energy Advisory Council on December 2, 1977, and appearing in the *Texas Register* on December 16, 1977 (2 TexReg 4836).

A copy of the complete SPI may be obtained from the Texas Energy Advisory Council, 7703 North Lamar, Austin, Texas 78752, telephone (512) 475-5588. Proposals should be pre-

pared in accordance with the guidelines found therein. For consideration in this solicitation, 10 copies of the proposal must be received at the above address not later than 5 p.m. on August 2, 1978. Target date for contract award is September 8, 1978. Inquiries regarding this solicitation should be addressed to John B. Gordon at the above address and telephone number.

Doc. No. 783985

Lignite Utilization Demonstration Project

In an effort to conserve petroleum and natural gas for higher valued residential, commercial, and feedstock applications, and to encourage the use of Texas lignite in actual industrial applications, the Texas Energy Advisory Council desires to receive and consider for support, proposals for the demonstration of advanced technologies for lignite utilization in industrial applications.

This Statement of Program Intent (SPI) is issued pursuant to the Texas Energy Development Fund Act of 1977 and subject to the principles and procedures adopted by the Texas Energy Advisory Council on December 2, 1977, and appearing in the *Texas Register* on December 16, 1977 (2 TexReg 4836).

A copy of the complete SPI may be obtained from the Texas Energy Advisory Council, 7703 North Lamar, Austin, Texas 78752, telephone (512) 475-5588. Proposals should be prepared in accordance with the guidelines found therein. For consideration in this solicitation, 10 copies of the proposal must be received in the TEAC office not later than 5 p.m. Wednesday, August 2, 1978. Target date for contract award is September 8, 1978. Inquiries regarding this solicitation should be addressed to David M. White at the above address and telephone number.

Issued in Austin, Texas, on June 16, 1978.

Doc. No. 783984 Milton L. Holloway
Executive Director
Texas Energy Advisory Council

Filed: June 16, 1978, 10:55 a.m.

For further information, please call (512) 475-5588.

Texas Health Facilities Commission

Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings or exemption certificates accepted June 6-12, 1978.

Should any person wish to contest the application for a declaratory ruling or an exemption certificate, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day

is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to become a party to an application for a declaratory ruling or exemption certificate must meet the minimum criteria set out in Rule 506. Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 302, 502, and 515.

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

St. Jude Hospital, Brenham
AH78-0606-011

EC—Construct a 14-foot by 14-foot extension to existing supply/equipment room

Schlesinger Home Health Service Agency, Beaumont
AS78-0607-010

DR—Request for ruling on "rural health clinics" regarding provision of home health services, limitation of service area, and authorization of operation in substantially populated counties

Metropolitan General Hospital, San Antonio
AH78-0609-001

EC—Acquire four telemetry units

Issued in Austin, Texas, on June 16, 1978.

Doc. No. 784002

Dan R. McNery
General Counsel
Texas Health Facilities
Commission

Filed: June 16, 1978, 12:13 p.m.

For further information, please call (512) 475-6940.

Texas Parks and Wildlife Department

Correction of Error

Rules 127.40.01.015-.018, "Park Entrance and Park User Fees," of the *Texas Parks and Wildlife Department* was published in the Adopted Rules section of the June 16, 1978, issue of the *Texas Register* with an incorrect effective date. Those rules are due to become effective on September 1, 1978.

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