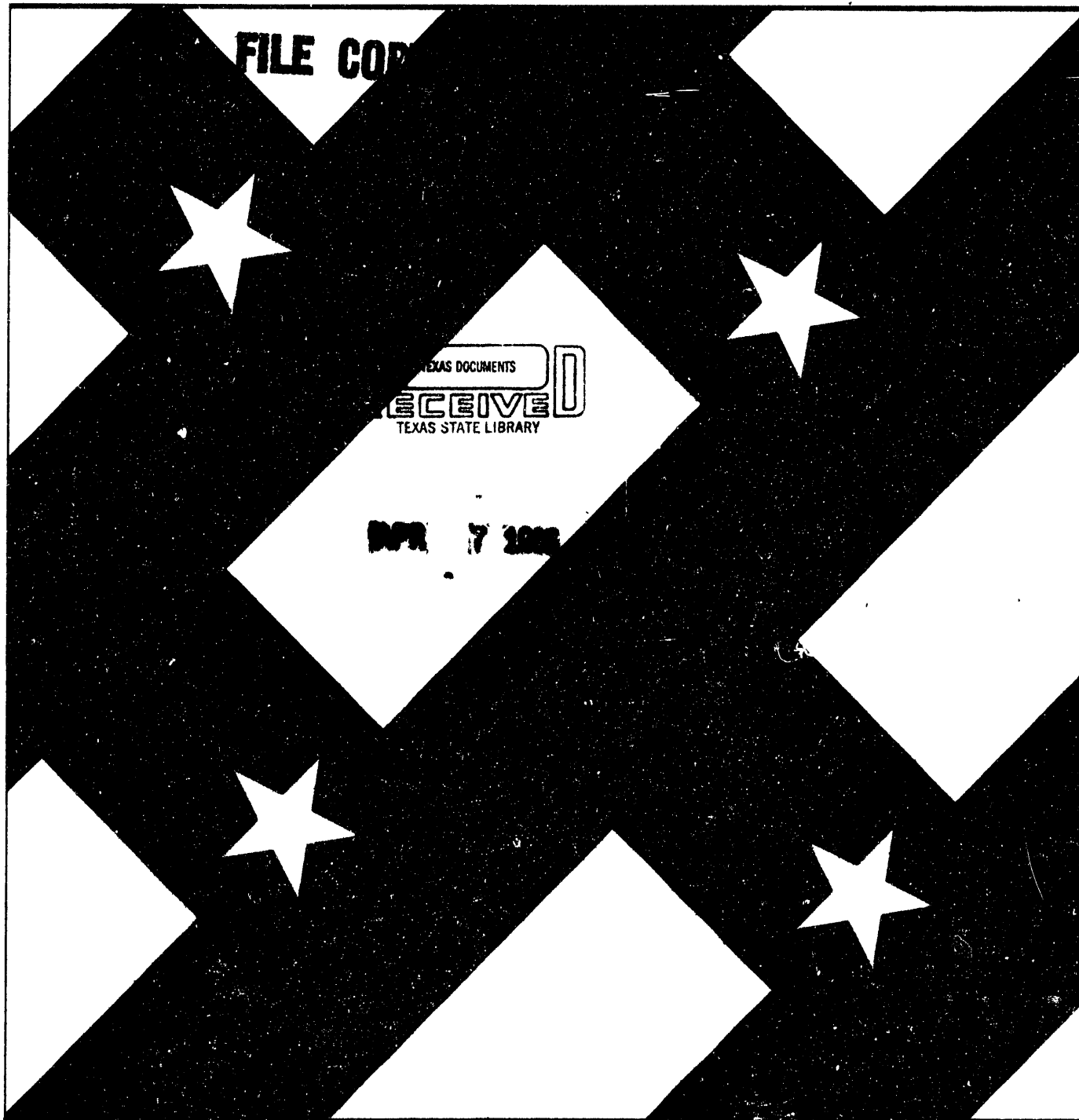


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Texas Register

Volume 11, Number 25, April 1, 1986

Pages 1597-1631



Highlights

The Railroad Commission of Texas adopts an emergency amendment concerning conservation rules and regulations in the oil and gas division. Effective date - March 24 . . .page 1601

The Credit Union Department proposes a new

section concerning chartering, operations, mergers, and liquidations. Effective date - March 21page 1603

The Texas Department of Community Affairs propose amendments concerning the allocation of program funds. Earliest possible date of adoption - March 24page 1607

Office of
the Secretary
of State

Texas Register

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- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

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The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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1 indicates the title under which the agency appears in the *Texas Administrative Code*;

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TAC Titles Affected

TAC Titles Affected—April

The following is a list of the administrative rules that have been published this month.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department
7 TAC §91.2051603

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs
10 TAC §§9.1, 9.2, 9.6-9.81603

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas
16 TAC §3.141601

TITLE 22. EXAMINING BOARDS

Part V. State Board of Dental Examiners
22 TAC §115.31607

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health
25 TAC §289.1 1616

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department
31 TAC §53.8, §53.9 1607
31 TAC §§65.8, 65.15, 65.17, 65.33, 65.46,
65.61-65.63, 65.71, 65.78, 65.81 1608

Part X. Texas Water Development Board

31 TAC §§367.1-367.3 1620
31 TAC §§367.21-367.30 1620
31 TAC §§367.41-367.50 1620

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel
Standards and Education
37 TAC §233.43 1601

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Emergency

Rules

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

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division

Conservation Rules and Regulations

★ 16 TAC §3.14

The Railroad Commission of Texas adopts on an emergency basis an amendment to §3.14, concerning plugging of a well. The amendment allows wells that became inactive on or after January 1, 1986, one year instead of 90 days to be plugged or brought into compliance in some other way.

The Railroad Commission of Texas adopts this amendment on an emergency basis to prevent loss of reserves through premature abandonment of marginal wells and to allow wells vital to our national defense, health, safety, and welfare to remain unplugged and readily available for production in time of emergency. The commission's rules, however, do not allow pollution to occur during the one-year period; any problem well is subject to a plugging order. Also the one-year period does not apply to wells that became inactive prior to January 1, 1986, but only to those that became inactive on or after January 1, 1986.

The amendment is adopted on an emergency basis under the Texas Natural Resources Code, §§81.052, 85.201, and 91.101, which provides the Railroad Commission of Texas with the authority to adopt and enforce rules relating to the operation, abandonment, and proper plugging of wells.

§3.14. *Plugging.*

(a) (No change.)

(b) **Plugging Report and Commencement of Operations.**

(1) A plugging record shall be completed, duly verified, and filed, in duplicate, on the appropriate form in the district office within 30 days after plugging operations are completed. A cementing report made by the party cementing the well shall be attached to, or made a part of, the plugging report.

(2) Plugging operations on each dry or inactive well must be commenced within a period of 90 days after drilling or opera-

tions have ceased and shall proceed with due diligence until completed[.]; **provided that dry or inactive wells on which drilling or operations ceased on or after January 1, 1986, must commence such plugging operations within one year of the date on which drilling or operations ceased.** For good cause, a reasonable extension of time in which to start the plugging operations may be granted pursuant to the following procedures:

(A)-(C) (No change.)

(c)-(h) (No change.)

Issued in Austin, Texas, on March 19, 1986.

TRD-8602885

Mack Wallace
Commissioner
Railroad Commission of
Texas

Effective date: March 24, 1986

Expiration date: July 22, 1986

For further information, please call
(512) 483-7149.

★ ★ ★

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education

Chapter 233. Minimum Standards Manual

Minimum Standards for Aircraft Crash and Rescue Instructor Certification

★ 37 TAC §233.43

The Commission on Fire Protection Personnel Standards and Education adopts on an emergency basis new §233.43, concerning minimum standards for aircraft crash and rescue fire fighter instructor certification.

The emergency adoption is necessary for the state's public welfare to ensure adequate training for aircraft crash and rescue fire fighters who are responsible for rescue and fire fighting at all major Texas airports.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 4413(35), §(1), (4), and (14), which provide the Commission on Fire Protection

with the authority and power to promulgate rules and regulations for the administration of the Act and to certify persons as having qualified as fire protection instructors under such conditions as the commission may prescribe.

§233.43. *Certificates.*

(a) Aircraft instructors must successfully complete the following minimum requirements for the various levels of certification by the commission.

(b) All certificates must be renewed annually on or before expiration date.

(1) Instructor A certificate:

(A) must have a minimum of three years experience in a full paid fire department and/or fire department of a state agency, educational institute, or political subdivision devoting full time to training and related responsibilities;

(B) must be a high school graduate or have a GED certificate;

(C) must be recommended and approved by his fire chief and/or department head;

(D) must have successfully completed the minimum requirements for fire fighter certification and/or aircraft crash and rescue fire fighter requirements, or has taught all the minimum certification requirements in §233.142(a)-(f) of this title (relating to Minimum Standards for Aircraft Crash and Rescue Fire Fighters);

(E) must have completed the 30 hours (45 hours of college credit) "Methods of Teaching" course as approved by the commission;

(F) application with necessary supporting information and data must be submitted to the commission for review and approval. Upon meeting the requirements outlined above, the applicant will be certified as "A" instructor-aircraft crash and rescue (CFR).

(2) Instructor B certificate:

(A) must have a minimum of three years experience in a paid fire department and/or CFR;

(B) must be a high school graduate to have GED certification;

(C) must be recommended and approved by his fire chief or department head;

(D) application with necessary supporting information and data must be submitted to the commission for review and approval. Upon meeting the requirements out-

lined above the applicant will be certified to teach any one subject by endorsement which he has been approved to teach. Subjects to be limited to those outlined in §233.142 of this title (relating to Minimum Standards for Aircraft Crash and Rescue Fire Fighters).

(3) Instructor C certificate:

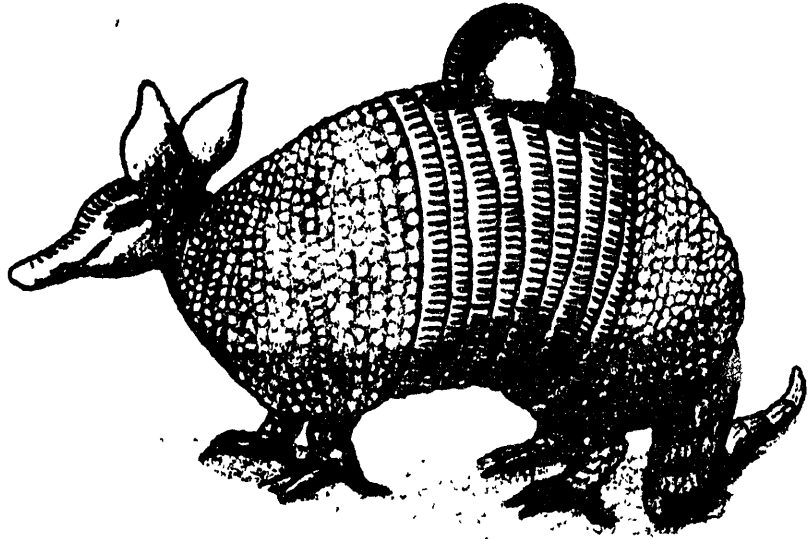
(A) A special instructor C certificate may be awarded to individuals not otherwise qualified under A or B instructor certification to teach any subject or subjects by endorsement upon approval by the commission. Applicant must submit evidence that he possesses adequate knowledge of subject area he proposes to teach.

Issued in Austin, Texas, on March 21, 1986.

TRD-8802868

Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and Education

Effective date: March 24, 1986
Expiration date: July 22, 1986
For further information, please call
(512) 474-8066.



★ ★ ★

Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. Also, in the case of substantive rules, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union

Department

Chapter 91. Chartering, Operations, Mergers, and Liquidations

Organization Procedures

★ 7 TAC §91.205

The Credit Union Department proposes new §91.205, concerning the bylaw applicable to the governing body of a state-chartered credit union and the regulation of the credit union's affairs. These bylaws will update those currently in use by the state-chartered credit unions and are necessary due to recent statute changes.

John R. Hall, credit union commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Hale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be bylaws which will be basically the same for all state-chartered credit unions, thereby standardizing the composition of their governing body and the credit union's overall regulation. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752.

The new section is proposed under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of this Act.

§91.205. *Standard Bylaws for State-Chartered Credit Unions.*

(a) The Credit Union Department has published a document entitled "Standard Bylaws for State-Chartered Credit Unions."

The text of this document is hereby adopted by reference and this document constitutes the standard form of bylaws which shall be used by the credit union incorporators and which may be adopted by any credit union already organized.

(b) A copy of the "Standard Bylaws for State-Chartered Credit Unions" may be obtained from the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752.

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

Issued in Austin, Texas, on March 21, 1986.

TRD-8602866

John R. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption:

May 2, 1986

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

★ ★ ★

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★ 10 TAC §§9.1, 9.2, 9.6-9.8

The Texas Department of Community Affairs (TDCA) proposes amendments to §§9.1, 9.2, 9.6-9.8, concerning the allocation of Community Development Block Grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDFP). The amendments establish the standards and procedures by which the TDCA will allocate Community Development, Urgent Need, and State-wide Area Revitalization funds to eligible units of local government in Texas beginning with the expenditure of federal fiscal year 1986 funds. The amendment to §9.1 (relating to General Provisions) provides clarification and changes requirements

relating to joint applications, citizen participation, and substitution of standardized data. The amendment also establishes performance threshold requirements for the economic development project and special impact funds and interim financing. The amendment to §9.6 concerns requirements for membership on the regional review committees and notices of meetings and provide clarification.

Douglas C. Brown, general counsel, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

William Pluta, Community Development and Housing Division director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the more equitable allocation of Texas Community Development Program funds to eligible units of general local government in Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Douglas C. Brown, General Counsel, 8317 Cross Park Drive, Box 13166, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 4413(201), §4A, which provide the TDCA with the authority to allocate Community Development Block Grant nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the TDCA.

§9.1. *General Provisions.*

(a) (No change.)

(b) Overview. Community Block Grant nonentitlement area funds will be distributed by the Texas Community Development Program to eligible units of general local government in the following program areas:

- (1) community development project fund;
- (2) economic development project fund;
- (3) planning/capacity building fund;
- (4) emergency fund;

- (5) urgent need fund;
- (6) statewide area revitalization fund;
- (7) special impact fund;
- (8) interim financing fund.

(c) Types of applications.

- (1) (No change.)

(2) Joint applications. Subject to approval by the TDCA and subject to each participating community satisfying the application requirements of the Texas Community Development Program fund under which the application is submitted, [Joint] an application [applications] will be accepted from two or more units of general local government if the application clearly demonstrates that the proposed activities will mutually benefit the residents of the communities applying for funds. However, any community participating in a joint application may not submit a single jurisdiction application under the project fund for which the joint application was submitted. One of the participating communities must be primarily accountable to the TDCA for financial compliance and program performance. Only one unit of general local government may be the official applicant and this applicant must enter into a legally binding cooperating agreement with each participant that incorporates Texas Community Development Program Requirements. In the case of a joint application submitted by two units of general local government, not more than 75% of the beneficiaries of the application may reside in any one applicant's jurisdiction. In the case of a joint application submitted by three local governments, not more than 50% of the beneficiaries of the application may reside in any one applicant's jurisdiction. Not less than 10% of the beneficiaries of an application may reside in any one applicant's jurisdiction in the case of a joint application submitted by more than three local governments.

(d) Ineligible activities. Any type of activity not described or referred to in the federal Housing and Community Development Act of 1974, §5305(a) (42 United States Code §5301 *et seq.*) is ineligible for funding under the Texas Community Development Program. Specific ineligible activities include but are not limited to construction of buildings and facilities used for the general conduct of government (e.g., city halls[, and courthouses[, and jails]); new housing construction, except in cases of replacement housing when individuals are displaced by Texas Community Development Program activities; the financing of political activities; purchases of construction equipment; income payments, such as housing allowances; most operation and maintenance expenses; and pre-contract costs, such as application preparation fees paid prior to submittal of the application.

(e) Citizen participation. Prior to submitting an application, an applicant for Texas Community Development Program funding must:

- (1) (No change.)

(2) Publish notice of each hearing in [the nonlegal section of] a newspaper having general circulation in the municipality or county at least 72 hours prior to each scheduled hearing. The published notice must include the date, time, and location of each hearing and the topics to be considered at each hearing. The published notice must be printed in both English and Spanish at the discretion of the unit of local government as appropriate. An applicant must retain documentation of the notices of the hearings, a list of the persons who attended the hearings, and minutes of the hearing for a period of one year after the date of the second public hearing, or until the project, if funded, is closed out. **Articles published in such newspapers which satisfy the content and timing requirements of this paragraph will be accepted by the TDCA in lieu of publication of notices.**

- (f) (No change.)

(g) Threshold requirements. An applicant must satisfy each of the following requirements in order to be eligible to apply for or to receive funding under the Texas Community Development Program:

- (1)-(5) (No change.)

- (h)-(i) (No change.)

(j) Substitution of standardized data. Any applicant that chooses to substitute locally generated data for standardized information available to all applicants must use the survey instrument provided by the TDCA and must follow the procedures prescribed in the instructions to the survey instrument. An applicant that intends to use a survey must notify the TDCA of its intent prior to conducting the survey. Only door-to-door surveys will be allowed. Surveys, including tabulation sheets and all responses, must be submitted to the TDCA at least 30 days prior to the date on which the application is due, for verification and spot checking. A survey instrument that lacks any information will be considered as a nonresponse for that family. **Except for satisfying the 50% benefit to low- and moderate-income persons threshold requirement for planning/capacity building applications, substitution of data for scoring community distress factors and for determining total beneficiaries will require a 100% effort with at least an 80% response rate. Substitution of data to satisfy the 51% benefit to low- and moderate-income persons threshold requirement for planning/capacity building applications, will require a 75% effort with at least a 75% response rate. A survey that was completed after the 1983 program year for a previous Texas Community Development Program Application may be accepted by the TDCA for a new application to the extent specified in the most recent application package for the proposed project.**

- (k) (No change.)

(l) Performance threshold requirements.

(1) Applicability. In addition to the requirements of subsection (g) of this section,

this subsection applies to all contractors that have received financial assistance from the TDCA under any project fund[, other than the economic development project fund,] and that are applying for additional Texas Community Development Program funds.

- (2) (No change.)

(5) Community development project fund, [and] statewide area revitalization fund, and special impact fund contracts. In order to be eligible to apply for Texas Community Development Program funding, an applicant must have completed all activities under such contracts (with the exception of audit and closeout) which were funded utilizing monies from at least two program years prior to the program year in which additional Texas Community Development Program funds are being requested. If the effective date of such a contract is one year or less before the date of the current application deadline, the applicant must have begun all construction activities under the contract in order to be eligible to apply for Texas Community Development Program funding. [This subsection takes effect March 1, 1986.]

(4) Emergency fund, urgent need fund, [and] discretionary funding, and interim financing contracts. In order to be eligible to apply for Texas Community Development Program funding, an applicant must have completed all activities under such contracts (with the exception of audit and closeout) within one year after the effective date of such contracts [which were funded utilizing monies from at least one program year prior to the program year in which additional Texas Community Development Program funds are being requested]. This subsection takes effect beginning with federal fiscal year 1985 funded contracts [March 1, 1986].

(5) Economic development project contracts. In order to be eligible to apply for economic development funding, an applicant must have completed all activities under such contracts (with the exception of audit and closeout) which were funded utilizing money from at least one program year prior to the program year in which economic development funds are being requested.

(m) Unobligated and recaptured funds. Any additional funds resulting from the recapture of dollars from a prior year's allocation, recapture of program income, [or] unobligated funds from a program area specified in subsection (b) of this section, or reallocated funds which the U.S. Department of Housing and Urban Development has recaptured from small cities grantees may be redistributed to eligible communities at the discretion of the executive director of the TDCA within such program areas.

§9.2. Community Development Project Fund.

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

- (c) Allocation plan.

- (1) (No change.)

(2) Each state planning region will be provided with a target allocation of funds

for applications in its region that are ranked in accordance with a shared scoring system involving the TDCA and the regional review committees. Where the remainder of the target allocation is insufficient to completely fund the next ranked application, TDCA will work with the affected applicant to determine whether partial funding is feasible. If partial funding is not feasible, the remaining funds from all the target allocations will be pooled to fund projects from among the highest ranked, unfunded applications from each of the 24 state planning regions. Selection criteria for such applications will consist of the selection criteria scored by the TDCA under this fund and a level of services factor, as defined in the most recent application package for this fund. This factor will be weighted based on the types of activities in each competing application. The 125%/75% adjustment factor described in subsection (e)(1) of this section will be used for all competing applications. Funds remaining unobligated under the statewide area revitalization fund and the special impact fund will be repooled to fund marginal projects under this paragraph.

(d) Selection Procedures.

(1) Prior to the submission deadline specified in the most recent application package for this fund, each eligible unit of general local government may submit one application for funding under the community development project fund. Copies of the application must be provided to both the regional review committee and] to the TDCA/Community Development and Housing Division. Each applicant must also provide a copy of its application to the applicant's regional review committee within two weeks after the TDCA submission deadline.

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether all proposed activities are eligible for funding, if ranked. The results of this initial review will be provided to the applicant [and appropriate regional review committee]. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as the corrected application is received by the TDCA by the preview deadline specified in the most recent application package for this fund [subsection (b) of this section].

(3) (No change.)

(4) Following the resolution of any appeals from actions of the regional review committee as specified in §9.6 of this title (relating to Regional Review Committees) the TDCA will add scores relating to community distress, benefits to low- and moderate-income persons, continuation of need [local tax effort], and minority hiring to the regional review committees' project design scores to determine regional rankings. Scores on the factors in these four categories are

derived from standardized data from the Census Bureau, other state and federal sources, and [or] from information provided by the applicant. The TDCA will ask the regional review committees to review these figures for accuracy.

(5)-(8) (No change.)

(e) Selection criteria. The following is an outline of the selection criteria to be used by the TDCA and the regional review committees for scoring applications under the community development project fund. Twelve hundred [and fifty] points are available.

(1) Community distress (total—150 [200] points). All community distress factor scores are based on the population of the applicant. An applicant that has 125% or more of the average of all applicants in its region of the rate on any community distress factor, except per capita income, will receive the maximum number of points available for that factor. An applicant with less than 125% of the average of all applicants in its region on a factor will receive a proportionate share of the maximum points available for that factor. An applicant that has 75% or less of the average of all applicants in its region on the per capita income factor will receive the maximum number of points available for that factor.

(A) Percentage of persons living in poverty—40 [50].

(B) Per capita income—40 [50].

(C) Percentage of housing units without some or all plumbing—20 [50].

(D) (No change.)

(2) Percentage of Texas Community Development Program funds that directly benefit low- and moderate-income persons (total—350 [300] points). This factor score is based only on those residents of the applicant that are determined to be actual [direct] beneficiaries of the applicant's proposed activities, as defined by the TDCA in its current Texas Community Development Program application package.

(3) (No change.)

(4) Continuation of need (total—50 points). The definitions and criteria used for scoring this factor are specified in the most recent application package for this fund.

[(4) Local tax effort for purposes of general revenue sharing (total—100 points)—This factor is derived by dividing the adjusted revenues collected by the applicant by the total personal income of the applicant. An applicant that has 125% of the average of all applicants in its region of the rate on this factor will receive the maximum number of points available for this factor. An applicant with less than 125% of the average of all applicants in its region will receive a proportionate share of the maximum points for this factor.]

(5) Project design (total—600 points).

[(A) Regional program priority—100]

[(A)][(B)] Severity of need (total—400 [300] points). Each regional review committee must select at least three of the fac-

tors specified in this subparagraph and must select no more than four other factors with the prior written approval of the TDCA for a total of seven factors. At least 50 points must be assigned to each factor. The terms used in this subparagraph are defined in the most recent regional review committee guidebook:

(i) regional program priorities; [continuity of need—at least 50]

(ii) Level of services to be provided; [definitions and criteria established by each regional review committee—no more than 250]

(ii) project efficiency;

(iii) local or other match;

(iv) need determination.

(B)[(C)] Resolution of problem (total—200 points). Points will be awarded based on definitions and criteria adopted by each regional review committee in accordance with the most recent regional review committee guidebook.

[(i) Project efficiency, as defined by each Regional Review Committee—at least 50;

[(iii) Definitions and criteria established by each Regional Review Committee—no more than 150.]

§9.6. Regional Review Committees.

(a) Composition. There is a regional review committee in each of the 24 state planning regions. Each committee consists of at least 12 members appointed by the governor, each of whom must be a member of the governing body of an eligible unit of general local government. A member vacates his position on a regional review committee when he ceases to be such a local elected official but shall continue to serve until a successor is appointed. Composition of each regional committee reflects geographic diversity within the region, difference in population among eligible localities, and types of government (general law cities, home rule cities, and counties). The chairman of the committee is also appointed by the governor. Members of the committee will serve two-year terms. An individual may not serve as a member of a regional review committee while serving as a member of the state community development review committee.

(b) Role. Each regional review committee will review and score all applications submitted from within its region under the Community Development Project Fund. Each regional review committee may review and comment on other Texas Community Development Program [Economic Development Project Fund and Planning/Capacity Building Project Fund] applications. Each regional review committee will send its scores and comments to the TDCA. Regional review committees may elect to utilize staff of regional planning commissions to assist with project review responsibilities.

(c) General requirements. In the performance of its responsibilities, each regional review committee shall comply with all fed-

eral and state laws and regulations relating to the administration of community development block grant nonentitlement area funds including, but not limited to, requirements of this subchapter, the scoring procedures specified in the current regional review committee guidebook, and the procedures established by the regional review committee under the Texas Community Development Program.

(1) Meetings. Each meeting held by a regional review committee shall conform to the following requirements.

(A) Except for notices concerning appeals, the regional review committee shall notify each applicant within the regional review committee's state planning region, in writing, of the date, time, and location of the meeting at least five days prior to the meeting. The notice must be in the format specified by the TDCA in the most recent regional review committee guidebook. The notice must also be published in a regional newspaper at least five days prior to the meeting. The scoring procedures established at a regional review committee's organizational meeting must also be sent to each eligible applicant in the committee's region at least five days prior to its scoring meeting.

(B) Each applicant shall be provided with the opportunity to make a presentation to the regional review committee at its scoring meeting.

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

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

(d) Appeals. An applicant may appeal the actions of the regional review committee established in its state planning region by following the procedures set forth in this subsection. The TDCA will withhold the running of computer scores on Community Development Project Fund applications for five working days after the regional review committee's scoring meeting or until all regional appeals, if any, have been resolved, whichever is longer. If an appeal affects another applicant within its region, the regional review committee must provide written notification of the appeal to that applicant.

(1) (No change.)

(2) Within 10 working days after receipt of an appeal, the regional review committee shall take one of the following actions.

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

(C) The regional review committee disagrees and provides the applicant and the TDCA with a written statement of the basis of the disagreement. The regional review committee may hold a rehearing if so requested by the applicant, as long as both the initial hearing and the rehearing are held within 10 [five] working days after the receipt of the original appeal.

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

(e) (No change.)

§9.7. Urgent Need Fund.

(a) General Provisions. Assistance under this fund will be provided only to eliminate existing conditions which pose a serious and immediate threat to the health or welfare of the residents of the applicant where other financial resources are not available to meet such conditions. A unit of general local government that wishes to receive assistance under this fund must submit an application, as provided by the TDCA, to the Community Development and Housing Division of the TDCA. There is no application deadline. An applicant may not submit an application under this fund and also under the Community Development Project Fund, [or] the Statewide Area Revitalization Fund or the Special Impact Fund during the same program year if the proposed activity under each application is the same or substantially similar. An applicant may only submit one application under this fund in any one program year. The TDCA may negotiate the level of funding to be provided to an applicant and the scope of work to be performed by the applicant.

(b) (No change.)

§9.8. Statewide Area Revitalization Fund.

(a) General provisions. This fund covers multiple-activity projects which serve a limited geographic area or neighborhood. In order to be eligible to apply for funding, at least 25% of the total Texas Community Development Program funds requested must be dedicated to housing assistance. An applicant may not submit an application under this fund and also [if and only if the applicant has not submitted an application] under either the community development project fund or the Special Impact [the urgent] Fund during the same program year. Joint applications will only be considered for funding if none of the participating local governments submitted applications under either the Community Development Project Fund or the Special Impact [the urgent need] Fund during the same program year.

(b) (No change.)

(c) Selection procedures.

(1) (No change.)

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether all proposed activities are eligible for funding, if ranked. The results of this initial review will be provided to the applicant and appropriate regional review committee. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as the corrected application is received by the TDCA by the prereview deadline specified in the most recent application package for this fund [subsection (b) of this section].

(3)-(4) (No change.)

(5) The TDCA will then add scores relating to community distress, benefits to low- and moderate-income persons [local tax effort,] and minority hiring to the project design scores to determine statewide rankings. Scores of the factors in these [four] categories are derived from standardized data from the Census Bureau, other federal or state sources, and [or] from information provided by the applicant.

(6)-(9) (No change.)

(d) Selection Criteria. The following is an outline of the selection criteria to be used by the TDCA for scoring applications under the Statewide Area Revitalization Fund. Eleven [twelve] hundred [fifty] points are available.

(1) Community distress (total—150 [200] points). All community distress scores are based on the population of the applicant. An applicant that has 125% of the average of all applicants of the rate on any community distress factor, except per capita income, will receive the maximum number of points available on that factor. An applicant with less than 125% of the average of all applicants [in its region] on a factor will receive a proportionate share of the maximum points available for that factor. An applicant that has 75% or less of the average of all applicants on the per capita income factor will receive the maximum number of points available for that factor.

(A) Percentage of persons living in poverty—40 [50]

(B) Per capita income—40 [50]

(C) Percentage of housing units without some or all plumbing—20 [50]

(D) (No change.)

(2) (No change.)

(3) Percentage of minorities presently employed by the applicant divided by the percentage of minority residents within the local community (total—50 points). In the event less than 2.0% of the applicant's population base is composed of minority residents or the applicant does not have any permanent employees, the applicant will be assigned the average score on this factor for all applicants under this fund [in its state planning region]. The terms used in this paragraph are defined in the most recent [current] application package for this fund.

[(4) Local tax effort for purposes of general revenue sharing (total—100 points). This factor is derived by dividing the adjusted revenues collected by the applicant by the total personal income of the applicant. An applicant that has 125% of the average of all applicants of the rate on this factor will receive the maximum number of points available on this factor. An applicant with less than 125% of the average of all applicants in its region will receive a proportionate share of the maximum points available for this factor.]

(4)[(5)] Project design (total—500 points). Each activity within the application will be scored on project design criteria and weighted according to the proportion of

TCDP funds required for that activity in comparison to the total Texas Community Development Program funds requested.

(A) (No change.)

(B) Resolution of the problem (total—200 points).

(i) (No change.)

(ii) Housing rehabilitation effort—100. Points will be awarded based on the percentage of Texas Community Development Program Funds requested to provide owner/rental housing rehabilitation assistance as specified in the most recent application package for this fund.

[(ii) Impact of revitalization effort on households in the revitalization area—100. The range of activities that benefit residents of each household in the revitalization area will be considered. For example, a revitalization effort where each household benefits from housing assistance, water/sewer improvements, and street improvements would receive more points than a project where households only received housing assistance and street improvements.]

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

Issued in Austin, Texas, on March 24, 1986.

TRD-8602880

Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption:

May 2, 1986

For further information, please call
(512) 834-8060.

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TITLE 22. EXAMINING BOARDS

Part V. State Board of Dental Examiners

Chapter 115. Extension of Duties of Auxiliary Personnel

Dental Hygiene

★22 TAC §115.3

The Texas State Board of Dental Examiners proposes an amendment to §115.3, concerning institutional employment. The amendment provides the duties which may be performed by a dental hygienist in a long-term health care facility licensed by the State of Texas.

William S. Nail, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Nail also has determined that for each year of the first five years the section is

in effect the public benefit anticipated as a result of enforcing the section will be expansion of the permitted localities where dental hygienists can practice and provision of services to patients in long-term health care facilities. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§115.3. Institutional Employment.

(a) Custodial care institutions (either public or private or which qualify as a hospital or school may be allowed to employ a dental hygienist when a licensed dentist is on the staff of such institution and after approval by the state board. Any hygienist employed by such institution is subject to the same laws and rules pertaining to general and direct supervision as a hygienist in the employ of a dentist in private practice.

(b) A licensed hygienist may perform those duties permitted by board rule in a long-term health care facility licensed by the State of Texas, provided all such duties performed must be on patients of record and under the direct supervision of a dentist.

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8602908

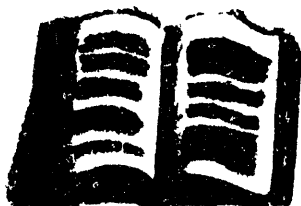
William S. Nail
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption:

May 2, 1986

For further information, please call
(512) 463-5536.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 53. Finance

Licenses, Fees, and Investment of Lifetime License Funds

★ 31 TAC §53.8, §53.9

The Texas Parks and Wildlife Commission proposes an amendment to §53.8, and a new §53.9, concerning license fees set by the commission, and the investment of the Lifetime License Endowment Fund. The purpose of the amendment is to establish license fees. New §53.9 regulates investment of the Lifetime License Endowment Fund.

Jim Dickinson, finance director, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government is an estimated cost of \$32,353 in 1987 and \$27,653 each year in 1988-1991. There is an estimated net increase in revenue of \$2,066,289 each year in 1987-1991. There is an estimated net increase in revenue of \$2,066,289 each year in 1987-1991. There will be no effect on local government or small businesses as a result of enforcing or administering the sections.

Mr. Dickinson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that license fees will be known. The possible economic cost to Texas residents who choose to comply with the sections as proposed will be a one time lifetime charge of \$300 for a fishing license; \$300 for a hunting license; and \$500 for a combination license, rather than the annual charge of \$8, \$10, and \$15 or a fishing, hunting, and combination license, respectively.

Comments on the proposal may be submitted to Jim Dickinson, Director of Finance, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4815.

The amendment and new section are proposed under the Texas Parks and Wildlife Code, §§11.065, 42.0021, 42.012, 42.0121, 48.004, 50.001, and 50.002 which provides the Texas Parks and Wildlife Commission with the authority to set certain license fees and adopt rules for the investment of the Lifetime License Endowment Fund.

§53.8. License Fees Set by Commission.

[(a) The Texas Parks and Wildlife Commission is authorized to set the fee amount on certain licenses.

[(b) Due to the increasing costs involved in administering the programs of the Parks

and Wildlife Department, the commission sets]. The following license fee amounts are effective [December 30, 1985] September 1, 1986:

- (1) resident combination hunting and fishing—\$15;
- (2) resident hunting—\$10;
- (3) resident-exempt hunting—\$6.00;
- (4) duplicate hunting—\$6.00;
- (5) temporary nonresident fishing—\$8.00;
- (6) nonresident small game hunting—\$75;
- (7) general nonresident hunting—\$200; [and]
- (8) Lake Texoma fishing—\$7.50;
- (9) blind/disabled veteran fishing—\$1.50;
- (10) resident fishing under 17, or 65 years old or older—no charge; and
- (11) person having a commercial fishing license of this state—no additional fee or license required to sportfish.

§53.9. *Investment of Lifetime License Endowment Fund.* The executive director is authorized to invest the Lifetime License Endowment Fund in United States Treasury bills and bonds or certificates of deposit at the best available yields when sufficient funds have been received to warrant investment.

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8802900 Boyd Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:
May 2, 1986

For further information, please call
(512) 479-4805.

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Chapter 65. Wildlife

Subchapter A. Statewide Hunting and Fishing

★31 TAC §§65.6, 65.15, 65.17, 65.33, 65.46, 65.61-65.63, 65.71, 65.78, 65.81

The Texas Parks and Wildlife Commission proposes new §§65.78, and amendments to §§65.6, 65.15, 65.17, 65.33, 65.46, 65.61-65.63, 65.71, and 65.81. Sections 65.1-65.91 constitute the statewide hunting and fishing proclamation. The Wildlife Conservation Act of 1983 provides the commission with responsibility for regulating by proclamation the periods of time, means, methods, manners, and places for taking wildlife resources. The Act provides a flexible law to enable the commission to deal effectively with changing conditions to prevent depletion and waste of wildlife resources. The proposed amendments are

based upon studies and findings of fact in compliance with Texas Parks and Wildlife Code, §§61.051 and §61.053.

The differences between the proposed amendments to the sections and the existing sections are briefly summarized in the following paragraphs.

Section 65.6 defines Bolivar roads pass, bow, charter vessel, coastal waters boundary, crab measurements, fish species names, natural bait, snagging or jerking fish, and adds two species of tilapia to rough fish listing.

Section 65.15 provides new requirements for bow strengths, broadhead width, and prohibits the use of target points.

Section 65.17 prohibits the use of dogs to trail wounded deer in Angelina County and allows the use of dogs to trail wounded deer in Winkler County.

Section 65.33 provides that hunting deer with dogs is allowed only during the last half of the hunting season and only in 10 named counties; provides additional counties with antlerless deer hunting without antlerless deer permits, but with antlerless tags; provides Panhandle counties with the standard length deer season; restricts additional counties to a reduced buck bag limit of one buck per season; provides four counties with a one buck bag limit and antlerless by tag; provides a standard length season for all counties that have a deer season (deletes the 5-day, 16-day, 30-day, and split hunting seasons for white-tailed deer); changes special early antlerless only deer season to a late season; provides an early antlerless only season in a portion of Polk and Trinity Counties; provides three additional counties with an either sex archery only deer season; reduces the archery only buck bag limit in selected counties from two bucks to one buck per season; provides Grayson, Hunt, and Kaufman Counties with an archery only season for whitetailed deer (no gun season is proposed); extends mule deer season length from 9 to 16 days, and changes opening date in Trans-Pecos to the Saturday before Thanksgiving.

Section 65.46 provides a standard length turkey season in Panhandle and some Permian Basin counties and also increases bag limit from one turkey either sex to two turkeys either sex; provides Pecos and Terrell Counties with a two either sex bag limit; and opens spring gobbler season in Cooke and Milam Counties.

Section 65.61 removes seasonal fishing restriction on the Hagerman National Wildlife Refuge and seasonally prohibits fishing within 500 feet of the power plant water intake to Toledo Bend Reservoir.

Section 65.62 provides a 14-inch statewide minimum size limit for largemouth black bass, reduces bag and possession limits by 1/2; north of State Highway 70 in the Panhandle is provided with a 12-inch minimum size limit on all bass, provides Lake

Fairfield and Pinkston with a bass 16-inch minimum size limit; Lakes Caddo, Conroe, and Toledo Bend Reservoir remain the same, a 10-inch minimum size limit, Lake Nasworthy a 14-18-inch bass slot limit, and Lake Texoma a 14-inch minimum bass size limit, but 10 per day and 20 in possession; in the Trinity River between Nutt and City Dams, catfish bag limits would be reduced to five per day and 10 in possession, limits on Nile perch and peacock bass would be removed; red drum in freshwater impoundments would have the same bag, possession, and minimum size limits as those for saltwater, but in named freshwater reservoirs there would be no maximum size limits, corvina would have the same restrictions as red drum; a statewide bag limit of 25 and possession limit of 50 for crappie except in Caddo Lake and Toledo Bend Reservoir is proposed; in Choke Canyon Reservoir, in addition to crappie bag and possession limits, a minimum size of 10 inches is proposed; and provides that it is unlawful to possess fish within a protected size limit in a person's immediate possession.

Section 65.63 provides that when using nets in Bowie, Cass, and Morris Counties, flathead catfish may not be retained; requires trotlines to be tagged with name and address of fisherman at each end of the line; and permits retention of freshwater trout only taken by fly fishing in a portion of the Guadalupe River in Comal County.

Section 65.71 provides daily bag and possession limits for King mackerel, and provides that perch traps must be identified with a red buoy or plastic bottle.

Section 65.78 provides new text for a complete revision of existing crab regulations that intends to advance a stone crab fishery in Texas.

Section 65.81 provides consistent days and times for trotline fishing in Chambers and Harris Counties and denotes a marked channel in Galveston and Trinity Bays.

Jim Dickinson, director of finance, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Dickinson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide optimum hunting and fishing opportunity based upon acknowledged wildlife management tenets. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Phil Evans, Regulatory Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin,

Texas 78744, (512) 479-4974 or 1-800-792-1112, ext. 4974.

The new section and amendments are proposed under the Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with the authority to establish wildlife resource regulations for this state.

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

Bolivar road pass—The pass area of Bolivar roads between Bolivar Peninsula and Galveston Island is defined as all saltwaters southeast of the intra-coastal waterway (ICWW) (Galveston-Freepport cutoff) between ICWW Marker 15 (Bolivar Peninsula) and ICWW Marker 7 a (Pelican Island), including the area between the north and south jetties to their extremities into the Gulf of Mexico and the Galveston Channel to its west end at the road-railroad drawbridge connecting Pelican Island to Galveston Island.

Bow—A long bow, recurved bow, or compound bow that is hand-held and hand-drawn, and that has no mechanical device built into, or attached to, that will enable the archer to lock the bow at full or partial draw. Other than energy stored by the drawn bow, no device to propel the arrow will be permitted.

Chartered vessel (saltwater)—A boat or vessel whose captain or operator is licensed by the United States Coast Guard to carry paying passengers and whose passengers fish for a fee.

Coastal waters boundary—For purposes of the Texas Parks and Wildlife Code, Chapters 61 and 66, all public waters east and south of the following boundary are considered coastal waters: beginning at the international toll bridge in Brownsville, thence northward along U.S. Highway 77 to the junction of Paredes Lines Road (FM Road 1847) in Brownsville, thence northward along FM Road 1847 to the junction of FM Road 106 east of Rio Hondo, thence westward along FM Road 106 to the junction of FM Road 508 in Rio Hondo, thence northward along FM Road 508 to the junction of FM Road 1420, thence northward along FM Road 1420 to the junction of State Highway 186 east of Raymondville, thence westward along State Highway 186 to the junction of U.S. Highway 77 near Raymondville, thence northward along U.S. Highway 77 to the junction of FM Road 774 in Refugio, thence eastward along FM Road 774 to the junction of State Highway 35 south of Tivoli, thence northward along State Highway 35 to the junction of State Highway 185 between Bloomington and Seadrift, thence northwestward along State Highway 185 to the junction of FM Road 616 in Bloomington, thence northeastward along FM Road 616 to the junction of State Highway 35 east of blessing, thence southward along State Highway 35 to the junction of

FM Road 521 north of Palacios, thence north-eastward along FM Road 521 to the junction of State Highway 36 south of Brazoria, thence northward along State Highway 36 to the junction of State Highway 332 in Brazoria, thence eastward along State Highway 332 to the junction of FM Road 2004 in Lake Jackson, thence northeastward along FM Road 2004 to the junction of IH 45 between Dickinson and La Marque, thence northwestward along IH 45, to the junction of IH 610 in Houston, thence east and northward along IH 610 to the junction of IH 10 in Houston, thence eastward along IH 10 to the junction of State Highway 73 in Winnie, thence eastward along State Highway 73 to the junction of U.S. Highway 287 in Port Arthur, thence northwestward along U.S. Highway 287 to the junction of IH 10 in Beaumont, thence eastward along IH 10 to the Louisiana state line. The public waters north of the dam on Lake Anahuac in Chambers County, and north and west of the junction of the north and south forks of the Guadalupe River in Calhoun and Refugio Counties are not considered coastal waters for purposes of this proclamation.

Crab measurements—Blue crabs are measured across the widest point of the body from tip of spine to tip of spine. Stone crab claws are measured by the propodus length, which is that distance from the tip of the immovable claw finger to the first joint behind the claw.

Fish species names—The names of fishes are those prescribed by the American Fisheries Society in the most recent edition of "A List of Common and Scientific Names of Fishes of the United States and Canada."

Natural bait (saltwater)—A whole or cut-up portion of a fish or shellfish or a whole or cut-up portion of plant material in its natural state, provided that none of these may be altered beyond cutting into portions.

Rough fish (freshwater [freshwater])—Carp, suckers, buffalo, gar, shad, Rio Grande perch, drum or gaspergou, bowfin or grindle, pickerel, mullet, goldfish, blue tilapia, tilapia mossambica, bullhead catfish, and grass carp.

Snagging or jerking fish—A method of taking fish with one or more hooks attached to a line or artificial lure modified or designed for the purpose and used in a manner to foul hook a fish.

§65.15. Archery.

(a) It is lawful to hunt all game birds and game animals during open seasons [provided therefor] with a bow [longbow] and arrow only if:

(1) the arrow is not poisoned, drugged, or explosive; and [the bow is capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of 130 yards]

(2) the arrow bears the name and address of the user in a nonwater soluble medium [the arrow is equipped with a broad

head hunting point at least 7/8-inch in width and not over 1 1/2 inches in width];

(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) While hunting turkey and all game animals, other than squirrels:

(1) the bow must have a minimum peak draw weight of 40 pounds and;

(2) the arrow must be equipped with a broadhead hunting point at least 7/8-inch in width, with a minimum of two cutting edges.

(c) While hunting squirrels and all game birds, other than turkey, arrows may not be equipped with points commonly known as target or field points.

(d)[(b)] It is unlawful to use a cross-bow.

§65.17. Hunting Deer with Dogs.

(a) (No change.)

(b) It is lawful to use not more than two dogs in trailing a wounded deer in all counties, except in Angelina, Bowie, Camp, Fannin, Franklin, Harris, Harrison (north of IH 20 and west of State Highway 43), Houston, Hunt, Jefferson, Lamar, Liberty, Montgomery, Morris, Nacogdoches, Red River, Rockwall, Rusk, San Augustine, Shelby, Titus, Trinity, Walker, Washington, [Winkler,] and Wood Counties, in which dogs may not be used to trail wounded deer.

§65.33. Deer. No person may take more than the aggregate total of five deer per season; of which no more than two may be mule deer, only one of which may be a buck mule deer; no more than two white-tailed buck deer, or no more than four antlerless deer, both species combined.

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

(A) In Anderson, Angelina, [Aransas, Bandera, Bee, Bosque,] Bowie, [Brazoria, Brooks, Brown, Calhoun, Callahan,] Cameron, Cass, [Chambers,] Cherokee, [Coleman, Comal, Comanche, Concho, Coryell,] Crane, [DeWitt, Dimmit, Duval, Eastland,] Ector, [Edwards, Erath, Fort Bend,] Freestone, [Frio, Gillespie,] Glasscock, [Go-liad,] Gonzales, Grimes, Guadalupe, [Hamilton,] Hardin, [Harris,] Harrison, [Hays, Hidalgo,] Houston, [Jackson,] Jasper, [Jefferson, Jim Hogg, Jim Wells,] Karnes, [Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampacas, LaSalle,] Leon, Liberty, Limestone, [Live Oak, Llano,] Loving, Marion, [Mason, Matagorda, Maverick, McMullen, Medina,] Midland, Montgomery, Nacogdoches, Newton, Nueces, [Orange,] Panola, Polk, Reagan, [Real, Refugio,] Robertson, [Runnels,] Rusk, San Augustine, Sabine, San Jacinto, [San Patricio, San Saba,] Shelby, [Somervell, Starr, Taylor, Travis,] Trinity, Tyler, Upton, [Uvalde, Victoria,] Walker, Ward, [Webb, Wharton, Wilacy,] and Wilson[, Zapata, and Zavala]

Counties, there is an open season for white-tailed deer.

(i)-(ii) (No change.)

(iii) **Special exemption: in Hardin, that portion of Harrison County south of IH 20 and east of State Highway 43, Jasper, Newton, Panola, Polk, Sabine, San Jacinto, and Tyler Counties only, hunting deer with dogs is permitted only during the period beginning December 7 through the first Sunday in January.**

(iv) **Special season: in the portion of Polk and Trinity Counties bounded on the east by U.S. Highway 59 beginning at Corrigan thence south on U.S. Highway 59 to Livingston, thence northwestward on U.S. Highway 190 to Onalaska, thence northwestward on FM Road 356 to Sebestapol, thence northward on FM Road 355 to Groveton, thence eastward on U.S. Highway 287 back to Corrigan, there is a special early antlerless only season beginning the third Saturday in October for 16 days. The bag limit is four antlerless white-tailed deer only, only by antlerless deer permit. The bag limit is not in addition to the general or archery only season bag limits.**

(B) **In Aransas, Atascosa, Bandera, Bee, Bell, Bexar, Blanco, Bosque, Brewster, Brooks, Brown, Burnet, Calhoun, Coke, Coleman, Comal, Comanche, Concho, Coryell, Crockett, Culberson, Dewitt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Hamilton, Hays, Hidalgo, Irion, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, LaSalle, Live Oak, Llano, McCulloch, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Mills, Mitchell, Nolan, Pecos, Presidio, Real, Reeves, Refugio, Runnels, San Patricio, San Saba, Schleicher, Starr, Sterling, Sutton, Taylor, Terrell, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Wharton, Willacy, [and] Williamson, Zapata, and Zavala Counties, there is an open season for white-tailed deer.**

(i)-(v) (No change.)

(C) **No person may take or possess more than one white-tailed buck deer per season from counties, in the aggregate, listed within this subparagraph.**

(i) **In Archer, Armstrong, Austin, Bastrop, Baylor, Borden, Brazos, Briscoe, Burleson, Caldwell, Callahan, Camp, Carson, Chambers, Childress, Clay, Collingsworth, [Colorado,] Cooke, Crosby, Cottle, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Garza, Gray, Grayson (only on the Hagerman National Wildlife Refuge, Gregg, Hall, Hardeman, Harris, Haskell, Hartley, Hemphill, Hill, Hood, Hopkins, Howard, Hutchinson, Jack, Jefferson, Johnson, Jones, Kent, King, Knox, Lamar, [Lavaca,] Lee, Lipscomb, Madison, McLennan, Milam, Montague, Moore, Morris, Motley, Navarro, Ochiltree, Oldham, Orange, Palo Pinto, Parker, Potter, Rains, Randall, Red River, Roberts, Scurry, Shackelford, Smith, Somervell, Stephens, Stone-**

wall, Swisher, Tarrant, Throckmorton, Titus, Upshur, Van Zandt, Waller, Washington, Wheeler, Wichita, Wilbarger, Wise, Wood, and Young Counties, there is an open season for white-tailed deer.

(I)-(III) (No change.)

(IV) **Special exemption: in Orange County only, hunting deer with dogs is permitted only during the period beginning December 7 through the first Sunday in January.**

(ii) **In Brazoria, Colorado, Fort Bend, and Lavaca Counties, there is an open season for white-tailed deer.**

(I) **Open season: second Saturday in November through the first Sunday in January.**

(11) **Bag limit: four white-tailed deer, no more than one buck.**

(III) **Antlers deer may be taken without an antlerless deer permit required by §65.21 of this title (relating to Permits) and §65.23 of this title (relating to Antlerless Deer Permits).**

(IV) **An antlerless deer tag is required by §65.27 of this title (relating to Antlerless Deer Tags) to take antlerless deer in counties within this clause.**

(ii) **In Armstrong, Briscoe, Carson, Childress, Collingsworth, Cottle, Donley, Floyd, Foard, Gray, Hall, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, Swisher, and Wheeler Counties, there is an open season for white-tailed deer.**

(I) **Open season: Saturday before Thanksgiving for 16 consecutive days.**

(II) **Bag limit: four white-tailed deer, no more than one buck, antlerless by permit only.]**

(iii) **In Camp, Delta, Franklin, Gregg, Hopkins, Lamar, Rains, and Titus Counties, there is an open season for white-tailed deer.**

(I) **Open season: second Saturday in November through November 30.**

(II) **Bag limit: four white-tailed deer, no more than one buck, antlerless by permit only.]**

(iv) **In Upshur and Wood Counties, there is an open season for white-tailed deer.**

(I) **Open season: second Saturday in November for 30 consecutive days.**

(II) **Bag limit: four white-tailed deer, no more than one buck, antlerless by permit only.]**

(v) **In Fannin County, there is an open season for white-tailed deer.**

(I) **Open season: second Saturday in November for five consecutive days.**

(II) **Bag limit: four white-tailed deer, no more than one buck, antlerless by permit only.]**

(vi) **In Morris and Red River Counties, there is an open season for white-tailed deer.**

(I) **Open season: second Saturday in November through November 30 and**

December 26 through December 31.

(II) **Bag limit: four white-tailed deer, no more than one buck, antlerless by permit only.]**

(D) **In Bowie, Cass, and Marion Counties, there is an open season for white-tailed deer.**

(i) **Open season: second Saturday in November through November 30 and December 26 through December 31.**

(ii) **Bag limit: four white-tailed deer, no more than two bucks, antlerless by permit only.]**

(D)(E) **In Henderson County, there is an open season for white-tailed deer.**

(i)-(iii) (No change.)

(E)(F) **In Dimmit, Duval, Maverick, Webb, Zapata, and Zavala Counties, there is an additional open season for white-tailed antlerless deer.**

(i) **Open season: second Saturday in January [Fourth Saturday in October] for 16 consecutive days.**

(ii) (No change.)

(G)(G) **In Andrews, Bailey, Castro, Cochran, Collin, Dallam, Dallas, Dawson, Deaf Smith, El Paso, Gaines, Galveston, Grayson (except Hagerman National Wildlife Refuge), Hale, Hansford, Hockley, Hudspeth, Hunt, Kaufman, Lamb, Lubbock, Lynn, Martin, Parmer, Rockwall, Sherman, Terry, Winkler, and Yoakum Counties, there is no general open season for white-tailed deer.**

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

(A) **In Anderson, Angelina, Aransas, Atascosa, Bandera, Bee, Bell, Bexar, Blanco, Bosque, Bowie, [Brazoria,] Brewster, Brooks, Brown, Burnet, Calhoun, [Callahan,] Cameron, Cass, Cherokee, Coke, Coleman, Comal, Comanche, Concho, Coryell, Crockett, Culberson, DeWitt, Dimmit, Duval, [Eastland,] Edwards, [Erath, Fort Bend,] Freestone, Frio, Gillespie, Glasscock, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hardin, Harrison, Hays, Henderson, Hidalgo, Houston, Irion, Jackson, Jasper, Jeff Davis, [Jefferson,] Jim Hogg, Jim Wells, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, LaSalle, Leon, Liberty, Limestone, Live Oak, Llano, Marion, Mason, Matagorda, Maverick, McCulloch, McMullen, Medina, Menard, Mills, Mitchell, Nacogdoches, Newton, Nolan, Panola, Pecos, Polk, Presidio, Reagan, Real, Reeves, Refugio, Robertson, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, [Somervell,] Starr, Sterling, Sutton, Taylor, Terrell, Tom Green, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala Counties, there is an open season during which white-tailed deer may be taken only with longbow and arrows.**

(i)-(ii) (No change.)

(B) **In [Chambers,] Crane, Ector, [Harris,] Karnes, Loving, Midland, Mont-**

gomery, Nueces, [Orange, Panola, Reeves, Shelby,] Upton, and Ward Counties, there is an open season during which white-tailed buck deer may be taken only with longbow and arrows.

(i)-(ii) (No change.)

(C) No person may take or possess more than one white-tailed buck deer per season from counties, in the aggregate, listed within this subparagraph.

(i) In **Austin, Brazoria, Brazos, Burleson, Callahan, Camp, Chambers, Colorado, Eastland, Erath, Falls, Franklin, Fayette, Fisher, Fort Bend, Grayson** (only on the Hagerman National Wildlife Refuge), **Gregg, Haskell, Hemphill, Hood, Hopkins, Howard, Jack, Jefferson, Kent, Lavaca, Madison, McLennan, Millam, Morris, Navarro, Orange, Palo Pinto, Parker, Red River, Scurry, Shackelford, Smith, Somervell, Stephens, Titus, Throckmorton, Upshur, Van Zandt, Wheeler, Wise** and Wood Counties, there is an open season during which white-tailed deer may be taken only with longbow and arrows.

(1)-(II) (No change.)

(ii) In **Archer, Armstrong, [Austin,] Bastrop, Baylor, Borden, Briscoe, Caldwell, [Camp,] Carson, Childress, Clay, Collingsworth, Cooke, Cottle, Crosby, Delta, Denton, Dickens, Donley, Ellis, [Falls,] Fannin, Floyd, Foard, [Franklin,] Garza, Gray, Grayson** (except on Hagerman National Wildlife Refuge), **[Gregg,] Hall, Hardeman, Harris, Hartley, Hill, [Hopkins, Howard,] Hunt, Hutchinson, Johnson, Jones, Kaufman, King, Knox, Lamar, Lee, Lipscomb, [Milam,] Montague, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Rains, Roberts, [Smith,] Stonewall, Swisher, Tarrant, [Upshur, Van Zandt,] Waller, Washington, Wichita, Wilbarger, [Wise,] and Young** Counties, there is an open season during which white-tailed buck deer may be taken only with longbow and arrows.

(I)-(II) (No change.)

(D) In **Andrews, Bailey, Castro, Cochran, Collin, Dallam, Dallas, Dawson, Deaf Smith, El Paso, Gaines, Galveston, [Grayson** (except on Hagerman National Wildlife Refuge), **] Hale, Hansford, Hockley, Hudspeth, [Hunt, Kaufman,] Lamb, Lubbock, Lynn, Martin, Parmer, Rockwall, Sherman, Terry, Winkler, and Yoakum** Counties, there is no archery only open season for whitetailed deer.

(E) (No change.)

(3) Mule deer: general open season [seasons], bag, and possession limit[limits] shall be as follows.

[(A)] In **Armstrong, Borden, Brewster, Briscoe, Carson, Childress, Cottle, Crane, Crockett, Crosby, Culberson, Dallam Deaf Smith, Dickens, Donley, Ector, El Paso, Fisher, Floyd, Garza, Gray, Hall, Hartley, Hemphill, Hudspeth, Hutchinson, Jeff Davis, Kent, King, Loving, Midland, Moore, Motley, Ochiltree, Oldham, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Stonewall, [and] Swisher,**

Terrell, Upton, Val Verde, Ward, and Winkler Counties, there is an open season for mule deer.

(A)[(i)] Open season: Saturday before Thanksgiving for 16 [nine] consecutive days.

(B)[(ii)] Two mule deer, no more than one buck, antlerless by permit only.

[(B)] In **Brewster, Crane, Crockett, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Val Verde, Ward, and Winkler** Counties, there is an open season for mule deer.

[(i)] Open season: last Saturday in November for nine consecutive days.

[(ii)] Bag limit: two mule deer, no more than one buck, antlerless by permit only.]

(C) (No change.)

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

§65.46. Turkey.

(a) (No change.)

(b) General open season, archery only season, and bag limit. In **Aransas, Archer, Atascos, Bandera, Bee, Bell, Bexar, Blanco, Bosque, Brooks, Brown, Burnet, Calhoun, Clay, Comal, Comanche, Coryell, [Crane,] Dimmit, Duval, Eastland, Erath, Frio, Gillespie, Goliad, Gonzales, Hamilton, Hays, Hood, Jack, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, Lampasas, La Salle, Live Oak, Llano, Mason, Maverick, McMullen, Medina, Mills, Montague, Nueces, Palo Pinto, Parker, Real, Refugio, San Patricio, San Saba, Somervell, Stephens, Travis, Uvalde, [Ward,] Webb, Wichita, Willacy, Williamson, Wilson, Young, and Zavala** Counties, there are open seasons for turkey.

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

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

(1) (No change.)

[(2)] In **Armstrong, Briscoe, Carson, Childress, Collingsworth, Cottle, Donley, Floyd, Foard, Gray, Hall, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Motley, Ochiltree, Oldham, Potter, Randall, Roberts, Swisher, and Wheeler** Counties, there are open seasons for turkey.

[(A)] Open seasons:

[(i)] General open season: Saturday before Thanksgiving for 16 consecutive days.

[(ii)] Archery only open season: first Saturday in October for 30 consecutive days during which turkeys may be taken only with longbow and arrows.

[(B)] Bag limit: One turkey, either sex.]

(2)[(3)] In **Armstrong, Baylor, Borden, Briscoe, Callahan, Carson, Childress, Collingworth, Coke, Coleman, Concho, Cottle, Crane, Crockett, Crosby, Dawson, Dickens, Donley, Ector, Edwards, Fisher, Floyd, Foard, Garza, Glasscock, Gray, Hall, Hardeman, Hartley, Haskell, Hemphill,**

Howard, Hutchinson, Irion, Jones, Kent, Kimble, King, Knox, Lipscomb, Lynn, McCulloch, Martin, Menard, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Pecos, Potter, Randall, Reagan, Roberts, Runnels, Schleicher, Scurry, Shackelford, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Throckmorton, Tom Green, [and] Upton, Val Verde, Ward, Wheeler, and Wilbarger Counties, there are open seasons for turkey.

(A) (No change.)

(B) Bag limit: Two turkeys [One turkey], either sex.

(4) In **Baylor, Callahan, Coke, Coleman, Concho, Crockett, Edwards, Glasscock, Howard, Irion, Kimble, McCulloch, Menard, Mitchell, Nolan, Reagan, Runnels, Schleicher, Shackelford, Sterling, Sutton, Taylor, Throckmorton, Tom Green, Val Verde, and Wilbarger** Counties, there are open seasons for turkey.

(A) Open seasons:

[(i)] General open season: second Saturday in November through the first Sunday in January.

[(ii)] Archery only season: first Saturday in October for 30 consecutive days during which turkeys may be taken only with longbow and arrows.

(B) Bag limit: Two turkeys, either sex.]

(5) In **Pecos and Terrell** Counties, there are open seasons for turkey.

[(A)] Open seasons:

[(i)] General open season: second Saturday in November through the first Sunday in January.

[(ii)] Archery only season: first Saturday in October for 30 consecutive days.

[(B)] Bag limit: one turkey, gobbler, or bearded hen.]

(d) Spring turkey gobbler season.

(1) In **Aransas, Archer, Armstrong, Atascosa, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Briscoe, Brooks, Brown, Burnet, Caldwell, Calhoun, Callahan, Carson, Childress, Clay, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dawson, Dewitt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Erath, Fisher, Floyd, Foard, Frio, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Guadalupe, Hall, Hamilton, Hardeman, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hood, Howard, Hutchinson, Irion, Jack, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lampasas, Lasalle, Lipscomb, Live Oak, Llano, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Mills, Millam, Mitchell, Montague, Moore, Motley, Nolan, Nueces, Ochiltree, Oldham, Palo Pinto, Parker, Pecos, Potter, Reagan, Real, Refugio, Randall, Roberts, Runnels, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stone-**

wall, Swisher, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Ward, Webb, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Young, and Zavala Counties, there is a spring season on turkey gobblers.

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

(2)-(5) (No change.)

§65.61. Freshwater Fish: General.

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

(c) There is no closed season on fishing except that there may be a closed season on state or federal wildlife sanctuaries.

(1) The season on Hagerman National Wildlife Refuge is closed from October 1-March 31.]

(1)(2) On Buffalo Lake National Wildlife Refuge in Randall County, the season is closed on all species of fish from November 1-March 1, except that portion nearest the dam, which is marked by signs and buoy lines.

(2) At the Toledo Bend Reservoir Dam in Newton County, the area within 500 feet of the power plant water intake is closed to fishing from July 1-September 30 of each year.

(d) (No change.)

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

(a) No person may possess fish taken from freshwater less than the minimum size or greater than the maximum size limits or more fish than the daily bag or possession limits listed in §65.71(b)(2) of this title (relating to Saltwater Fish).

(b)(a) Provisions relating to bass in public waters shall be as follows.

(1) Except as noted in this subsection, the minimum size limit is 10 inches for smallmouth and spotted black bass and 14 inches for largemouth black bass. The daily bag limit [on largemouth, smallmouth, and spotted black bass] is 5 [10] and the possession limit is 10 [20] in the aggregate.

(2) (No change.)

(3) In all waters north of US Highway 70 from Oklahoma to New Mexico, the minimum size limit is 12 [10] inches [except as noted].

(4) In Squaw Creek (Comanche Peak) Reservoir in Hood and Somervell Counties, Coletto Creek Reservoir in Goliad and Victoria Counties, Tradinghouse Creek Reservoir in McLennan County, Lake Fairfield in Freestone County, Lake Pinkston in Shelby County, and Aquilla Creek Reservoir in Hill County it is unlawful to retain largemouth black bass less than 16 inches in length. The daily bag limit for largemouth, spotted, and smallmouth black bass is five [10] in the aggregate, of which no more than three may be largemouth black bass. The possession limit is 10 [20] black bass in the aggregate, of which no more than six may be largemouth black bass.

(5) In Caddo Lake in Harrison and Marion Counties, Lake Conroe in Montgomery and Walker Counties, and Toledo

Bend Reservoir in Newton, Sabine, and Shelby Counties, the minimum size limit on black bass is 10 inches. The daily bag limit is 10 and the possession limit is 20. [In Brandy Branch Reservoir in Harrison County, Brownwood Lake in Brown County, Bryson Lake in Jack County, Coleman Lake in Coleman County, Cottonwood Lake in Wise County, Falcon Lake in Zapata and Starr Counties, Lake Jacksonville in Cherokee County, and Lake Whitney in Hill and Bosque Counties, it is unlawful to retain largemouth black bass less than 14 inches in length. The daily bag limit for largemouth, spotted, and smallmouth black bass is 10 in the aggregate, of which no more than five may be largemouth black bass. The possession limit is 20 black bass in the aggregate, of which no more than 10 may be largemouth black bass.]

(6) In Calaveras Lake in Bexar County, Lake Monticello in Titus County, Lake Worth in Tarrant County, Lake Nasworthy in Tom Green County, and Lake Fork in Wood, Rains and Hopkins Counties it is unlawful to retain largemouth black bass between 14 and 18 inches in length. Largemouth black bass less than 14 inches or greater than 18 inches long may be retained. [The daily bag limit for largemouth, spotted, and smallmouth black bass is 10 in the aggregate, of which no more than five may be largemouth black bass. The possession limit is 20 black bass in the aggregate of which no more than 10 may be largemouth black bass.]

(7) (No change.)

(8) In Gibbons Creek Reservoir in Grimes County, Fayette Power Project Cooling Pond in Fayette County, Houston County Lake in Houston County, and Nacogdoches City Lake in Nacogdoches County, it is unlawful to retain largemouth black bass between 15 and 21 inches in length. Largemouth black bass less than 15 inches or greater than 21 inches long may be retained. The daily bag limit for largemouth, spotted, and smallmouth black bass is five [10] in the aggregate, of which no more than three may be largemouth black bass. The possession limit is 10 [20] black bass in the aggregate of which no more than six may be largemouth black bass.

(9) In Lake Texoma in Cooke and Grayson Counties, the minimum size limit on largemouth, smallmouth, and spotted black bass is 14 inches, the daily bag limit is 10 in the aggregate, and the possession limit is 20 in the aggregate.

(c)(b) Provisions relating to catfish shall be as follows.

(1)-(4) (No change.)

(5) In the Trinity River in Tarrant County between Nutt Dam and City Dam, the daily bag limit on catfish is five in the aggregate and the possession limit is 10 in the aggregate.

(d)(c) The daily bag limit on walleye is 10, and the possession limit is 20.

(e)(d) Provisions relating to striped bass and hybrids of striped bass shall be as follows.

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

(f)(e) The daily bag limit on freshwater trout is five and the possession limit is 10.

(g)(f) The daily bag limit on northern pike is three and the possession limit is six.

(g) The daily bag limit on Nile perch is three, the possession limit is six, and the minimum size limit is 10 inches.]

(h) The daily bag limit on peacock bass is 10, the possession limit is 20, and the minimum size limit is 10 inches.]

(h)(i) The daily bag limit on red drum or hybrids of red drum and *corvina* or hybrids of *corvina* taken from fresh waters is 5 [10], the possession limit is 10 [20], and the minimum size is 18 [16] inches. There is no maximum size limit on red drum taken from Braunig, Calaveras, Colorado City, Fairfield, Nasworthy, and Tradinghouse Reservoirs.

(i)(j) In the Trinity River below Lake Livingston, between Polk and San Jacinto Counties, the daily bag limit on shad is 500 and the possession limit is 1,000.

(j)(k) Provisions relating to crappie (black and white) shall be as follows.

(1) Except as noted in this subsection, there is no size [, bag, or possession] limit on [for] crappie [except as noted in this subsection]. The daily bag limit is 25 and the possession limit is 50.

(2) (No change.)

(3) In Choke Canyon Reservoir in Live Oak and McMullen Counties, Lake Fork in Wood, Rains, and Hopkins Counties, Lake Palestine in Anderson, Cherokee, Henderson and Smith Counties, Lake Meredith in Hutchinson, Moore, and Potter Counties, Lake Whitney in Hill and Bosque Counties, and the Brazos River above Lake Whitney in Hill, Bosque, and Johnson Counties there is a daily bag limit of 25 crappie in the aggregate, a possession limit of 50 in the aggregate, and a minimum size limit of 10 inches.

(4) In Caddo Lake in Harrison and Marion Counties and Toledo Bend Reservoir in Newton, Sabine, and Shelby Counties, there is no bag, possession, or size limit on crappie.

(k)(l) There are no bag or possession limits on other species of fish.

(l)(m) It is unlawful for any person while actually fishing on the public waters of this state to have in his immediate possession fish in excess of the daily bag limit or fish within a protected size limit as established for public waters by these sections.

§65.63. Freshwater Fish: Means and Methods.

(a) Only the following means and methods may be used to take or attempt to take fish.

(1) (No change.)

(2) Bait fish may be taken with unstaked seines, no more than 60 feet in length,

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

(A) In Bowie, Cass, and Morris (except Ellison Creek Reservoir, Lake O' the Pines, and Daingerfield State Park Lake) Counties, nonmetallic hoop nets, gill nets, and trammel nets with meshes not less than three inches square, may be used for taking only rough fish, as defined, and catfish (except flathead catfish may not be retained).

(B)-(C) (No change.)

(5) In the Guadalupe River in Comal County between the first concrete dam (Weir) below the easternmost State Highway 306 bridge and the Little Ponderosa Bridge, freshwater trout may not be retained when taken by any method except fly fishing.

(A) Fly fishing means the use of only artificial wet or dry flies as a lure. Artificial wet or dry flies may not have attached a hook with more than one barbed point.

(B) It is an offense to possess freshwater trout while fishing with any other device in that part of the Guadalupe River defined in this paragraph.

with a mesh size no larger than ¼-inch square, a common fruit jar trap or its metallic counterpart not longer than 24 inches with a throat not larger than one by three inches, dip net, cast net, umbrella net and shad trawl. Black bass, white bass, striped bass, hybrids of striped bass, crappie, wall-eye, trout, northern pike, [peacock bass, Nile perch,] channel, blue, and flathead catfish, and introduced marine game fish may not be used as bait fish.

(3) Freshwater trotlines, as defined, may be used in all waters unless specifically prohibited within this section

(A) (No change.)

(B) All freshwater trotlines must be identified by a legible tag bearing the name and address of the fisherman and the date it was set out. Such tags shall be placed not more than three feet from each end of the trotline and redated at the end of each 90-day period.

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

(4) Hoop nets, trammel nets, and gill nets may be used only as specifically permitted within this paragraph. It is unlawful to have in possession or aboard a boat or vessel, fish other than specifically allowed in this paragraph while fishing with or possess-

(b) Snagging or jerking fish (see §65.6 of this title (relating to Definitions)) [(a method of taking fish by means of one or more hooks attached to a line and periodically jerking the line)] is specifically defined as an illegal method for taking fish, artificial lures not included.

(c) (No change.)

§65.71. Saltwater Fish.

(a) General.

(1) (No change.)

(2) Fish names used in this section are those prescribed by the American Fisheries Society in the most recent edition of *A List of Common and Scientific Names of Fishes of the United States and Canada.*

(2)(3) There are no closed seasons for the taking of saltwater fish other than those prescribed in the Texas Parks and Wildlife Code or listed in this section.

(b) Bag, possession, and size (length) limits.

(1) (No change.)

(2) No person may possess [a] fish taken from salt water less than the minimum size or greater than the maximum size limits or more fish than the daily bag or possession limits listed in §65.62 of this title (relating to Freshwater Fish: Bag, Possession, and Size Limits) or in this paragraph as follows:

Species	Daily Bag	Possession	Maximum Length	Minimum Length
Cobia	No Limit	No Limit	No Limit	37 inches
Red drum	5	10	30 inches	18 inches
Red snapper	No Limit	No Limit	No Limit	13 inches
Spanish mackerel	No Limit	No Limit	No Limit	14 inches
Spotted seatrout	10	20	No Limit	14 inches
King Mackerel	2	2	No Limit	No Limit

(3) (No change.)

(4) For licensed chartered vessels, the bag and possession limit is two king mackerel per person per trip for all persons on board, or three king mackerel per angler per trip exclusive of captain and crew, whichever is greater. For definition of chartered vessel, see §65.6 of this title (relating to Definitions).

(5)(4) It is unlawful for the captain and/or crew of a commercial fishing vessel to possess or land billfish, except swordfish.

(c) Means and Methods.

(1) (No change.)

(2) Only the following means and methods may be used for taking fish except where noted in §65.81 of this title (relating to Special Coastal Laws):

(A) Devices.

(i) Pole and line, rod and reel, artificial and natural baits, trotline with the main fishing line and attached hooks and stagings under the water's surface, sail line, spear gun and spear, bow and arrow, and gig, except it is unlawful to use a spear gun

and spear, bow and arrow, or gig to take red drum and spotted seatrout. Cast nets and 20-foot minnow seines may be used for taking bait. Dip nets and gaffs may be used only in aiding to land fish caught on other legal devices except that gaffs may not be used to land fish below the minimum or above the maximum size limits. Snagging or jerking fish (see §65.6 of this title (relating to Definitions)) [(a method of taking fish by means of one or more hooks attached to a line and periodically jerking the line)] is specifically defined as an illegal method for taking saltwater fish, artificial lures not included.

(ii)-(vii) (No change.)

(B)-(G) (No change.)

(H) Baits.

(i) It is unlawful to use any bait other than natural baits (see §65.6 of this title (relating to Definitions) for definition of natural bait) on trotlines, except that artificial baits may be used on sail lines.

(ii) Natural bait as used on trotlines (except sail lines) in saltwater is defined as a whole or cut-up portion of a fish, shrimp, squid, or crab, or a whole or cut-up portion of plant material in its natural

state, provided that none of these may be altered beyond cutting into portions.]

(ii)(iii) Other substances may be used as bait upon approval by the executive director.

(I) Perch traps.

(i)-(ii) (No change.)

(iii) Perch traps must be marked with a red floating visible buoy not less than 10 inches above the water and 10 inches in width or with a red plastic bottle [bottles] not less than one gallon in size. The buoy shall be imprinted with the owner's name, address, [and] license number, and the date it was set out.

(J) (No change.)

§65.78. Crabs.

(a) Bag, possession, and size (width) limits.

(1) It is unlawful to possess egg-bearing (sponge) crabs or stone crabs.

(2) Minimum size limits (crab measurements as defined in §65.6 of this title (relating to Definitions)) for possession of crabs are as follows.

Species
Blue Crab
Stone Crab

Hard Shell
5 inches
No Retention

Soft Shell
No Limit
No Retention

Bait
No Limit
No Retention

Claw
No Limit
2 3/4 inches

(3) Blue crabs less than five inches in width shall be returned to the waters from which taken or placed in a separate container as bait or for shedding purposes. A tolerance of not more than 5.0% by number of undersized crabs may be possessed for purposes other than bait or shedding.

(4) Only one claw may be removed from a stone crab and the crab must be returned immediately to the waters where taken.

(5) No person may buy or sell a female crab that has its abdominal apron detached as prescribed in the Texas Parks and Wildlife Code, §78.102.

(b) Seasons. There are no closed seasons for the taking of crabs, except as listed within this subsection.

(c) Places. There are no places closed for the taking of crabs in saltwater, except as listed within this subsection.

(d) Devices, Manners, and Methods.

(1) Devices. Crabs caught in the devices legally used for taking saltwater fish or shrimp and operated in places and at times when allowed under §65.71(b) of this title (relating to Saltwater Fish) and the Texas Parks and Wildlife Code, Chapter 77, may be retained.

(2) Crab trap restrictions. No crab trap may be placed within 200 feet of a marked navigable channel in Aransas County or in Little Bay in Aransas County and the water area of Aransas Bay within 1/2-mile of the line from hail point on the Lamar peninsula, then direct to the eastern end of Goose Island, then along the southern shore of Goose Island, then along the causeway between Lamar Peninsula and Live Oak Peninsula, then along the eastern shoreline of the Live Oak Peninsula past the town of Fulton, past Nine-Mile Point, past the town of Rockport to a point at the east end of Talley Island and including that part of Copano Bay within 1,000 feet of the causeway between Lamar Peninsula and Live Oak Peninsula.

(3) Crab trap identification.

(A) Each crab trap must be marked with a white floating buoy not less than 10 inches above the water and 10 inches in width or with a white plastic bottle of not less than one gallon size.

(B) Each crab trap buoy must have attached to it or be imprinted with the owner's name, address, license number, and date set out.

§65.81. Special Coastal Laws.

(a)-(k) (No change.)

(l) Chambers County.

(1) Galveston and Trinity Bays: nets.

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

(C) This subparagraph does not prohibit the possession of a device the use

of which is prohibited in the water described in subparagraph (A) of this paragraph when the device is on board a vessel in port or in a marked channel while under way to a place where the use of the device is not prohibited.

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

(4) Nets and trotlines: use. In that portion of Galveston Bay or Trinity Bay in Chambers County where nets, seines, and saltwater trotlines are permitted, during the period beginning the Saturday of Memorial Day weekend through sunset on Labor Day, nets and saltwater trotlines may not be used between the hours of 1 p.m. on Friday through 1 p.m. on Sunday of each week [from sunset Friday to sunset Sunday].

(m) Harris County.

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

(3) Nets and trotlines: use. No person may use a net, seine, or trotline within a saltwater bay or lake in Harris County:

(A) (No change.)

(B) Between the hours of 1 p.m. on Friday through 1 p.m. on Sunday [during the period beginning at sunset on Friday and extending through sunset on Sunday of each week].

(n) (No change.)

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8602889

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

May 2, 1986

For further information, please call
(512) 479-4974.

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★31 TAC §65.78

The Texas Parks and Wildlife Commission proposes the repeal of §65.78, concerning crabs. Section 65.78 is a part of the statewide hunting and fishing proclamation. New text is being proposed that completely revises this section to advance a stone crab fishery.

Jim Dickinson, director of finance, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Mr. Dickinson also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the re-

peal will be to help advance a stone crab fishery. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Phil Evans, Regulatory Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4974 or 1-800-792-1112, ext. 4974.

The repeal is proposed under the Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, bag limits, means, and methods for taking crab wildlife resources.

§65.78. Crabs.

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8602888

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

May 2, 1986

For further information, please call
(512) 479-4974.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education

Chapter 233. Minimum Standards Manual

Minimum Standards for Aircraft Crash and Rescue Instructor Certification

★37 TAC §233.43

(Editor's note: The Commission on Fire Protection Personnel Standards and Education proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)

The Commission on Fire Protection Personnel Standards and Education proposes new §233.43, concerning minimum standards for aircraft crash and rescue instructor certification. The proposed section covers requirements for instructor certification, different levels of instructor

certifications, and expiration dates for the instructor certification. The new section lists minimum qualifications for an instructor to teach aircraft crash and rescue fire fighter training.

Ray L. Goad, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Goad also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be adequately trained aircraft crash

and rescue fire fighting instructors to provide more efficient training for aircraft crash and rescue fire fighters throughout the state. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ray L. Goad, Executive Director, 510 South Congress, Suite 406, Austin, Texas 78704, (512) 474-8066.

The new section is proposed under Texas Civil Statutes, Article 4413(35), §2, which provide the Commission on Fire Protection with the authority to adopt and amend rules and regulations for its internal control and certify persons as having qualified as fire protection instructors under

such conditions as the commission may prescribe.

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

Issued in Austin, Texas, on March 21, 1986.

TRD-8602887

Ray L. Goad
Executive Director
Commission on Fire
Protection Personnel
Standards and Education

Earliest possible date of adoption: May 2, 1986
For further information, please call
(512) 474-8066.

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Adopted Rules

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

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 289. Occupational Health and Radiation Control Control of Radiation

★ 25 TAC §289.1

The Texas Department of Health adopts an amendment to §289.1, with changes to the proposed text published in the November 29, 1985, issue of the *Texas Register* (10 TexReg 4615). The document adopted by reference in §289.1(a)(16), which is Part 12 of the Texas Regulations for the Control of Radiation, entitled Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services, is adopted with minor changes. Amendments to §289.1(a)(1), which adopts by reference Part 11, entitled General Provisions; §289.1(a)(3), which adopts by reference Part 21, entitled Standards for Protection Against Radiation; §289.1(a)(4), which adopts by reference Part 22, entitled Notices, Instructions, and Reports to Workers, Inspections, and §289.1(a)(11), which adopts by reference Part 41, entitled Licensing of Radioactive Material, were previously adopted by the Texas Board of Health on January 31, 1986, and published as final rules in the February 28, 1986, issue of the *Texas Register* (11 TexReg 1045).

Legislative changes in the Appropriations Bill of the 69th Legislature, 1985, affect the method of recovering costs for department operations. The bill requires that a greater portion of the department's budget be obtained from fees and a lesser percentage of the budget be obtained directly from the General Revenue Fund. The section will provide necessary funds to cover 83% of the costs of regulatory activities for which fees may be prescribed in accordance with the Radiation Control Act, Texas Civil Statutes, Article 4590f.

Section 289.1(a)(16), which adopts by reference Part 12, entitled Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services, is amended by the revision of

several sections in Part 12. The revision of Part 12 affects changes and additions to the section as noted.

Section 12.11(b) is amended to state the change in the method for determining the annual fee for registrants. It establishes a base fee for all registrants, based on agency costs which are approximately the same for all registrant categories, i.e., registration (for most groups), records maintenance, incidents, and enforcement activities (including service of orders, second and third notices of violations, and enforcement conferences and hearings). To the base fee, an additive inspection fee per machine or service is added. This part of the fee is then divided by the inspection interval of the facility category, as established by rule in Part 11, to reflect annual inspection costs. A maximum fee is established for certificates of registration for x-ray machines and services. A fee cap is also set for registration certificates for sources of laser radiation and radio-frequency radiation. Language is added to this section to state that annual fees are nonrefundable and to clarify fee procedures pertaining to amendments. Sections 12.21 and 12.31 are amended to change the fee amounts charged for radioactive material licenses and certificates of registration. These fees were based on cost analysis, by fee category, of those expenses to the agency for activities for which fees may be charged. From the cost analysis, a fee system was developed which would recover 83% of the costs incurred annually by those activities. The proposed increase in fees for uranium recovery licenses has been withdrawn for reconsideration by the department. Based upon public and staff comments and a review of a variety of factors, the department felt that the uranium recovery fees, as proposed, did not proportionally distribute the regulatory costs among those licensees. At this time, the fees will remain the same as those listed for uranium recovery facilities in the current Texas Regulations for Control of Radiation (TRCR), §12.21 (published as an adopted section in the March 2, 1984, issue of the *Texas Register*, (9 TexReg 1271). An appendix showing an example fee of calculation is added to the section for clarity.

A total of 49 comments were received in writing or heard at the hearing on proposed amendments to Part 12, held December

19, 1985. As a result of the comments received, the agency has made several minor changes to the proposed section. The following is a summary of the comments received and the resulting agency responses.

One commenter stated that the fiscal effect on small businesses as a result of the section change cannot be addressed as a cost per employee per year. The commenter suggested that a valid analysis of the fiscal impact of the section change on small businesses would be to state the percentage change of the total cost of doing business at a licensed/registered facility and how that percentage change affects the profitability of the licensed/registered operation. The agency is constrained by requirements set by the *Texas Register* to compute the fiscal note based on one of three methods: cost per \$100 sales; cost per hours of labor; or cost per employee. The staff considered cost per employee to be most reasonably attainable and accurate. The department made no change as a result of the comment.

One commenter addressed the fact that the fiscal note stated the effect on local government is zero and that this was in fact not correct. Many hospitals in Texas are city, county, or otherwise publicly owned and the new fees would have some impact on the operating budgets of these facilities. In the fiscal note, impact to local government concerns administrative costs in the implementation or collection of the fees. The department made no change as a result of the comment.

One commenter was concerned that the cost analysis performed for determination of fees does not reflect the true costs of registering, license maintenance, or compliance. The staff of the Bureau of Radiation Control developed a cost analysis by fee category of the items designated in the Act for which fees may be prescribed. Costs per licensee category were broken down by licensing costs, inspection costs, environmental costs (if applicable), records maintenance and accounting costs, and incident and enforcement costs. From the cost analysis, a fee system was developed which would recover 83% of the costs incurred annually by those activities. The department made no change to the section as a result of the comment.

Numerous commenters objected to the increase in fees as being unnecessary, un-

fair, and an unacceptable method for absorbing budget reductions. The staff recognizes and regrets the financial hardships created by the increases in license and registration fees. These increases are caused by legislative changes in the Appropriations Bill, which affected the method of recovering costs of department operations, mandated by Texas Civil Statutes, Article 4590f, Texas Radiation Control Act, as amended by House Bill 2091, May 1985. The Appropriations Bill of the 69th Legislature, 1985, requires that a greater portion of the department's budget be obtained from fees and a lesser percentage of the budget be obtained directly from the General Revenue Fund. The bill does not direct an accompanying reduction in budget. However, the Bureau of Radiation Control (BRC) did undergo an estimated 8% budget reduction from the previous fiscal year. This reduction may be even greater when a better estimate of fee revenue is developed.

The dramatic changes in some fee categories do not represent an increase in the staff cost; in fact, several positions have been eliminated as a result of the legislative changes. Instead, increases result from two specific factors: an increase in cost recovery for BRC operations from 44% to 83% required by the Appropriations Bill of the 69th Legislature, 1985; and a re-evaluation of fee amounts based on retrospective studies and detailed cost analysis by fee categories. Original fees, based on prospective studies, estimated the costs to perform the duties effectuated by Texas Civil Statutes, Article 4590f. Data now available have been analyzed to compute the actual cost of performing all operations. Detailed cost analysis computations are available for public review. The fees assessed are not costs paid for service to the licensees and registrants; rather, they are the actual costs of business for the agency in performing the duties mandated by Texas Civil Statutes, Article 4590f.

The cost analysis was based on costs per license and certificate of registration, broken down by licensing and registration cost, inspection costs, environmental costs, if applicable, records maintenance and accounting costs, and incident and enforcement costs.

The department is making continuing efforts to maintain fees as low as possible so that assessment of fees for full recovery of costs, as authorized by the statute, will not be necessary. The Texas Radiation Advisory Board has recommended fee analyses be reviewed every two years to assure that appropriate changes in fees are made on a timely basis. The department made no change to the section as a result of the comments.

One commenter suggested that since the department is requesting an increase from 44% recovery to 83% recovery of operating cost, the remaining 17% will be made

up from fines imposed for violations. Operational costs will not be recovered from the assessment and collection of fines for violations. These monies will be deposited into the General Revenue Fund and will not be reappropriated to the Bureau of Radiation Control. The department made no change in the section as a result of the comment.

One commenter questioned whether a special inspection pursuant to TRCR, §22.16 could be counted in the inspection interval, since the formula used to calculate fees is partially dependent on inspection interval. The fees are based on costs of intervals for routine inspections. Inspections performed at the requests of workers would not increase fees. The department made no change to the section as a result of the comment.

Two commenters suggested that lasers be considered a minimal risk, thereby changing the inspection interval from three to five years, and to establish a maximum fee of \$200. Although lasers do not qualify as minimal threat under the proposed definition in §11.2, the department agrees with the comment and has changed the inspection interval in Part 1, Appendix 11-C, to five years. Section 12.11(b)(3) has also been changed to indicate that the annual fee for laser radiation devices shall not exceed \$200 per year and the annual fee for sources of radio-frequency radiation shall not exceed \$100 per year. Several commenters expressed disapproval of the amount of *in situ* uranium license fees in light of the decline in the industry. The commenters were especially concerned about costs for those facilities in restoration. They stated that some of the work of the agency, such as environmental assessments, is unnecessary for closed operations, and that there is no way to pass along the costs to the consumer for those facilities in restoration only. They suggested that a reduced fee be established for facilities in restoration and that closing costs be addressed by some mechanism other than annual fees. Several commenters felt that the level of regulatory action in the uranium industry seemed excessive in relation to the federal regulations. One commenter stated that \$28,000, the annual license fee for an *in situ* uranium mine, is enough to provide pay and benefits for one man for a full year. Another commenter stated that he was told that if licensed by the U.S. Nuclear Regulatory Commission (NRC), he would pay a maximum of \$73,000 every five years. The same commenter expressed concern that the licenses held by the uranium industry represent less than one percent of the total number of licenses, yet the industry is being asked to foot over 27% of the bill. The department has withdrawn the proposed increase in uranium recovery fees for reconsideration, and substituted the currently effective uranium recovery fees.

One commenter stated that heap leaching of uranium ores remains an attractive option and should remain an attractive option and should not be dropped from consideration. The department agrees with the comment and added the heap leach category back to the fee schedule in addition to withdrawal of the proposed increase in the fee. One commenter stated that the annual fee for a low level waste disposal facility is speculative and may not represent the cost of regulating a disposal facility. The department recognizes that the proposed fee is speculative because it is based on prospective cost of bureau operations in regulating a low-level waste burial site. Based on the facts that new federal requirements, affecting procedures by which the licensing review of the application for a waste disposal license will be performed, have very recently been enacted, and that an application from the Texas Low-Level Radioactive Waste Disposal Authority is not expected to be received in the near future, the department has changed the section regarding the annual fee to read: "To be established by agency rule." A commenter stated that in the first draft of the proposed revision, the fee for wireline service operations was listed as \$809, and the final proposed fee is \$862, an unexplained 6.5% increase. This category and others having a high number of incidents investigated during the past few years were reanalyzed for the costs of incidents to the bureau in each of those categories. This was incorporated in the later draft which reflected a change in the proposed fee. The department made no change to the section as a result of the comment. One commenter stated that the impact of the fee structure on rural hospitals will be great and will force some hospitals to cease providing nuclear medicine procedures for their patients, which will ultimately have an impact on jobs for technologists. The department recognizes that creating a license category for hospitals with diagnostic uses only may result in lower fees than when costs are averaged over the hospital category which includes diagnostic and therapeutic programs. However, the factor of difference is not estimated to be significant. The department will consider creating a license category of hospital with diagnostic uses only in reviewing fee analyses for future change. Licensing costs do not relate to number of procedures performed, but rather to the existence of a nuclear medicine program. The department made no change to the section as a result of the comment.

One commenter suggested that greater clarity might be achieved in the schedule of fees if applicable fees were grouped by category, such as industrial, medical, dental, etc. Such grouping is not practicable since a number of machines and services are used in a variety of modes by several categories of licensees and registrants.

The department made no change to the section as a result of the comment.

Two commenters stated opposition to the registration base fee and fee per unit. The methodology for computing fees based on cost per unit was specifically requested by the Texas Dental Association and endorsed by local associations. The department made no change to the section as a result of the comment.

One commenter objected to the registration fee and felt that rather than raise the fee for dentists who are registered, the department should try to reach dentists who have not registered their equipment. The Bureau of Radiation Control continually attempts to assure that all registerable sources of radiation are registered. The department made no change to the section as a result of the comment.

One commenter felt that the departments' job could be done by a three-man inspection team working under the control of the State Board of Dental Examiners. Any violation could be randomly re-evaluated in a 30-day period to make certain violations were corrected. If after a few years of inspection, the problem of violations appeared to be minimal, the whole system could be eliminated. The Texas Department of Health has been designated by the Legislature (Texas Civil Statutes, Article 4590f as amended, May 1985) as the agency responsible for radiation control in this state. It would, therefore, be difficult to transfer that authority, with regard to dentists, to the State Board of Dental Examiners. With regard to the suggested manpower and workload, we cannot agree that an inspector could inspect the proposed 440 machines per month. Each of the x-ray inspectors in the Bureau of Radiation Control is expected to inspect approximately 350 facilities per year, many of which have multiple machines. The workload represents approximately 90% of the inspector's time, with the other 10% devoted to emergency planning exercises and incident investigations. Proposal of penalties for repeat offenders was one which was included with legislation recommended by the Sunset Commission for all regulatory programs in the Texas Department of Health.

Rules are being developed by the Bureau of Radiation Control to implement the legislation regarding administrative penalties. The Radiation Control Act (Texas Civil Statutes, Article 4590f) mandates that inspection intervals for radiation machines be set forth in rules, with a maximum interval of five years being established. Inspections could not, therefore, be discontinued entirely. The department made no change to the section as a result of the comment.

One commenter asked if registrants could report to the department the findings of their personnel monitoring programs accompanied by affidavits concerning the reporting and placement of the findings

submitted to the department independently. Recent departmental policy no longer requires the use of personnel monitoring devices for individuals operating only dental diagnostic machines. It is possible that on re-evaluation in two years, this change in personnel monitoring requirements could be reflected in inspection cost. However, it is unlikely to be significant since records review comprises a small portion of the routine inspection. The department made no change to the section as a result of the comment.

One commenter objected to a 63% increase in the registration fee following so closely on the heels of a 400% increase two years ago. Initial assessment of fees began April 1, 1984. Prior to that date, no fees were charged for certificates of registration. This proposal is the first increase in fees, which is necessary due to legislative changes. The department made no change to the section as a result of the comment.

Several commenters stated that they believed the annual cost of handling paperwork to register, or maintain a practitioner's registration, is less than the \$41 per registrant annual fee, or that the base fee is higher than the agency may charge by law for that process. The \$41 base fee not only includes the cost of registration activities and records maintenance, but also includes costs of incident investigations at registrant facilities and followup enforcement activities for those registrants remaining in noncompliance and failing to respond to agency correspondence. The department made no change to the section as a result of the comment.

One commenter stated that his x-ray unit was made by a dental x-ray company, and when it was sold to him, he was told it was no different than a dental x-ray unit. A dental unit used in a radiographic mode is assessed a fee based on the actual use of the machine since considerations of use affect inspection costs and other factors used to compute fee amounts. The department made no change to the section as a result of the comment.

In addition to changes based on comments, the department made minor editorial changes in punctuation and grammar which did not affect the substance of the section.

The following groups or associations made comments on the rule: Texas Low-Level Radioactive Waste Authority; Chevron Resources Company; University of Texas Health Science Center at Dallas; Westinghouse Electric Company; Texas Dental Association; Nuclear Pharmacy, Inc.; IEC Corporation; Numed, Inc.; LTV Aerospace; Burnet County Hospital Authority; Everest Minerals; Industrial Laboratories; Childress General Hospital; Everest Exploration, Inc.; Coryell Memorial Hospital; Hendrick Medical Center; Houston District Dental Society; Tennessee Gas Pipeline; St. Paul Medical Center;

Dresser Atlas; The Society of Nuclear Medicine-Southwestern Division, Technologist Section; Medical Ancillary Services Inc.; CRC Wireline, Inc.; Austin Eye Associates; University of Texas at Austin; Vantran Electric Corporation; Burleson County Hospital; Radiology Associates, P.A.; 3M Corporation; Texas Veterinary Medical Association; and Baytown Technical School.

Two of the commenters were in favor of the section. Some of the commenters were opposed to those parts of the sections which directly affected them. None of the commenters were against the section in its entirety. However, questions were raised, concerns expressed, and recommendations made concerning the section.

The amendment is adopted under Texas Civil Statutes, Article 4590f, §§4(d)(3), 17(a) and (b), which provide the Texas Department of Health with the authority to formulate, adopt, and promulgate rules which provide for licensing and registration relating to control, transport, and routing of radioactive material within the State of Texas; prescribe and collect a fee for each license and registration; and establish the amount of fees by agency rules not to exceed the actual expenses occurred annually in processing applications for a license or registration; for amendments to or renewals of licenses or registrations; for making inspections of licensees and registrants; and for enforcement of the Radiation Control Act and rules, orders, licenses, and registrations of the agency.

§289.1. Control of Radiation Generally.

(a) The Texas Department of Health adopts by reference the rules contained in the department's document entitled Texas Regulations for Control of Radiation, which consists of the following parts and the dates that they have been amended:

(1) Part 11, General Provisions, as amended in April 1986.

(2) (No change.)

(3) Part 21, Standards for Protection Against Radiation, as amended in April 1986.

(4) Part 22, Notices, Instructions, and Reports to Workers; Inspections, as amended in April 1986.

(5)-(10) (No change.)

(11) Part 41, Licensing of Radioactive Material, as amended in April 1986.

(12)-(15) (No change.)

(16) Part 12, Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services, as amended in May 1986.

(b) (No change.)

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

Issued in Austin, Texas, on March 20, 1986.

TRD-8802777

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: May 1, 1986

Proposal publication date: November 29, 1985

For further information, please call
(512) 835-7000.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION Part X. Texas Water Development Board Chapter 367. Agricultural Water Conservation Program

The Texas Water Development Board adopts new §§367.1-367.3, 367.21-367.30, and 367.41-367.50. Sections 367.23, 367.44, and 367.49 are adopted without changes to the proposed text published in the February 14, 1986, issue of the *Texas Register* (11 TexReg 837). The new sections implement the programs of the Texas Water Code, Chapter 15, Subchapters G-1, which were enacted by the 69th Legislature, 1985. The legislature provided for two main programs to be administered by the board in the next biennium to promote agricultural water conservation. One program provides for the board to distribute appropriated funds to allow underground water conservation districts and other districts to purchase equipment for measuring and evaluating irrigation equipment. The other program establishes \$5 million pilot loan program to provide low interest loans to individuals and entities for the purchase of agricultural water conservation equipment.

Changes to §367.23 are made to condense and generalize the list of eligible equipment under the grants program, and to make specific wording changes suggested after publication. Changes to §367.44(c)(2)(D) are made to be more precise in the description of the eligible item. Section 367.44(c)(2)(G) is changed to reflect that the conservation pilot loans may be used to finance the cost of the irrigator's own hired labor, as well as contractor services used for the land work in an irrigation system installation. Section 367.49(b)(11) is changed to require that lender reports be in a format specified by the executive administrator, which will allow the executive administrator to obtain all needed information for evaluating the pilot loan program.

Sections 367.1-367.3 define terms to be used in the remainder of Chapter 367, and set general policy guidelines for use of

agricultural conservation funds. These guidelines require promotion of soil and water conservation and give priority in the allocation of funds to those areas which have the most critical water conservation needs and to those activities most likely to produce substantial soil and water conservation.

Rules relating to grants for equipment purchases are found in §§367.21-367.30. Under this program, districts created pursuant to the Texas Constitution, Article III, §52(b)(1) and (2), and Article XVI, §59, in which significant irrigation occurs, will be able to apply for grants to purchase equipment to measure the efficiency of irrigation equipment and systems. Section 367.23 allows districts to purchase only eligible equipment listed in these sections. Section 367.24 limits board funding to 75% of the equipment cost. Section 367.25 sets out the requirements for an application. The applicant is required to show its commitment to water conservation, to provide a plan for use of the equipment, to show evidence of its ability to raise other revenue to finance the project, and to show that the grant will supplement other sources of project financing. Section 327.28 provides a system of safeguards to assure that the funds are spent in accordance with the Texas Water Code. Under §367.29, grant recipients would provide a semi-annual report to the executive administrator on the number and types of systems evaluated. The executive administrator is required to report annually to the board concerning the grant program.

The rules for the pilot program for low interest loans for agricultural water conservation equipment (pilot loan program) are set forth in §§367.41-367.50. This program was designed by the legislature as a test program to gauge the usefulness of establishing a loan program under newly enacted Texas Constitution, Article III, §50(d). The board is authorized under the Texas Water Code, Subchapter I, to use \$5 million to make loans to underground water districts and state soil and water conservation districts. These districts, in turn, will loan the money to individuals, districts, and other entities for purchasing capital equipment and materials for irrigation water delivery and application systems. Under §364.49(b)(7), the loans to borrowers will be limited to \$100,000 and to 80% of the cost of capital equipment, and 50% of the cost of installation, labor, and preparation. Section 367.44 lists equipment eligible for the loans. This section assures that the equipment purchased will lead to increased irrigation efficiency and to increased water conservation. Funds for irrigation and water delivery and application systems may only be used for equipment for lands which have been irrigated at least a minimum of two out of the previous six years. Multiple county districts (lenders) are limited to initial loans of \$1 million, and single-county districts (lenders) are limited to initial

loans of \$300,000, but each may reapply after 120-day-periods for additional loans of not to exceed \$1 million and \$300,000, respectively. Application requirements are established in §367.45, and include proof of borrower interest and review of the lender's rules for approving borrowers.

Section 367.49 establishes the terms of the contract between the board and the lender, including loan disbursement, authorization for the lender to invest unallocated funds in short-term, interest-bearing accounts, maximum interest charges between the lender and borrower, and maximum loan charges. The lender is required to make loans within 120 days of receiving funds from the board, or return the unallocated funds to the executive administrator. The maximum loan period between the board and lender is 10 years. Individual borrower loans are limited to \$100,000. Provisions are made in §367.49 for borrower default and protection of the lender from losses, and for lender reports to the executive administrator.

The Soil Conservation Service of the Department of Agriculture proposed specific language changes to §367.23, which the board has adopted. The League of Women Voters suggested that §367.23 be reworded for additional flexibility in the equipment list, which the board has done in its adoption. Texas Agricultural Extension Service suggested the eligible equipment list contain low energy precision application nozzles and drip irrigation equipment. This change is not made, since that type of equipment is not used to measure irrigation efficiency, as required by statute. The Texas Department of Agriculture suggested §367.27 include, as criteria for grants, a requirement for geographic distribution of the testing trailers. This change is not made, since the statute requires the grants be awarded on the basis of critical need for water conservation, and not on a geographic basis.

The Sierra Club commented in support of §367.41. The National Autobahn Society suggested changes to §367.43 to prohibit borrowers from using water savings from conservation to increase the quantity of irrigated acreage. The board did not make this change, as it appeared beyond the scope of the authorizing legislation. The Sierra Club suggested that the Texas Department of Agriculture be required to review and comment on applications under §367.46, a procedure which was considered too cumbersome for the pilot loan program. Changes are made to §367.44(c)(2)(G), pursuant to suggestions by the Texas Farm Bureau, to allow 50% of the cost of existing farm labor to be eligible for loans. Changes also are made to §367.49(b)(11) to address comments by the Texas Department of Agriculture that the reporting requirements should be more specific.

The Texas Farm Bureau indicated strong support for the new sections, but sug-

geated that the loan program should be used for brush control. The board does not agree that the legislation authorizes use for brush control; the Sierra Club agrees with this view. High Plains Underground Water Conservation District 1 suggested under the pilot program the landowner be required to cosign a loan with a tenant in order to tie the loan to the land. The board thinks this can be included in any local rules, but need not be required in all cases. The Texas Department of Agriculture wanted the loan fund to be used to allow conversion from irrigation to dryland farming, which the board considers outside the scope of legislation, and also requested that the funds be expended only as part of a whole-farm approach to water conservation, which the board considers infeasible under the time constraints of the pilot loan program.

Introductory Provisions

★ 31 TAC §§367.1-367.3

The new sections are adopted under the Texas Water Code, §6.101, which provides the board with the authority to make rules necessary to carry out its powers and duties, and under §§15.435, 15.472, and 15.541, which requires and allows the board to adopt rules for the agricultural soil and water conservation program, the grants for equipment purchase program, and the pilot loan program.

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8602924

Suzanne Schwartz
General Counsel
Texas Water
Development Board

Effective date: April 16, 1986

Proposal publication date: February 14, 1986

For further information, please call
(512) 483-7850.

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Grants for Equipment Purchases

★ 31 TAC §§367.21-367.30

The new sections are adopted under the Texas Water Code, §6.101, which provides the board with the authority to make rules necessary to carry out its powers and duties, and under §§15.435, 15.472, and 15.541, which requires and allows the board to adopt rules for the agricultural soil and water conservation program, the grants for equipment purchase program, and the pilot loan program.

§367.23. *Equipment Eligible for Grants.* Eligible equipment for grants shall include any or all equipment identified in paragraphs (1)-(72) of this section. An applicant may purchase equipment to replace existing in-

operable equipment, to update existing equipment, or to provide an evaluation unit where none currently exists. This list will be reviewed periodically and amended as circumstances warrant:

- (1) enclosed mini-trailer, storage box (pickup bed), or pick-up bed cover;
- (2) velocity gauge set;
- (3) water level indicator;
- (4) soil moisture meter (resistance blocks);
- (5) electrical resistance blocks;
- (6) tensiometer vacuum pump/gauge;
- (7) tensiometers;
- (8) soil sampler;
- (9) tube soil probe;
- (10) soil bucket auger;
- (11) 36" soil moisture meter;
- (12) 10" flow meter;
- (13) 10" in-line valves;
- (14) eight inch flow meter;
- (15) eight inch in-line valve;
- (16) six inch flow meter;
- (17) six inch in-line valve;
- (18) four inch flow meter;
- (19) four inch in-line valve;
- (20) seven inch to six inch reducer;
- (21) six inch to seven inch increaser;
- (22) eight inch to six inch reducer;
- (23) six inch to eight inch increaser;
- (24) six inch to four inch reducer;
- (25) four inch to six inch increaser;
- (26) 10" tube, five feet long with one inch nipple;

- (27) eight inch tube, five feet long with one inch nipple;
- (28) six inch tube, five feet long with one inch nipple;
- (29) four inch tube, five feet long with one inch nipple;

- (30) pressure gauge/(pilot tube);
- (31) pocket sling psychrometer;
- (32) tube soil thermometer;
- (33) wind (velocity) meter;
- (34) ¾" gate valve;
- (35) orifice plates (various sizes);
- (36) stop watch;
- (37) 500 ml. graduated cylinder;
- (38) 100 ml. graduated cylinder;
- (39) volt-ampere hook-on meter;
- (40) multi-tester (electrical circuit);
- (41) set of fittings and bushings;
- (42) pressure gauge (faucet);
- (43) portable electronic flow meter (enclosed pipes);

- (44) programmable surge valve unit;
- (45) neutron probe (meter, accessories, access tubes);
- (46) programmable calculator;
- (47) dye detection meter/supplies;
- (48) portable wier;
- (49) current meter;
- (50) electronic meter (open-flow);
- (51) tool box;
- (52) pipe wrenches;
- (53) adjustable wrenches;
- (54) set open end wrenches;
- (55) regular pliers;
- (56) water pump pliers;

- (57) extension ladder;
- (58) set drill bits;
- (59) screwdrivers;
- (60) measuring tapes (various lengths);
- (61) hatchet;
- (62) 100 point scale;
- (63) water hose (various sizes);
- (64) canvas sleeve;
- (65) water bucket (various sizes);
- (66) clipboard;
- (67) wooden stakes;
- (68) spray catch cans;
- (69) security chain;
- (70) padlock;
- (71) ponchos;
- (72) rubber boots;

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8602925

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Effective date: April 16, 1986

Proposal publication date: February 14, 1986

For further information, please call
(512) 483-7850.

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Pilot Programs for Low Interest Loans for Agricultural Water Conservation Equipment

★ 31 TAC §§367.41-367.50

The new sections are adopted under the Texas Water Code, §6.101, which provides the board with the authority to make rules necessary to carry out its powers and duties, and under §§15.435, 15.472, and 15.541, which require and allow the board to adopt rules for the agricultural soil and water conservation program, the grants for equipment purchase program, and the pilot loan program.

§367.44. *Equipment and Costs Eligible for Loans.*

(a) Lenders may loan funds only for eligible equipment and costs.

(b) Eligible equipment and costs shall include capital equipment materials for irrigation water delivery and application mechanisms, and the associated labor, preparation, and installation costs.

(c) The following equipment and practices are eligible for loans under the Pilot Loan Program.

(1) Irrigation water delivery equipment:

(A) underground pipe to replace open unlined ditches, to replace existing leaking under-ground pipe, or to replace existing leaking above-ground pipe;

(B) above-ground pipe to replace open unlined ditches;

(C) concrete-lined open ditches to replace open unlined ditches;

(D) in-line flow meters or other flow measuring devices to measure distribution system flow or output of wells.

(2) Irrigation application systems:

(A) low energy precision application (LEPA) sprinkler systems, either center-pivot or linear, to replace high pressure sprinkler systems or a furrow system;

(B) low pressure sprinkler systems (either low pressure, low angle nozzles, or low pressure drop lines) to replace high pressure sprinkler systems or furrow systems;

(C) low pressure drip (trickle) irrigation systems to replace high pressure sprinkler systems or furrow systems;

(D) surge flow valve units to supplement conventional furrow systems;

(E) soil moisture measurement devices when used to schedule the timing or amount of irrigation water application. These may be used with an automatic scheduling system or to provide management decision data for scheduling;

(F) computer software when used to monitor and analyze soil moisture, crop water use, evaporation loss, and other parameters to schedule irrigation applications;

(G) contractor services or use of hired farm labor and purchase of implements, excluding power units such as tractors used with the implements, for land leveling or shaping of land slope or topography to improve application distribution efficiency or infiltration of irrigation water; and

(H) furrow dikers to hold precipitation or irrigation water on irrigated land.

§367.49. Terms of Lender Contract.

(a) The executive administrator, on behalf of the board, shall execute a contract with the lender specifying the terms of the loan. Upon execution of the contract, the executive administrator shall initiate a request for disbursement of loan funds from the contract.

(b) The loan contract between the board and the lender shall provide for or include the following items:

(1) term of the loan and a schedule for repayment of principal and interest;

(2) investment of funds. The lender may deposit and/or invest unallocated funds received from the board in interest bearing accounts, provided the investment does not interfere with the lender's ability to make the

funds available for conservation loans. The lender shall deposit and/or invest such funds in a manner such that the deposits and/or investments are secure;

(3) interest on loans. The interest rate on a loan to a lender shall be the annual rate of interest which is the lower of 12% or the lowest point of the bond buyer index (of 11 municipal bonds) during the six months immediately preceding the month in which the board extends a loan commitment to the lender;

(4) lender interest and service fees to borrower. A lender may charge borrowers the interest rate charged to the lender. In addition, the lender may charge the borrower a one-time fee, up to 2½% of the amount of the loan, to cover loan fees and charges of the lender;

(5) repayment of unused funds. A lender shall close loans within 120 days after receiving funds from the board. At the end of the 120-day period, the lender must return any unallocated loan funds to the executive administrator;

(6) repayment of loan. A lender shall repay loan principal and accrued interest in accordance with a schedule determined by the board and within a loan period not to exceed 10 years. A lender shall establish an interest and sinking fund for the purpose of loan repayment. The balance of the interest and sinking fund may be invested in short-term interest bearing accounts;

(7) borrower loan limit. A lender shall not loan an individual borrower more than \$100,00. A lender's loans to borrowers shall be limited to a maximum of 80% of the purchase price of capital items and a maximum of 50% of the costs for contractor services or of labor to install equipment purchased with loan funds;

(8) default and foreclosure. The lender is responsible for foreclosure under a conservation loan agreement in the event of a default in payment on a conservation loan made by a lender or the failure of the borrower to perform any of the terms or conditions of the conservation loan agreement. Foreclosure under a conservation loan agreement shall be accomplished in the manner provided by law for foreclosure of similar loan agreements made by private lending institutions and by the conservation loan agreement. The lender is responsible for liquidation of any collateral provided under the

conservation loan agreement and shall sell the collateral on terms and subject to procedures that it follows in liquidating other collateral;

(9) lender protection from losses. A lender may prescribe acceptable collateral and may establish loan insurance or vendor agreements to insure capability to repay lender loans to the board or may establish a reserve fund or other means to assure repayment which are acceptable to the executive administrator;

(10) state guarantee. Each lender is guaranteed that, in the event of default of a conservation loan made by a lender with funds from the state, the state will assume 50% of the amount of the balance that remains due and payable under the default after all collateral for the conservation loan is liquidated; and

(11) lender reports. By September 10 of each year, the lender shall provide to the executive administrator a report on the loans made to borrowers during the preceding state fiscal year, in a format specified by the executive administrator. The executive administrator may request and the lender shall supply similar reports at other times. These reports shall include a list of borrowers, the amount of each loan, a description of the equipment and systems installed by borrowers, and the status of repayment of loans, including delinquencies. In addition, the lender shall submit an annual performance evaluation report by September 10, in a format specified by the executive administrator. The report shall include copies of any pre-loan system evaluations and provide an estimate of improved efficiency of water use after installation of the purchased equipment or practices.

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8602926

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Effective date: April 16, 1986
Proposal publication date: February 14, 1986
For further information, please call
(512) 463-7850.

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Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

State Banking Board

Monday, March 31, 1986, 10 a.m. The State Banking Board made emergency additions to the agenda for a meeting held at 2601 North Lamar Boulevard, Austin. The additions concerned a motion for a rehearing on First Bank and Trust, New Boston, New Boston; and the conversion application approvals for Allied Bank North Austin, Austin, and Allied Bank South Austin, Austin. The emergency status was necessary in order to allow the board to consider the applications before the time period for such consideration lapses.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: March 25, 1986, 11:16 a.m.
TRD-8602903

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Texas School for the Blind

Friday April 11, 1986, 11:30 a.m. The Local Board of Trustees of the Texas School for the Blind will meet at 1100 West 45th Street, Austin. According to the agenda summary, the board will approve minutes from the February 14, 1986, meeting; consider a presentation of business requiring local board approval; business for informational purposes; a report of special committees; audiences with individuals/committees; and a report from board members.

Contact: Nancy Faubion, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631.

Filed: March 25, 1986, 2:26 p.m.
TRD-8602907

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Texas Education Agency

Saturday, April 5, 1986, 9:30 a.m. The Committee for Long-Range Planning of the Texas Education Agency of the State Board of Education will meet in the Arlington Room, Marriott Hotel, 8440 Freepoint Park-

way, Irving. According to the agenda, the committee will conduct a work session on the long-range plan to implement the mission, goals, and objectives of the State Board of Education.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: March 26, 1986, 11:24 a.m.
TRD-8602928

Saturday, April 5, 1986, 10:30 a.m. The Paperwork Reduction Advisory Committee of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will discuss the draft of the Texas Education Agency letter to school districts regarding lesson plans and documentation of mastery of essential elements; discuss paperwork problems; and the agenda items for the May 16, 1986, meeting.

Contact: Terri Anderson, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9000.

Filed: March 26, 1986, 11:24 a.m.
TRD-8602929

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Texas Industrial Accident Board

Monday, March 31, 1986, 1:30 p.m. The Texas Industrial Accident Board will meet in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will meet in executive session to review board files pursuant to the workers' compensation statute.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: March 26, 1986, 4:09 p.m.
TRD-8602946

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Texas Department of Mental Health and Mental Retardation

Friday, April 4, 1986, 10 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the auditorium, 909 West 45th Street, Austin. According to the agenda summary, the board will approve minutes of the February 27, 1986 and February 28, 1986 meetings; consider citizen's comments; the commissioner's calendar; a resolution of appreciation to Sam F. Rhodes; MAC recommendations on staffing in state mental hospitals; MAC recommendations on alcohol and drug abuse programs; proposed purchase of hydrotherapy bathing equipment at Lubbock State School; long-term care coordinating council for the elderly; the citizens' planning advisory committee appointment; Roadway Easement-Leander Rehabilitation Center; use of real property-Denton State School; table of organization-internal audit function; redistribution of staff-to-patient ratio funds fiscal year 1986; and the status of pending or contemplated litigation.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: March 25, 1986, 4:25 p.m.
TRD-8602921

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Texas Motor Vehicle Commission

Wednesday, April 2, 1986, 2 p.m. The Texas Motor Vehicle Commission will meet in emergency session in Room 302, 815 Brazos Street, Austin. According to the agenda, the commission will receive comments; consider and act on proposed amendments to commission advertising rules 16 TAC §105.1-105.3, 105.5, 105.8-105.10, 105.12, 105.21, 105.22-105.25, published in 11 TexReg 117-118, January 10, 1986. The emergency status is necessary to enable the commission to hear comments and act on proposed rules in connection with the scheduled meeting on April 3, 1986, as the commission may not meet again for several months due to budget restrictions.

Contact: Russell Harding, Suite 300, 815 Brazos, Austin, Texas 78701, (512) 476-3587.

Filed: March 26, 1986, 2:06 p.m.
TRD-8602932

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Texas State Board of Public Accountancy

Friday, April 4, 1986, 1 p.m. The Examination Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will review information relating to the May, 1986, and future examinations; the revised candidate projections; substantive rules; and examination fees for fiscal year 1987.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752, (512) 451-0241.

Filed: March 25, 1986, 4:22 p.m.
TRD-8602920

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Public Utility Commission of Texas

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

Tuesday, April 8, 1986, 10 a.m. A prehearing conference in Docket 5610—application of General Telephone Company of the Southwest for a rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 25, 1986, 2:48 p.m.
TRD-8602911

Tuesday, July 15, 1986, 10 a.m. A hearing on the merits in Docket 6771—inquiry into Southwestern Bell Telephone Company's ESSX custom tariff.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 25, 1986, 2:48 p.m.
TRD-8602910

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Board for Lease of State-owned Lands.

Thursday, April 3, 1986, 9 a.m. The Board for Lease of Texas Parks and Wildlife Department of the Board for Lease of State-owned Lands will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of

the previous board meeting; and consider and approve bids received for the oil, gas, and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 837, Austin, Texas 78701, (512) 475-0219.

Filed: March 25, 1986, 3:51 p.m.
TRD-8602919

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Texas A&M University System

Thursday, March 27, 1986, 2 p.m. The Committee for the Search for a Chancellor of the Board of Regents of the Texas A&M University System met in emergency session in the library, McKenzie and Baer, Attorneys at Law, 26th Floor, LTV Tower, 1525 Elm Street, Dallas. According to the agenda, the committee considered any and all things leading to the selection of a chancellor of the Texas A&M University System. The emergency status was necessary because the position must be filled at an early date and a meeting was called at such a time that a quorum of the committee could be present.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: March 26, 1986, 11:59 a.m.
TRD-8602930

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University Interscholastic League

Tuesday, April 1, 1986, 1 p.m. The State Executive Committee of the University Interscholastic League will meet in Room 2.102, Thompson Conference Center, 26th and Red River Streets, University of Texas Campus, Austin. According to the agenda summary, the committee will conduct hearings on alleged violations.

Contact: Bonnie Northcutt, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: March 26, 1986, 2:19 p.m.
TRD-8602933

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Texas Water Commission

Wednesday, April 30, 1986, 10 a.m. The Texas Water Commission (TWC) will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the executive director's preliminary report and petition for a TWC order assessing administrative penalties and requiring certain actions of Falcon Steel Company (Solid Waste Registration 32637); and Application 5011 by Milton E. Wentz, Jr., et al., for Section 11.121 permit, Nueces-Rio Grande Coastal Basin in Cameron County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: March 25, 1986, 3:15 p.m.
TRD-8602917

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Regional Agencies Meetings Filed March 25

The Burnet County Appraisal District, will meet at 215 South Pierce Street, Burnet, on April 10, 1986, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Capital Area Rural Transportation System (CARTS), Board of Directors, will meet in the conference room, Suite 100, 2520 IH South, Austin, on April 3, 1986, at 9:30 a.m. Information may be obtained from Edna Burroughs, 5021 East First Street, Austin, Texas 78702, (512) 478-7433.

The Deep East Regional Mental Health and Mental Retardation Services, Board of Trustees, met at Ward R. Burke Community Room, Administrative Facility, 4101 South Medford Drive, Lufkin, on March 31, 1986, at 5:30 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901.

The Lee County Appraisal District, Board of Directors, met at 218 East Richmond Street, Giddings, on March 31, 1986, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Middle Rio Grande Development Council, Private Industry Council, met in emergency session in the auditorium, Texas A&M University Extension Center, on March 26, 1986, at 2 p.m. Information may be obtained from Ramon Johnston, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

TRD-8602906

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Meetings Filed March 26

The Bexar Appraisal District, Appraisal Review Board, met at 535 South Main, San Antonio, on March 28, 1986, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Education Service Center Region XVIII, Board of Directors, will meet at the ESC, LaForce Boulevard, Midland, on April 10, 1986, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79711.

The Middle Rio Grande Development Council, Regional Review Committee, will meet in the Multi Purpose Center, 480 South Adams, Eagle Pass, on March 2, 1986, at 2:30 p.m. Information may be obtained from Mike Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Scurry County Appraisal District, Board of Directors, will meet at 2612 College Avenue, Snyder, on April 1, 1986, at 7:30 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The West Central Texas Council of Governments, Texas Community Development Program Regional Review Committee, will meet at 815 North Judge Ely Boulevard, Abilene, on April 15, 1986, at 10 a.m. In-

formation may be obtained from James K. Compton, P.O. Box 3195, Abilene, Texas 79604.

TRD-8602923

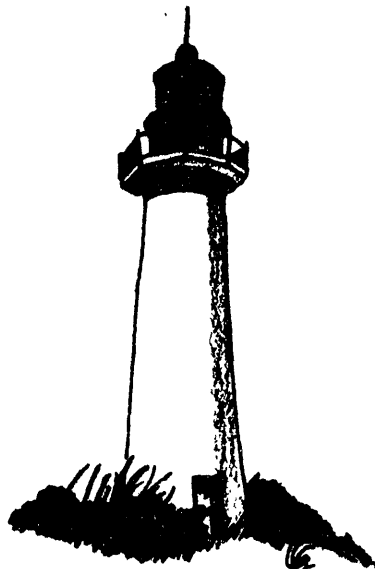
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Meetings Filed March 27

The Dallas Central Appraisal District, Board of Directors, will meet in Suite 500, 1429 West Mockingbird Lane, Dallas, on January 2, 1986, at 7:30 a.m. The Appraisal Review Board will meet at the same location, on January 11, 1986, at 10 a.m. Information may be obtained from Rick L. Kuehler, (512) 631-6520.

TRD-8602948

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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

State Banking Board Notice of Hearing Cancellation

As no opposition has been noted in the application for change of domicile by Texas American Bank/Ridgmar, Fort Worth, the hearing previously scheduled for Friday, April 4, 1986, has been cancelled.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602901 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: March 25, 1986
For further information, please call (512) 479-1200.

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As no opposition has been noted in the application for Security National Bank, Whitesboro, to convert to a state charter under the name of Security Bank of Whitesboro, the hearing previously scheduled for Monday, March 31, 1986, has been cancelled.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602902 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: March 25, 1986
For further information, please call (512) 479-1200.

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Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On March 10, 1986, the banking commissioner received an application to acquire control of the Huffman Bank, Huffman, by Roy A. Seaberg, Sr., Dayton; Roy A. Seaberg, Jr., Huffman; and Curtis A. Seaberg, Dayton.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on March 24, 1986.

TRD-8602904 William F. Aldridge
Director of Corporate
Activities
Banking Department of
Texas

Filed: March 25, 1986
For further information, please call (512) 479-1200.

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Office of Consumer Credit Commissioner Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/ Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 03/31/86-04/06/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 03/01/86-03/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/86-06/30/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 04/01/86-06/30/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 04/01/86-06/30/86	14.58%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 04/01/86-06/30/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 04/01/86-06/30/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/86-06/30/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 04/01/86-04/30/86	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
- (3) Credit for personal, family, or household use.
- (4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on March 24, 1986.

TRD-8602897 Al Endsley
Consumer Credit
Commissioner

Filed: March 25, 1986
For further information, please call (512) 479-1280.



Court Reporters Certification Board Announcement of Meetings

The Court Reporters Certification Board will meet at 5:30 p.m. on Friday, April 18, 1986, in the boardroom, first floor, Texas Law Center, State Bar Building, 1414 Colorado Street, Austin, and again at 8:30 a.m. on Saturday, April 19, 1986, in the Palmwood Room, Embassy Suites Hotel, 300 South Congress Avenue, Austin. The agenda will include a report on staff activities, consideration of complaints, miscellaneous business, and grading of exams. For further information, contact C. Raymond Justice, Administrative Director, Office of Court Administration, Secretariat, 1414 Colorado Street, Suite 602, Austin, Texas 78701-2006.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602909 Jim Hutcheson
General Counsel
Office of Court Administration
Secretariat

Filed: March 25, 1986
For further information, please call (512) 463-1830.



Texas Economic Development Commission Private Activity Bonds Allocation Report

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.4 billion for the State of Texas for calendar year 1986.

House Bill 690 states that the procedure for allocating this cap will be on a first-come, first-serve basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for January 1-March 21, 1986.

Total unallocated principal amount of
private activity bonds authorized to be allocated
as per the Federal Deficit Reduction Act of 1984
through March 21, 1986:

\$2,380,620,000

Comprehensive listing of bond issues which have received
a reservation date as per House Bill 690
during January 1-March 21, 1985:

Issuer	User	Amount/Date
Hale County Industrial Corporation	Amoco Production Company	\$10,700,000 (2-18-86)
Fort Bend County Industrial Development Corporation	Stephen E. Brice	\$ 750,000 (2-18-86)
Lower Neches Valley Authority Industrial Development Corporation	Graybar Electric Company, Inc.	\$ 780,000 (2-20-86)
Industrial Development Corporation of Ennis	Meyer Industrial Park, Inc.	\$1,500,000 (2-28-86)
Industrial Development Corporation of Ennis	Meyer Motor Sports, Inc.	\$4,000,000 (2-28-86)

Total principal amount of private activity bonds
issued through March 21, 1986;
\$11,450,000

Comprehensive listing of bonds issued as per House Bill
690 from January 1-March 21, 1986:

Issuer	User	Amount/Date
Hale County Industrial Development Corporation	Amoco Production Company	\$10,700,000 (2-26-86)
Fort Bend County Industrial Development Corporation	Stephen E. Brice	\$ 750,000 (3-11-86)

The above allocations were granted by the Texas Economic Development Commission (TEDC) in accordance with the procedures set forth in Texas Civil Statutes, Article 5190.9 (House Bill 690). The TEDC is fully aware of certain measures in House Resolution 3838 (HR3838), as passed by the U.S. House of Representatives on December 17, 1985, which proposes to limit the current allocation system administered by the TEDC. The TEDC is also aware that any adverse provisions enacted by Congress may have an effective date prior to the issuance of the above bonds and represents that the above issues are not assured an allocation should HR 3838 or any other proposed allocation system be implemented.

Issued in Austin, Texas, on March 21, 1986.

TRD-8602871 David V. Brandon
Executive Director
Texas Economic Development
Commission

Filed: March 24, 1986
For further information, please call (512) 472-5050.



Texas Education Agency Public Hearings

Contingent upon State Board of Education approval of this schedule, the Texas Education Agency will conduct a series of four public hearings as a part of the development of the *State Application for ECIA, Chapter 2 for Fiscal Year 1986-1987*. The purpose of these hearings is to provide the opportunity for all segments of the public,

interested organizations, and groups to express their views and make recommendations regarding:

(1) the formula used to allocate the 80% portion of funds to local school districts (as constrained by ECIA, Chapter 2, law, §565);

(2) programs to be funded with the 20% discretionary portion.

On January 31, 1986, the Governor's ECIA, Chapter 2, Advisory Committee recommended the present Chapter 2 formula and the following funding for 1986-1987 for the 20% discretionary projects.

Statewide Basic Skills Improvement. Funds will be used to improve quality of instruction by providing staff development and on-site technical assistance to teachers and administrators in school districts within the geographic boundaries of each of the 20 regional education service centers.—\$700,000.

Local Cooperative Teacher Education Centers. Programs and projects to assist in teacher training, teacher recruitment, program development of pre-service teachers, innovative/creative retraining of teachers for areas of critical need and inservice teacher education—\$480,000.

Institute(s) for Teachers of Disadvantaged Gifted. A contractual agreement with colleges to conduct institutes for teachers of gifted children who are economically deprived, or of ethnic minorities—\$460,000.

Establishment of a Texas Governor's School. Funds are requested to carry out the recommendations of the final report of the task force studying the feasibility of a Texas Governor's School. This would include the continuation of the feasibility task force, the development and dissemination of governor's school materials, and an in-depth evaluation of the Texas Governor's School project—\$75,000.

Selection and Utilization of Computer Based Instruction.

Systems for Basic Skills. A test of the effectiveness of computer-based instruction and provide resource centers for new technologies. This is the second year effort of the three year pilot test—\$200,000.

Task Force on Dropout Prevention Alternatives. This project would establish a two-phase mechanism to begin a statewide dropout prevention initiative. *Phase one*—Create a task force to examine the parameters of the dropout problem in order to address the State Board of Education's long-range objectives. *Phase two*—Provide dissemination of information and technical assistance to local districts in selecting and adopting appropriate dropout prevention models—\$300,000.

Consortium—Early Identification and Support. Funds are requested to be allocated to school districts to establish a model for coordination of various social and health service providers focusing on parental support for school success. Programs should incorporate a system for keeping data showing the impact of the early intervention services on later school achievement. Grants would be awarded to schools which show cooperation among local services providers to use existing resources in the most efficient manner—\$360,000.

Exemplary Program Practices. Provide funds to identify school programs successfully implementing research-based practices and to develop methods to promote these practices in other school districts—\$683,537.

Classroom Models for Disadvantaged Students. The selection of three campuses to implement an effective teaching model for disadvantaged students in grades K-1. Rural,

urban, and suburban districts will be selected to form a consortium of university, district, and education service center to implement a program to change teacher instructional behaviors in order to increase student achievement—\$594,000.

Total for Projects—\$3,852,537

State Administration and Technical Assistance. Funds are used to improve the quality of instruction by providing administrative leadership through curriculum development, planning, research, instructional technology, media, and program evaluation. Additionally funds are used for federal compliance guidance, monitoring, and data support to local education agencies, regional education service centers and the State Board of Education—\$2,700,000.

Public hearings will be held on the following dates, locations, and times.

April 17, 1986, Region XVIII, Education Service Center, LaForce Boulevard, Midland, Texas—9 a.m.-noon.

April 19, 1986, Region X, Education Service Center, 400 East Spring Valley Road, Richardson, Texas—9 a.m.-noon.

April 22, 1986, Region IV, Education Service Center, 7200 West Tidwell, Houston, Texas—6:30 p.m.-9 p.m.

May 9, 1986, State Board of Education, State Board of Education Room, Texas Education Agency Building, 1701 North Congress, Austin, Texas—8:30 a.m.

The proceedings of the public hearing will be recorded. Persons desiring to present testimony should limit their presentation to five minutes. Presenters shall state their name, address, and whom they represent before beginning oral presentation. Written comments will be accepted until May 2, 1986 at the following address.

Any persons who desire to register to testify at any of the hearings or wish further information, should contact Richard L. Jarrell, Director of Federal Funding/Discretionary Grants, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9269, prior to April 15, 1986.

Issued in Austin, Texas, on March 24, 1986.

TRD-8602905 W. N. Kirby
Commissioner
Texas Education Agency

Filed: March 25, 1986

For further information, please call (512) 463-9212.

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Texas Department of Human Services Amended Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) published notice of an award of a consultant contract. The request for proposal was published in the April 9, 1985, issue of the *Texas Register* (10 TexReg 1192), and the notice of award was published in the September 3, 1985, issue of the *Texas Register* (10 TexReg 3339). The contract was awarded to Psychological Associates of Lake Jackson, Lake Jackson. At this time, DHS is increasing the total cost of the contract to \$20,000. This change is effective May 1, 1986. All other information remains the same.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602916 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 25, 1986
For further information, please call (512) 450-3882.

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Consultant Proposal Request

In compliance with Texas Civil Statutes, Article 6252-11c, The Texas Department of Human Services (DHS) requests proposals for consulting services in DHS Region 11.

Description of services. Specific activities to be performed are: psychological/developmental testing; psychological/psychiatric assessment; counseling/therapy; and court testimony.

Limitations. The contract period begins September 1, 1986, and ends August 31, 1987. The total amount of these contracts shall not exceed \$1.6 million for Region 11, contingent on the regional allocation received.

Contact person. The contact person is Finley Morton, Contract Manager, Children's Protective Services, Texas Department of Human Services, P.O. Box 16071, Houston, Texas, 77222, (713) 692-3236 ext. 6442.

Evaluation. The procedures to be used to evaluate offers will include evaluation of: accessibility of service to clients; client flow/time frames; unique and innovative aspects of program; provider contribution; staff qualifications; examples of work; and cost.

Closing date. The closing date for receiving proposals in 4 p.m. on May 19, 1986.

Selection. Final selection will be made by the regional director—Protective Service for Families and Children, Texas Department of Human Services, Region 11, based on submitted qualifications and staff recommendation. The department will award contracts based on evaluation of the previously listed criteria.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602912 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 25, 1986
For further information, please call (512) 450-3766.

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In accordance with Texas Civil Statutes, Article 6252-11c, The Texas Department of Human Services (DHS) is requesting proposals for consulting services.

Description of services. Specific activities to be performed are: assessments of clients; group counseling and training session; individual counseling; job placement; follow-up and job retention services; and employment service training workshop—staff.

Limitations. The total amount of these contracts shall not exceed \$150,000. The effective date for these contracts is May 19, 1986.

Contact person. The contact person is Florence M. Warren, Program Director, Purchased Protective Services, Texas Department of Human Services, P.O. Box 5128, Arlington, Texas, 76011, (817) 640-5090.

Evaluation. The procedures to be used to evaluate offers will include evaluation of: range of services; staff qualifications; program content; unique and innovative aspect of program; experience; cost; and match (provider contribution).

Closing date. The closing date for receipt of offers is 5 p.m., April 14, 1986.

Selection. Final selection will be made by a panel of DHS administrative and program staff. Award will not necessarily be made to the bidder offering the lowest price, but to the lowest and best bidder, based on the results of the department's evaluation using the above criteria.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602913 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 25, 1986
For further information, please call (512) 450-3766.

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Notice of Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of contract awards. The notice for request for proposals was published in the August 16, 1985, issue of the *Texas Register* (10 TexReg 3147).

Description of services. The contractors selected will provide one or more of the following services: training for child-care providers in remote/rural areas to promote the prevention of abuse and neglect in out-of-home care; and training in child-care, child development, and child-care facility management.

Name of contractor and value of contract. Ninos Group, Inc., 8277 Fredericksburg Road, San Antonio, Texas, 78229—\$52,066.

Effective date of contract. The contract began March 12, 1986, and ends September 30, 1986.

Name of contractor and value of contract. Del Mar College, Baldwin—Ayers, Corpus Christi, Texas, 78404—\$63,258. Services will be provided for the Coastal Bend area.

Effective date of contract. The contract began March 14, 1986, and ends September 30, 1986.

Due date of reports. All documents, films, recordings or reports are due by September 30, 1986.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602914 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 25, 1986
For further information, please call (512) 450-3766.

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In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of contract awards. The notice for request for proposals was published in the August 16, 1985, issue of the *Texas Register* (10 TexReg 3147).

Description of services. The contractors selected will provide one or more of the following services: training

for child-care providers in remote/rural areas to promote the prevention of abuse and neglect in out-of-home care; and training in child-care, child development, and child-care facility management.

Name of contractors and value of contracts. Child Care Council of Greater Houston, Inc., 3400 Montrose Boulevard, Suite 720, Houston, Texas, 77006—\$117,007; Rita Bryant, Tots Villa Child Development Center, 1400 West 10th, Amarillo, Texas, 79101—\$21,820.

Effective date of contracts. The contracts began March 14, 1986, and end September 30, 1986.

Due date of reports. All documents, films, recordings, or reports are due by September 30, 1986.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602915 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 25, 1986
For further information, please call (512) 450-3766.

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Texas Real Estate Commission Consultant Proposal Request

In accordance with the Texas Civil Statutes, Article 6252-11c, the Texas Real Estate Commission is requesting consulting services for the development of application software to operate on the agency's Burroughs B-1955 computer system.

Description of Services. The project will include a functional conversion from current software operation on a DEC-10 system to software which will operate on the B-1955 system. The new system will include the development of CRT screens, applicant/licensee information files, cash system, reports, operational and user documentation, user training, and such other features and functions as are required by the agency. It is a requirement that the new system will be developed using Burroughs Fourth Generation Language, LINC II.

Limitations. The conversion must be completed and the system operational by December 3, 1986. The total funding amount will not exceed \$200,000.

Contact Person. Further information regarding the proposal invitation, contact Mark A. Moseley, Legal Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711, (512) 465-3960.

Evaluation and Selection. Proposals will be evaluated using the following criteria: proven experience, personnel, quality of the conversion plan, delivery of proposed training, and cost.

Closing Date. Proposals must be received at the offices of the Texas Real Estate Commission by 5 p.m. on May 5, 1986.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602922 Mark A. Moseley
Legal Counsel
Texas Real Estate Commission

Filed: March 25, 1986
For further information, please call (512) 465-3960.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 17-21, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of March 17-21, 1986

Quanex Corporation, Gulf States Tube Division; plant that manufactures steel tubular products; adjacent to and on the west side of Scott Road at the U.S. Highway 59-Scott Road intersection, approximately three miles west of the City of Rosenberg, Fort Bend County; Rosenberg; 01237; renewal

Sphere Supply, Inc.; packaging, storage, and light equipment maintenance facility; at 16643 Jacintoport Boulevard in the City of Houston, Harris County; Houston; 01707; renewal

Harris County Municipal Utility District 6; wastewater treatment facilities; approximately two miles north and one mile east of the intersection of Fairbanks-North Houston Road and White Oak Bayou in Harris County; Houston; 11273-01; renewal

Atascocita Village Limited; wastewater treatment facilities; on Atascocita Road approximately 1,000 feet east of the intersection of Atascocita Road and Old Humble Road in Harris County; Houston; 11161-01; renewal

Klein Independent School District; wastewater treatment facilities; at the Klein I.S.D. Transportation and Administrative Facilities located on the east side of Doerre Road, approximately 1,500 feet north of the intersection of Doerre Road and Spring-Cypress Road in Harris Spring County; 12224-01; renewal

Northwest-Hollister Venture; wastewater treatment plant; adjacent to the north side of Cole Creek at 5975 Langfield Road in Houston, Harris County; Houston; 12257-01; renewal

Sun Belt Motor Inns; wastewater treatment plant; at 17607 Highway 69, about two miles south of its inter-

section with Loop 1960 in Harris County; Humble; 12138-01; renewal

Northline Corporation; sewage treatment plant; on the south side of Halls Bayou approximately 1,000 feet east of Hacker Street in Harris County; Houston; 10518-01; renewal

Memorial Hills Utility District; wastewater treatment facilities; immediately south of Cypress Creek, approximately 600 feet north and 600 feet east of the intersection of FM Road 1960 and Hardy Road in Harris County; Houston; 11044-01; renewal

City of Houston; Fresh Water Supply District 17 Plant; at 1630 Pleasantville Street in the City of Houston, Harris County; Houston; 10495-15; renewal

The City of Crystal Beach; wastewater treatment facility; approximately 1,000 feet northeast of the intersection of Monkhouse Drive and State Highway 87 and 7,000 feet southwest of the intersection of State Highway 87 and North Stingaree Street in Galveston County, Crystal Beach; 13186-01; new permit

City of Henrietta; wastewater treatment plant; where U.S. Highway 82 crosses Dry Fork Creek east of the City of Henrietta in Clay County; Henrietta; 10454-02; renewal

City of Bellevue; wastewater treatment facilities; due north of Bellevue, about 900 feet east of FM Road 1288 in Clay County; Bellevue; 11235-01; renewal

City of Cooper; wastewater treatment facilities; about 1,900 feet southeast of the intersection of FM Roads 1528 and 1880, south of the City of Cooper in Delta County; Cooper; 10440-01; renewal

City of Henderson; wastewater treatment facilities; approximately ½ mile south of the city limits of Henderson, and west of FM Road 225 at the confluence of Hardy Creek and Shawnee Creek in Rusk County; Henderson; 10187-01; renewal

MacWood, Inc.; wastewater treatment plant; approximately 1.7 miles east of FM Roads 2736 and 917 and 1.2 miles southeast of the intersection of FM Roads 2738 and 917 in Johnson County; Arlington; 12816-01; renewal

City of Pittsburg; wastewater treatment plant; about 1.3 miles southeast of the Arch Davis Road and Lafayette Street intersection in the southeast section of the City of Pittsburg in Camp County; Pittsburg; 10250-02; renewal

Tarrant Baptist Association, Inc.; wastewater treatment plant; approximately four miles due east of the intersection of FM Road 144 and FM Road 56 approximately 1,000 feet due west of the Brazos River in Somervell County; Glen Rose; 10895-01; renewal

City of Trinidad; wastewater treatment facilities; southeast of Trinidad, about 1.2 miles south of the FM Road 1667 and U.S. Highway 31 intersection in Henderson County; Trinidad; 10467-02; renewal

Texas Parks and Wildlife Department; wastewater treatment plant; about 3,000 feet northwest of the intersection of FM Road 1988 and FM Road 3126 and 300 feet east of FM Road 3126 in Polk County; Livingston; 11722-01; renewal

Lutheran Outdoors Ministry of Texas, Inc.; wastewater treatment facilities; approximately 1.8 miles northeast

of the intersection of FM Road 155 and U.S. Highway 77 in Fayette County; Austin; 12168-01; renewal

Joseph S. Bracewell, Trustee; wastewater treatment plant; approximately 6,000 feet southeast of the intersection of Treaschwig Road and Cypresswood Drive, approximately 1 ¼ miles north-northeast of the intersection of Cypresswood Drive and FM Road 1960 in Harris County; Houston; 13251-01; new permit

Park Spring, Inc.; sewage treatment plant; approximately 1,000 feet west of the Aldine-Westfield Road 3,400 feet east of Hardy Road, and approximately 7,100 feet north of Cypress Creek in Harris County; Spring; 12236-01; renewal

Alpha Utility Services, Inc.; wastewater treatment facilities; approximately 1,000 feet southeast of the intersection of FM Road 149 (West Montgomery Road) and Old Spring Cypress Road in Harris County; Houston; 12248-01; renewal

Trinity Industries, Inc.; wastewater treatment facilities; in the southwest corner of a company-owned tract in the eastern part of the Jacintoport Industrial District and approximately 7,500 feet east of the intersection of Sheldon Road and Jacintoport Boulevard; east of the City of Houston in Harris County; Houston; 12314-01; renewal

Todd Shipyard Corporation (Houston Division); wastewater treatment facilities; at the confluence of Greens Bayou with the Houston Ship Channel on the north bank of the Houston Ship Channel and on the west bank of Greens Bayou in Harris County; Houston; 12313-01; renewal

Shell Oil Company; wastewater treatment facilities; at the intersection of Mt. Houston Road and IH 45 in the City of Houston in Harris County; Houston; 12244-01; renewal

Tejas Girl Scout Council, Inc.; wastewater treatment plant; on the east side of Camp Rocky Point, on the south shore of Lake Texoma, just off Park Road 84, Grayson County; Dallas; 11186-01; renewal

Texas A&M University System; wastewater treatment facilities; near the junction of Salado Creek and Southton Road, approximately two miles south of Loop 410 in Bexar County; San Antonio; 10193-01; renewal

Glenn Hyden; wastewater treatment facilities; due east of Bryan, about 2,000 feet south and 2,000 east of the FM Road 158 and State Highway 30 intersection in Brazos County; College Station; 12296-01; renewal

City of Uvalde; wastewater treatment facilities; approximately three miles east of U.S. Highway 83, three miles southwest of the City of Uvalde in Uvalde County; Uvalde; 10306-01; renewal

Quanex Corporation, Bellville Tube Division; wastewater treatment facilities; adjacent to State Highway 36 and Miller Road intersection, about 5.2 miles southeast of the City of Bellville in Austin County, Bellville; 12976-01; renewal

Randolph Waste Supply Corporation; wastewater treatment facility; on the south side of State Highway 11, approximately 600 feet east of the intersection of State Highway 11 and Loop 451 in Fannin County; Randolph; 11343-01; renewal

Winter Garden Park Corporation; wastewater treatment facilities; due southwest of the intersection of State

Highway 374 and FM Road 800, approximately three miles southwest of Harlingen in Cameron County; Harlingen; 11628-01; renewal

City of Austin; waste treatment plant; at the junction of Shoal Creek and West First Street in the City of Austin in Travis County; Austin; 10543-02; renewal

Texas A&M University at Galveston; wastewater treatment facilities; on Mitchell Campus on the east side of Pelican Island Boulevard near the north end of the Pelican Island Causeway in the City of Galveston; Galveston County; Galveston; 11085-01; renewal

United States Department of Agriculture-Forest Service; wastewater treatment plant; south of Coldspring, in the Double Lake recreational area of the Sam Houston National Forest, approximately 1 1/4 mile southeast of the FM Road 2025 and Forest Route 210-A intersection in San Jacinto County; Coldspring; 12265-01; renewal

The City of Mertens; wastewater treatment facility; approximately 1,300 feet east of FM Road 308, approximately 3,400 feet southeast of the intersection of FM Road 308 and State Highway 22 in Hill County; Mertens; 13271-01; new permit

Moody-Rambin Interest, Inc.; sewage treatment plant; south of IH 10 and east of Turkey Creek, about 2,000 feet west and 3,800 feet north of the Memorial Drive-Dairy Ashford Road intersection in Harris County; Houston; 12241-01; renewal

The City of Houston; sewage treatment plant; at the intersection of Beechnut and Newcastle Streets in Houston, Harris County; Houston; 10495-037; amendment

City of Bardwell; wastewater treatment facilities; approximately 1,000 feet due north of the intersection of FM Road 984 and State Highway 34 in Ellis County; Bardwell; 10999-01; renewal

Eldridge Road Municipal Utility District; wastewater treatment facility; approximately .8 mile east-southeast of the intersection of Eldridge Road and Belknap Road and north of the City of Sugarland in Fort Bend County; Sugarland; 12240-01; amendment

City of Lakeside City; wastewater treatment plant; approximately 2.5 miles south of the Wichita Falls State Hospital and approximately 7,000 feet southeast of the intersection of State Highway 79 and FM Road 1954 in Archer County; Wichita Falls; 13253-01; new permit

Williamson County Municipal Utility District No. 1; wastewater treatment plant; approximately 600 feet northwest of the intersection of U.S. Highway 183 and Anderson Mill Drive and approximately 1,100 feet southwest of the intersection of U.S. Highway 183 and FM Road 610 in Williamson County; Austin; 11459-01; renewal

Rosebud-Lott Independent School District; wastewater treatment facilities; between U.S. Highway 77 and the Texas-New Orleans Railroad right-of-way, north of Travis in Falls County; Rosebud; 11230-01; renewal

John Miles; wastewater treatment plant; adjacent to Buffalo Bayou at a point approximately three miles south of the intersection of IH 10 and FM Road 1463 in Fort Bend County; Katy; 12107-01; renewal

The Devereux Foundation; sewage treatment plant; approximately 1,300 feet west of U.S. Highway 59 and

17 miles south of downtown Victoria, Victoria County; Victoria; 11411-01; renewal

Hicks Field Sewer Corporation; wastewater treatment facility; north of Big Fossil Creek, approximately 1.8 miles west of the intersection of U.S. Highway 81-287 and FM Road 156 in Tarrant County; Fort Worth; 11297-01; renewal

City of Higgins; wastewater treatment facilities; approximately 1/4 mile north and 1/4 mile west of the intersection of U.S. Highway 60 and State Highway 213 in Higgins in Lipscomb County, Higgins; 10572-01; renewal

Fort Davis Water Supply Corporation; wastewater treatment facilities; one mile south of State Highway 17, approximately 500 feet north of Cemetery Road and 1/2 mile east of Fort Davis in Jeff Davis County; Fort Davis; 10971-01; renewal

U.S. Department of Agriculture-Forest Service; wastewater treatment plant; approximately 15 miles east of Hursttown adjacent to FM Road 3184, on the shores of Toledo Bend Reservoir at the Brushy Creek inlet in the Sabine National Forest in Shelby County; Lufkin; 12269-01; renewal

Stern Feinberg and Dr. Charles P. Yarbrough, doing business as Northgate Park; wastewater treatment facilities; approximately 500 feet northwest of the intersection of IH 30 and U.S. Highway 71 on the north side of Texarkana, Bowie County; Texarkana; 10981-01; renewal

Texas Utility Mining Company; wastewater treatment facilities; in the northeast quadrant of the Fuel Production Area 3, about 2.2 miles southeast of the intersection between IH 30 and FM Road 1870 in Hopkins County; Dallas; 12275-01; renewal

U.S. Department of Agriculture-Forest Service; wastewater treatment plant; approximately 1.5 miles west of the intersection of FM Road 1277 and FM Road 2923, near the shore of Sam Rayburn Reservoir, four miles northwest of the community of Broadus in San Augustine County; Broadus; 12263-01; renewal

City of Garland; steam electric station; southeast of Little Ridge Park on the east shore of Lake Lavon in the Drury Anglin Survey, A-3, which is approximately two miles southwest of the Town of Copeville, Collin County; Copeville; 01923; renewal

Harry O. Hallows, Jr.; sewage treatment plant; approximately 700 feet east of the intersection of Hodde Lane and Rows Lane in Williamson County; San Antonio; 13260-01; new permit

Frank Newton; wastewater treatment facilities; about 1,000 feet northeast of West Port Arthur Road and immediately west of Viterbo Road in Jefferson County; Nederland; 11249-01; renewal

Issued in Austin, Texas, on March 24, 1986.

TRD-8602874 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: March 24, 1986

For further information, please call (512) 463-7868.

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