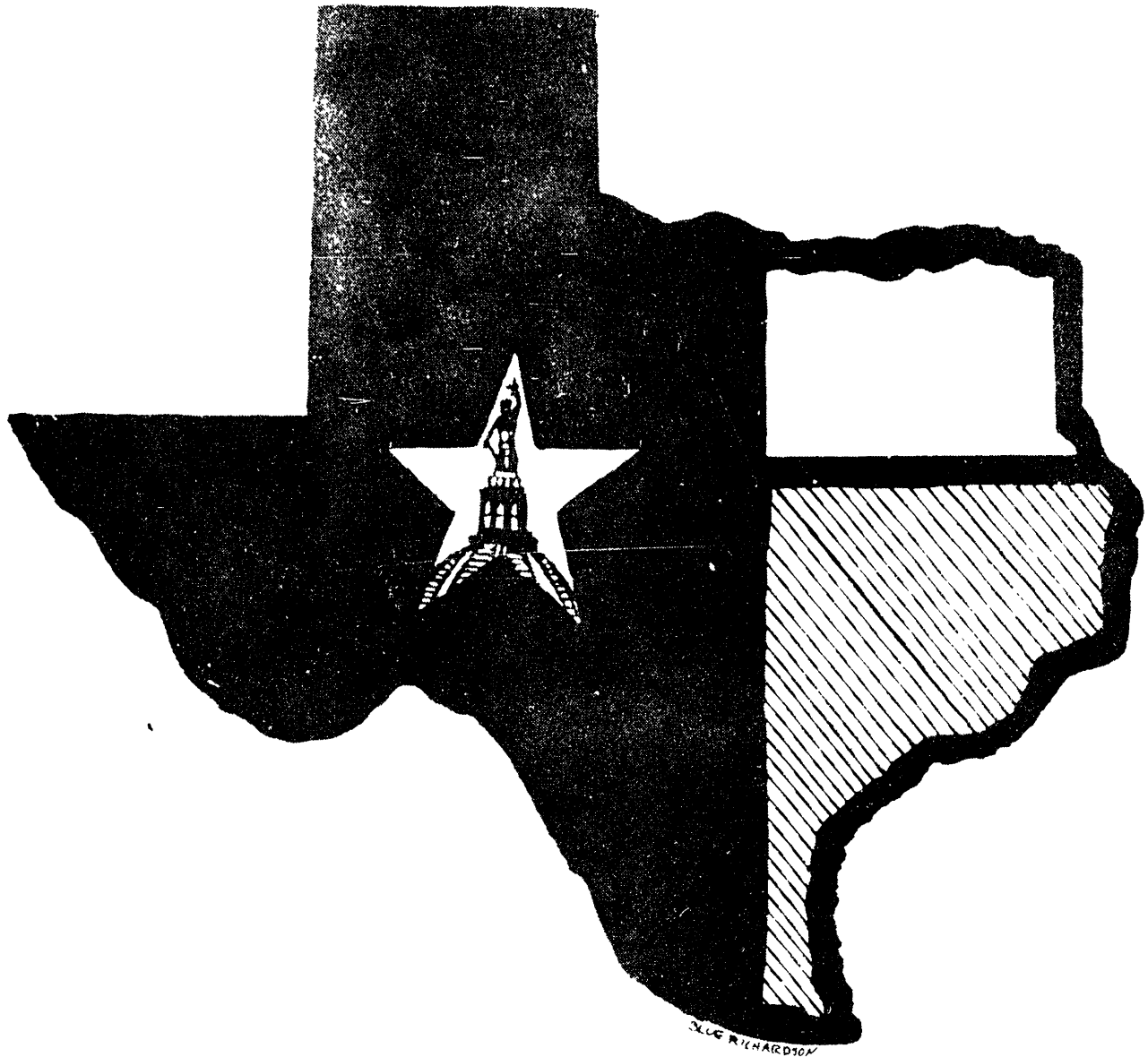


# Texas Register

Volume 12, Number 43, June 9, 1987

Pages 1851-1877



## Highlights

The **Texas Parks and Wildlife Commission** proposes amendments concerning statewide hunting and fishing proclamation which expands the area where the early antlerless only deer season is permitted. Earliest possible date of adoption - July 10 . . . **page 1860**

The **Texas Air Control Board** proposes a new rule revising the emissions-based inspection fee

system for fiscal year 1988 based on industrial classification. Proposed date of adoption - September 30 . . . **page 1864**

The **Texas Department of Human Services** adopt amendments to income assistance services rules which cite current federal regulations. Effective date - July 1 . . . **page 1868**

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

**How To Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

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

## Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



## Texas Register Publications

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Assistant Director

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**Richard Kallus**

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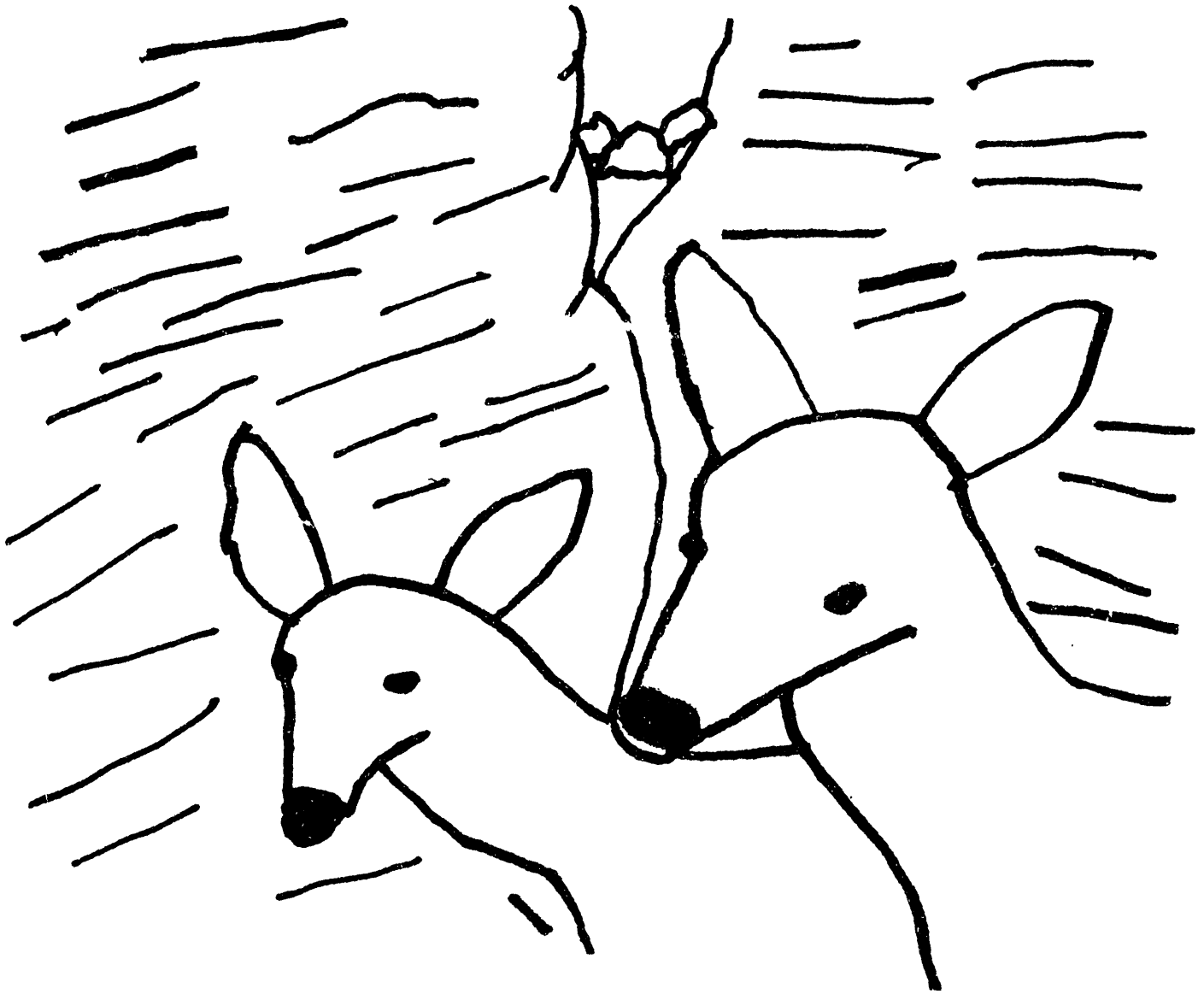
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Name: Guy Ward  
Grade: 5  
School: Northrich Elementary School,  
Richardson

# TAC Titles Affected

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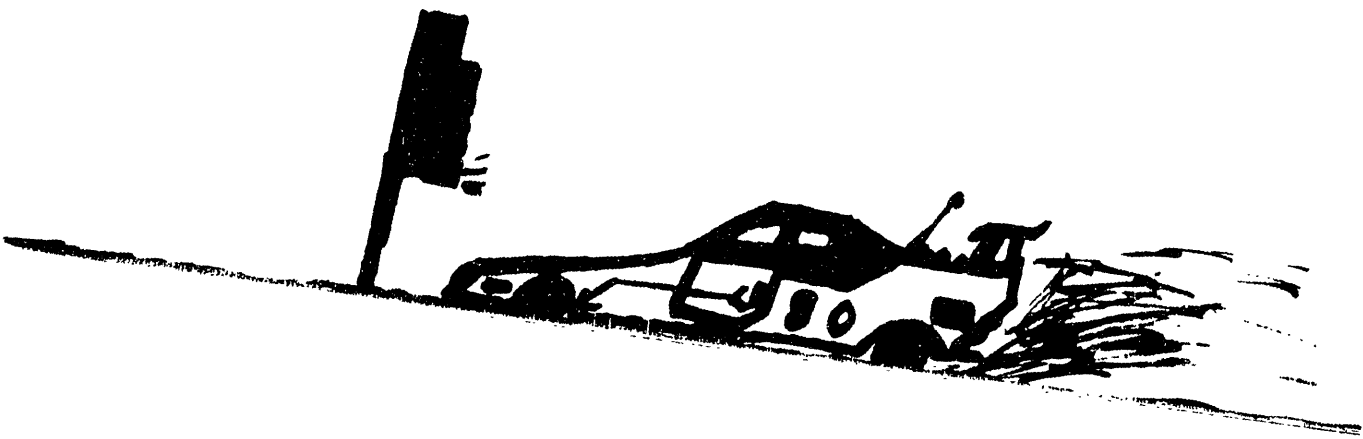
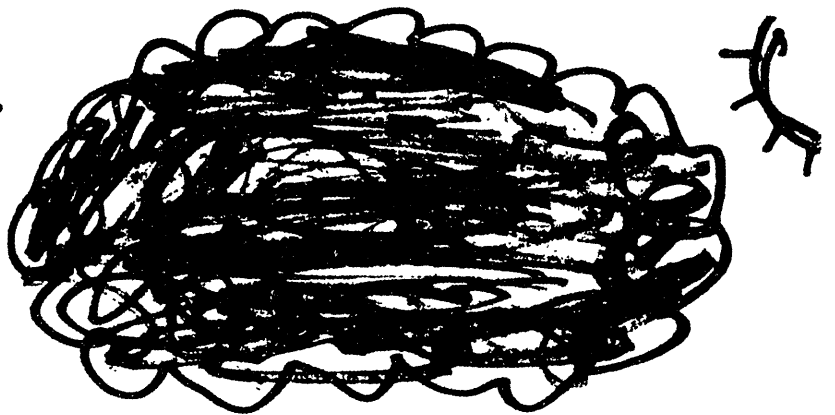
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Name: Paul Viers  
Grade: 4  
School: Northrich Elementary School,  
Richardson

# Attorney General

**Description of attorney general submissions.** Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

## Opinions

**JM-708 (RQ-1078).** Request from Rex N. Leach, district attorney, Groesbeck, concerning the supervisory control of a district court over a county commissioners court under the Texas Constitution, Article V, §8.

**Summary of Opinion.** A district court may exercise general supervisory control over the actions of a commissioners court only when a lawsuit is brought in district court seeking review of the commissioners court's actions.  
TRD-8704561

★ ★ ★

**JM-709 (RQ-939).** Request from Ray Farabee, cochairman, Joint Special Committee on Cogeneration, Texas State Senate, Austin, concerning the constitutionality of proposed statute authorizing state agencies to contract for the installation, operation, and financing of cogeneration units.

**Summary of Opinion.** Legislation authorizing state agencies to enter into contracts with third-party vendors for the installation, operation, and financing of cogeneration units to be repaid from energy savings that follows the guidelines in *Texas Public Building Authority v. Mattox*, 686 S.W.2d 924 (Tex. 1985) and *Charles Scriber's Sons v. Marrs*, 262 S.W. 722 (Tex. 1924), would not create a debt in violation of the Texas Constitution, Article III, §49.  
TRD-8704562

★ ★ ★

**JM-710 (RQ-995).** Request from Kenneth H. Ashworth, commissioner, Coordinating Board, Texas College and University System,

Austin, concerning whether certain local funds may be appropriated for use by the Coordinating Board under the Education Code, §56.039.

**Summary of Opinion.** The Education Code, §56.039, validly requires state colleges and universities to transfer to the Coordinating Board, Texas Colleges and Universities, excess funds set aside under the Texas Public Educational Grant Program. This section applies to excess funds, whether they were set aside before or after the effective date of the statute.  
TRD-8704563

★ ★ ★

**JM-711 (RQ-742).** Request from W. O. Shultz, II, associate general counsel, University of Texas System, Austin, concerning the constitutionality of procedures employed by state universities in offering religion and biblical studies courses.

**Summary of Opinion.** The Establishment Clause of the First Amendment to the United States Constitution prohibits a state college or university from appointing individuals to a faculty position when the individuals are nominated or salaried by a religious organization. A religious organization cannot participate in running state affairs.

A state college or university may offer liberal arts courses on the nonproselytizing aspects of religion. If a state college or university may offer secular courses in religious studies, it would be anomalous to determine that the college or university could not grant elective transfer-type credit for secular courses in religious studies offered by religious organizations. If a state college or university ex-

ercises its discretion to grant elective credit for courses offered through religious organizations, it must comply with constitutional guidelines: the nature, intent, and purpose of the courses must be secular; the primary effect of the courses cannot advance or inhibit religion; and the courses must be offered in a manner that avoids excessive entanglement between government and religion. Whether granting credit for particular religious studies courses violates the Establishment Clause depends on the facts in each individual case. The Texas Civil Statutes, Article 4399, opinion process was not intended to resolve complex factual disputes.

TRD-8704564

★ ★ ★

**JM-712 (RQ-1106).** Request from R. E. Stotzer, Jr., engineer-director, State Department of Highways and Public Transportation, Austin, concerning the applicability of the out-of-state bidder provisions of Texas Civil Statutes, Article 601g, to an Arkansas statute which gives preference to certain bidders on highway construction projects.

**Summary of Opinion.** The provisions of Arkansas Statutes, §14-614.2, which establishes a preference for certain contractors submitting bids on certain contracts awarded by Arkansas public entities, do not trigger the bidding preference provided in Texas Civil Statutes, Article 601g. An Arkansas contractor submitting a bid on a highway construction contract awarded by the Texas Department of Highways and Public Transportation is not, therefore, subject to Article 601g.  
TRD-8704565

★ ★ ★

# 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 4. AGRICULTURE Part II. Texas Animal Health Commission Chapter 34. Screwworms

### ★4 TAC §37.2

The Texas Animal Health Commission proposes new §37.2, concerning interstate movement requirements. This new section sets forth interstate movement requirements for animals entering the state from any area in which the screwworm is known to exist. Animals entering the state must be free of screwworms and screwworm fly eggs and must be treated with an approved screwworm killer and fly repellent.

Ken Welch, director of administration, 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. Welch 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 assurance to Texas livestock owners that animals shipped into Texas are free of screwworms or screwworm fly eggs. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The new section is proposed pursuant to the Agriculture Code, Chapter 161, Texas Civil Statutes, which provides the commission with authority to propose rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

#### §37.2. *Interstate Movement Requirements.*

(a) All animals presented for entry into Texas from any area in which the screwworm is known to exist must be free of screwworms and screwworm fly eggs; wounds (infested or noninfested) must be treated with Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture approved screwworm killer and fly repellent.

(b) Animals for immediate slaughter shall be sprayed with a .25% (¼%) Co-ral spray, and wounds shall be treated with an approved screwworm killer and be free of worms. All other animals shall be sprayed with a .5% Korlan spray or .25% Co-ral spray and wounds shall be treated with Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture approved remedy.

(c) Lactating dairy animals and young animals under two weeks of age are exempt from spraying requirements; however, their wounds shall be treated as previously stated.

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 June 2, 1987.

TRD-8704607      John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Earliest possible date of adoption:

July 10, 1987

For further information, please call  
(512) 479-6697.

★                      ★                      ★

## Chapter 39. Scabies

### ★4 TAC §§39.1, 39.3, 39.4

The Texas Animal Health Commission proposes an amendment to §39.1, and new §39.3 and §39.4, concerning scabies. In §39.1, the wording is amended to require use of Ivomec Injectable when the selected treatment in treating cattle for scabies is the use of Ivermectin. This is done to prevent the use of Ivermectin paste which is not approved for this purpose.

New §39.3 sets forth interstate movement requirements for cattle originating in a scabies quarantined area outside the State of Texas. Such cattle, on entering the state, must have a permit issued by the commission and a certificate of veterinary inspection stating that the herd of

origin has been inspected and declared free of scabies or exposure to the disease and that the cattle have either been treated for scabies by dipping the animals in an approved dip under the supervision of state or federal personnel, or by injecting the cattle with Ivermectin in the stated timeframes.

New §39.4 sets forth interstate movement requirements for sheep. Sheep destined to slaughter at recognized slaughtering plants are exempt for dipping requirements but do require a permit. Sheep consigned for purposes other than slaughter or a livestock market must be accompanied by a certificate of veterinary inspection which must state the health of the animals and that the sheep are free from scabies infestation and exposure. Noninfested and nonexposed sheep from eradication and quarantined areas, either state or federal, may enter the state for other than slaughter purposes if they are accompanied by written permission of the commission's executive director and a certificate of veterinary inspection stating the health of the animals and certifying that the sheep are free from scabies infestation and exposure and that they have been dipped in an approved dip in the stated timeframes.

Ken Welch, director of administration, 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. Welch 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 assurance to Texas Livestock owners that cattle and sheep shipped into Texas are free of scabies exposure or infestation. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment and new sections are the Agriculture Code, Chapter 161, Texas Civil Statutes, which provide the commission with authority to propose rules and sets



forth the duties of the commission to protect domestic animals in the state from disease.

**§39.1. Cattle, Sheep, and Goats Scabies.**

(a) Psoroptic scabies.

(1) (No change.)

(2) When Ivermectin is the selected treatment, **Ivomec Injectable shall be used** and the following procedures shall apply.

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

(b) Sarcoptic scabies.

(1) (No change.)

(2) When Ivermectin is the selected treatment, **Ivomec Injectable shall be used** and the following procedures shall apply.

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

(c) Cattle and sheep exposed to psoroptic and sarcoptic scabies.

(1) (No change.)

(2) When Ivermectin is the selected treatment, **Ivomec Injectable shall be used** and the following procedures shall apply.

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

(d)-(h) (No change.)

**§39.3. Interstate Movement Requirements For Cattle.**

(a) Cattle originating in scabies quarantined areas outside the State of Texas must, in addition to other requirements, be accompanied by a permit from the Texas Animal Health Commission and a certificate of veterinary inspection certifying that the herd of origin has been inspected and declared free of scabies or exposure thereto; and the cattle have been officially treated by one of the following methods.

(1) Dipping. The cattle have been dipped in Toxaphene, Lime and Sulphur, Co-Ral, or GX 118 (prolate), under supervision of state or federal employed personnel within 10 days prior to shipment and transported in clean and disinfected trucks, railroad cars, or other vehicles.

(2) Injection with Ivermectin.

(A) The cattle entering have been treated with Ivermectin under the supervision of a veterinary services inspector or state inspector in accordance with the directions on the label of the drug within 21 days prior to entry.

(B) The treated cattle must be kept physically separated for 21 days following treatment from all cattle not part of the group treated.

(C) The treated cattle must, in addition to other requirements, be accompanied by a certificate issued by a state or veterinary services inspector identifying the group of cattle treated and stating the date the cattle were treated. If entry occurs before the end of the 14-day period following treatment, the means of conveyance shall be placarded and billing marked in accordance with the Code of Federal Regulations.

(D) Ivermectin shall not be used to treat cattle within 35 days of slaughter or female dairy cattle of breeding age.

(b) In addition, the executive director is authorized to place quarantines on other

states or parts of states where cattle scabies has been known to exist in the previous 24 months requiring official treatment either by dipping of all cattle within 10 days prior to entry, or injection with Ivermectin of all cattle within 21 days prior to entry, except cattle consigned directly to an approved slaughter establishment for immediate slaughter.

(c) Slaughter cattle originating in a quarantined area will be required to be accompanied by a certificate of veterinary inspection or a VS Form 1-27 permit issued by a state or federal livestock inspector showing freedom from scabies, in addition to a permit issued from the office of the Texas Animal Health Commission.

**§39.4. Interstate Movement Requirements For Sheep.**

(a) Sheep to be slaughtered at recognized slaughtering plants are exempt from dipping requirements; however, a prior permit must be secured.

(b) In addition to a permit, sheep consigned for purposes other than slaughter or to a livestock market from a free area or a nonquarantined area must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian certifying to the health of the animals and a certificate issued by a regularly or duly appointed and acting sheep scabies inspector of the Veterinary Services, Animal and Plant Health Inspection Services, United States Department of Agriculture, certifying that the sheep shipped are free from scabies infestation and exposure thereto.

(c) Noninfested and unexposed sheep from eradication and quarantined areas, either state or federal, may enter for other than slaughter purposes provided the sheep shipped are accompanied by written permission of the executive director of the commission for each consignment and a certificate of veterinary inspection issued by an accredited veterinarian certifying to the health of the animals and a certificate issued by a regularly employed and duly appointed and acting sheep scabies inspector of the Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, certifying that the sheep shipped are free from scabies infestation and exposure thereto; and that they have been officially dipped twice in toxaphene, lime and sulphur, Co-Ral, or GX 118 (Prolate). Dipping must be conducted from 10-14 days apart, with the last dipping conducted within 10 days prior to entry into the state, or sheep may enter on one dipping within 10 days prior to entry to be quarantined and redipped in Texas in 10-14 days from initial dipping at designated dipping stations. (Choice of procedure and Texas dipping point must be designated at the time permit is requested). Sheep consigned for immediate slaughter must comply with subsections (a) and (b) of this section in addition to those regulations stated in 9 Code of Federal Regulations Part 74, Subchapter C.

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 June 1, 1987.

TRD-8704608

John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Earliest possible date of adoption:

July 10, 1987

For further information, please call  
(512) 479-6697.

★ ★ ★

## Chapter 41. Fever Ticks

### ★4 TAC §41.1

The Texas Animal Health Commission proposes an amendment to §41.1, concerning tick eradication. The amendment concerns restricted movement of livestock that originate in a fever tick quarantined area. Livestock originating in such area must be accompanied by a certificate that states the animals are shipped free of infestation and exposure to fever ticks and have been dipped in a recognized dipping solution prior to shipment and transporting.

Ken Welch, director of administration, 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. Welch 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 assurance to Texas livestock owners that cattle shipped into Texas are not carrying fever ticks. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed pursuant to the Agriculture Code, Chapter 167, Texas Civil Statutes, which provides the commission with authority to propose rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

#### **§41.1. Tick Eradication.**

(a)-(d) (No change.)

(e) Restrictions on movement of livestock.

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

(5) **Movement originating in other states. Cattle originating in fever tick quarantined areas must, in addition to other requirements, be accompanied by a certificate issued by a regularly employed state or federal inspector showing animals to be shipped free of infestation and exposure and dipped under supervision in a recognized dipping solution immediately prior to shipment, and transported in clean and disinfected trucks, railroad cars, or other vehicles.**

(f)-(o) (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 June 2, 1987.

TRD-8704609 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Earliest possible date of adoption:  
July 10, 1987  
For further information, please call  
(512) 479-6697.

★ ★ ★

## Chapter 43. Tuberculosis

### ★4 TAC §43.2

The Texas Animal Health Commission proposes new §43.2, concerning interstate movement requirements. This new section sets forth interstate movement requirements for cattle. The new section provides that dairy and registered beef cattle two years of age or older are required to have a negative tuberculin test within six months prior to entry into the state; or they must be accompanied by an entry permit issued by the commission to be quarantined and tuberculin tested within five days after arrival. Cattle that originate from accredited tuberculosis free areas or herds are exempt from testing requirements.

Ken Welch, director of administration, 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. Welch 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 assurance to Texas Livestock owners that animals shipped into Texas are not carrying tuberculosis. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

This new section is proposed pursuant to the Agriculture Code, Chapters 161 and 162, Texas Civil Statutes, which provide the commission with authority to propose rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

### §43.2. Interstate Movement Requirements.

(a) All dairy and registered beef breeding cattle two years of age or older shall be tested negative to a tuberculin test within six months prior to entry with results of this test recorded on the certificate of veterinary inspection; or be accompanied by an entry permit issued by the Texas Animal Health Commission to be quarantined and tuberculin tested within five days after arrival.

(b) Cattle originating from an accredited tuberculosis free area or herd are exempt from testing requirements provided the herd number is stated on the certificate of veterinary inspection.

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 June 2, 1987.

TRD-8704610 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Earliest possible date of adoption:  
July 10, 1987  
For further information, please call  
(512) 479-6697.

★ ★ ★

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 65. Wildlife

##### Subchapter A. Statewide Hunting and Fishing

### ★31 TAC §65.33, §65.63

The Texas Parks and Wildlife Commission proposes amendments to §65.33 and §65.63, concerning statewide hunting and fishing proclamation. The proposed amendments expand the area where the early antlerless only deer season is permitted, expand the area where the late antlerless only deer season is permitted, and prohibit the use of yo-yo's to take freshwater fish.

Public comments from some of the 53 county public hearings and comments

made at the Parks and Wildlife Commission public hearing, May 7, 1987, requested the three amendments. The Parks and Wildlife Department will hold eight additional public hearings, June 10, 1987, to gather additional comments concerning the proposed amendments.

James E. 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 provision of additional antlerless only deer hunting seasons for land managers who choose to control chronic overpopulations of deer and prevent waste of freshwater fish. 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) 389-4974 or 1-800-792-1112, extension 4974.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 61, Uniform Wildlife Regulatory Act (Wildlife Conservation Act of 1983), which provides the Texas Parks and Wildlife Commission with authority to establish wildlife resource regulations for this state.

§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, Bell (east of IH 35), Bowie, Cass, Cherokee, Comal (east of IH 35), Comanche, Crane, Ector, Freestone, Glasscock, Gonzales, Grimes, Guadalupe, Hardin, Harrison, Hays (east of IH 35), Houston, Howard (north of IH 20), Jackson, Jasper, Karnes, Leon, Liberty, Limestone, Loving, Marion, Matagorda, Midland, Mitchell (north of IH 20), Montgomery, Nacogdoches, Newton, Nolan (north of IH 20), Panola, Polk, Reagan, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Taylor (north of IH 20), Travis (east of IH 35), Trinity, Tyler, Upton, Walker, Ward, Wharton, Williamson (east of IH 35), and Wilson Counties, there is an open season for white-tailed deer.

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

(iv) Special season: in

**Angelina, Houston, Nacogdoches (south of State Highway 7, [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. 190 to Onalaska, thence northwestward on F.M. 356 Road to Sebastopol, thence northward on F.M. 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. During the period when the archery only season and this special season are concurrent, no person may possess both firearms and archery equipment while hunting. 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)-(D) (No change.)

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

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

(F) (No change.)

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

**§65.63. Freshwater Fish: Means and Methods.**

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

(d) **The use of yo-yo's, a spring-loaded reeling device, is prohibited.**

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 June 1, 1987.

TRD-8704597      Boyd M. Johnson  
                           General Counsel  
                           Texas Parks and Wildlife  
                           Department

Earliest possible date of adoption:  
 July 10, 1987

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

★           ★           ★

**Subchapter O. Late Season  
 Migratory Game Bird  
 Proclamation**

**★ 31 TAC §65.333, §65.335**

The Texas Parks and Wildlife Commission proposes amendments to §65.333 and §65.335, concerning the late season

migratory game bird proclamation. The amendments adjust the season dates to coincide with weekends.

The commission is responsible for establishing seasons, bag limits, means, methods, and devices for taking and possessing migratory game birds. Regulations for hunting migratory game birds may be set by the state only within a framework established by the U.S. Fish and Wildlife Service. The general framework issued by the Fish and Wildlife Service allows states within major flyway systems to adjust seasons and bag limits to take into consideration their localized circumstances.

The proposals for late season migratory species are based upon the most current data available. The seasons, bag limits, means, and methods are tentative and subject to modification. The proposed amendments may be modified by Parks and Wildlife Commission action as a result of changes in migratory game bird populations as determined by annual surveys, public hearings concerning regulation frameworks held by the Fish and Wildlife Service in Washington, D. C., public hearings held by the Parks and Wildlife Commission in Texas, and comments solicited from this proposal.

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 allow the taking of migratory wildlife resources consistent with their populations. 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 Dale Witt, Migratory Game Bird Program Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4979 or 1-800-792-1112, extension 4979.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate open seasons, means, methods, and devices for taking and possessing migratory game birds.

**§65.333. Open Seasons.**

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but

not limited to, the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U.S. Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: **October 31-November 8, 1987** [November 1-9, 1986] and **November 21, 1987** [November 22, 1986] through **January 17, 1988** [January 18, 1987] from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) **Remainder** [Other portions] of the state: **October 31-November 4, 1987** [November 1-5, 1986], **November 21-29** [22-30], **1987** [1986], and **December 12, 1987** [13, 1986], through **January 17, 1988** [18, 1987], from ½ hour before sunrise to sunset.

(C) (No change.)

(2) Geese.

(A) West of U.S. Highway 81: **October 27, 1987** [18, 1986] through **January 17, 1988** [18, 1987].

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross'), **October 31, 1987** [November 1, 1986], through **January 24, 1988** [25, 1987]. Dark goose species (Canada, black-brant and white-fronted) **October 31** [November 1] through **November 29, 1987** [December 5, 1986] and **December 7, 1987** [13, 1986] through **January 17, 1988** [18, 1987].

(C)-(D) (No change.)

(3) Sandhill cranes.

(A) (No change.)

(B) Zone B: **fourth** [fifth] Saturday in November for 72 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County, and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(C)-(D) (No change.)

(4) Common snipe or Wilson's snipe or jacksnipe. **October 31** [November 1] for 107 consecutive days from ½ hour before sunrise to sunset.

(5) Woodcock. **Third** [Fourth] Saturday in November for 65 consecutive days from ½ hour before sunrise to sunset.

§65.335. *Extended Falconry Season.*

(a) (No change.)

(b) It is lawful to take migratory game birds during the following prescribed open seasons.

(1) Ducks, coots, and geese. October 19 [20] for 98 consecutive days from ½ hour before sunrise to sunset.

(2) Sandhill cranes.

(A) Zone A: **October 31** [November 1] for 107 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County, thence northwesterly following U.S. Highway 87 and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(B) Zone B: **October 31** [November 1] for 107 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas Oklahoma state line in Dallam County.

(C) Zone C: **October 31** [November 1] for 107 consecutive days from ½ hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Placedo, thence north and east along Farm Road 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. 290, thence westward along U.S. 290 to its junction with U.S. Highway 277 at Sonora, thence south along U.S. 277 to its junction with the U.S.-Mexico International Boundary at Del Rio, thence south and east along the U.S.-Mexico International Boundary to its junction with the international toll bridge at Brownsville.

(D) (No change.)

(3) Common snipe or Wilson's snipe or jacksnipe. **October 31** [November 1] for 107 consecutive days from ½ hour before sunrise to sunset.

(4) Woodcock. **October 31** [November 1] for 107 consecutive days from ½ hour before sunrise to sunset.

(c)-(d) (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 June 1, 1987.

TRD-8704598 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption:  
July 10, 1987  
For further information, please call  
(512) 389-4979.

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### Part III. Texas Air Control Board

#### Chapter 101. General Rules

##### ★31 TAC §101.24

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Air Control Board (TACB) proposes the repeal of §101.24, concerning inspection fees. In concurrent action, the TACB proposes to add new §101.24, concerning inspection fees. The repeal is proposed to remove material made extraneous by the addition of the new section.

Les Montgomery, P.E., director of Technical Support and Regulation Development Program, has determined that for the first five-year period the repeal will be in effect there will be fiscal implications as a result of enforcing the repeal. Fiscal implications for state government as a result of the repeal will be an increase of about \$65,000 per year as a result of the increased number of sites involved in the new system. The effect on small businesses is limited to those industrial classifications and the corresponding fees listed in the TACB inspection fee schedule.

Mr. Montgomery 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 the adoption of a more equitable and easily administered inspection fee system. There is no anticipated economic cost to individuals as a result of the proposed repeal.

A public hearing on the proposed repeal is scheduled for 7 p.m. on July 2, 1987, at the central office of the TACB, 6330 U.S. Highway 290 East, Austin.

Copies of the proposed repeal are available at the central office of the TACB, 6330 U.S. Highway 290 East, Austin, Texas 78723, and at all regional offices. Public comment, both oral and written, on the proposed repeal is invited at the hearing. Five copies of testimony should be submitted prior to or at the hearing. Written testimony received by 4 p.m. on July 3, 1987, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Section, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

This repeal is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

##### §101.24. *Inspection Fees.*

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 May 29, 1987.

TRD-8704577 Allen Eli Bell  
Executive Director  
Texas Air Control Board

Proposed date of adoption:  
September 30, 1987  
For further information, please call  
(512) 451-5711, ext. 354.

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The Texas Air Control Board (TACB) proposes new §101.24, concerning inspection fees. In concurrent action, the TACB proposes the repeal of the current §101.24, concerning Inspection Fees.

In the July 22, 1986, issue of the *Texas Register*, the TACB proposed several amendments to §101.24 which would enable the emissions-based inspection fee system to function through fiscal year 1987. Meanwhile, as stated in the same proposal, the TACB would initiate develop-

ment of a revised inspection fee system for fiscal year 1988 based on industrial classification.

The TACB has completed development of a proposed new system based on industrial classification with emphasis on compliance history, emissions, inspection frequency, and difficulty of inspection for any particular classification. The proposed system was developed as a result of numerous meetings and workshops held to discuss various factors and to receive input from companies which would be affected. The fee for each industrial category is intended to be commensurate with agency resource costs usually incurred for that category. The entire system is designed to include more categories of industry inspected by the TACB.

The proposed new §101.24 resembles the current §101.24 in structure. The four subsections of the proposed section carry the same titles as those currently used. Each subsection contains familiar wording, but has some changes appropriate for the proposed system based on industrial classification. A new TACB inspection fee schedule is incorporated by reference into §101.24(a). This schedule contains a complete listing of fees for each of the individual industrial classifications. Total inspection fees which would be collected pursuant to the proposed schedule are an estimated \$6.3 million, per fiscal year, which should be sufficient to enable the TACB to comply with the cost recovery requirements under appropriations legislation currently pending with the 70th Legislature. However, if the cost recovery requirements in the pending legislation are changed in the final bill, the fee schedule will be revised proportionately.

Les Montgomery, P.E., director of Technical Support and Regulation Development, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing the section. The effect for state government to accomplish fee collection are expected to increase by about \$65,000 per year as a result of the increased number of sites involved in the new system. During the first year that §101.24, as proposed, is in effect, fiscal year 1988 revenue is estimated to increase \$1.5 million over the fiscal year 1987 revenue of \$4.8 million for state government. Thereafter, annual revenue obtained through the inspection fees of §101.24 could vary according to specifications established by the Texas Legislature in the Appropriations Act. The effect on small businesses will be limited to those industrial classifications and the corresponding fees listed in the TACB inspection fee schedule. Fiscal implications to small businesses will be no greater than to large businesses. The proposed fee system will impact more types of businesses, of all sizes, than does the current emissions-based fee system. Therefore,

some types or classifications of businesses will be required to pay fees for the first time.

Mr. Montgomery also has determined that the public benefit will be the partial recovery of agency costs for enforcement from the regulated businesses and a corresponding reduction in funds appropriated to the TACB from the General Revenue Fund. The anticipated costs to individuals who are required to comply with the sections, as proposed, will be the annual inspection fees stated in the inspection fee schedule, for those businesses which meet the specifications for size and classification stated in the schedule.

A public hearing on this proposal is scheduled for 7 p.m. on July 2, 1987, in the auditorium of the Texas Air Control Board located at 6330 U.S. Highway 290 East, Austin, Texas.

Copies of the new section are available at the central office of the TACB, 6330 U.S. Highway 290 East, Austin, Texas 78723, and at all regional offices. Public comment, both oral and written, on the proposed amendments is invited at the hearing. Five copies of testimony should be submitted prior to or at the hearing. Written testimony received by 4 p.m. on July 3, 1987, at the TACB central office will be included in the hearing record. Written comments should be sent to the Regulation Development Section, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The new section is proposed under Texas Civil Statutes, Article 4477-5, 3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

#### §101.24. Inspection Fees.

(a) Applicability. The owner or operator of each account, as defined in this subsection, shall remit to the Texas Air Control Board (TACB) an annual inspection fee. The inspection fee shall apply to each account which contains one or more of the types of plants, facilities, and/or processes described in the Texas Air Control Board inspection fee schedule, dated May 29, 1987, as filed with the secretary of state's office and herein adopted by reference. References for the industrial categories used are provided in the *Standard Industrial Classification (SIC) Manual* (U.S. Office of Management and Budget, Statistical Policy Division, Superintendent of Documents, 1972). A separate and single inspection fee is required for each account. If more than one SIC category can apply to an account, the fee required shall be the highest one listed for the applicable classifications in the fee schedule. For purposes of this section, an account shall be defined as all of the facilities located at a property. Where contiguous properties or properties contiguous except for intervening

roads, railroads, rights-of-way, canals, watercourses, and the like are under common ownership but contain separate operations, or are managed independently, or are carried on the records of this agency under separate account numbers, a separate fee will be charged and collected for each such account. Provisions of this section apply to all accounts, including accounts which have not been assigned specific TACB account numbers. The owner or operator of an account subject to an inspection fee requirement is responsible for contacting the appropriate TACB regional office to obtain an account number. In the event that a plant is not operational at any time during the fiscal year for which the fee is assessed, an inspection fee is not due provided the TACB is notified in writing that the plant is not and will not be in operation. If a plant resumes operation later during the fiscal year, a full inspection fee will be due and payable prior to resumption of operations. The fiscal year is defined as the period from September 1-August 31.

(b) Payment. Fees shall be remitted in the form of a check or money order made payable to the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. A completed inspection fee form shall accompany fees remitted. The inspection fee form shall include at least the company name, property address, TACB account number, and the SIC category on which the fee was determined.

(c) Schedule. Fees shall be due annually and payable according to the following schedule. The first two digits of the appropriate SIC code indicates the date by which payment is due. Fee payments for a fiscal year must be received on or before the indicated due date as follows.

First Two Digits of Account SIC Code	Date By Which Fees Are Due
24, 26, 28, 29, 30, 33, 37, 42, 49, 51, 97	October 15
13, 14, 20, 34, 36, 44	November 15
32, 35, 47, 50	December 15

(d) Nonpayment of Fees. Each inspection fee payment must be received by the due date specified in subsection (c) of this section. Failure to remit the full inspection fee by the due date shall result in action under the Texas Clean Air Act (TCAA), §4.041 (regarding administrative penalty) or §4.02 (regarding enforcement by suit). The provisions of this section as first adopted assessing fees for any previous fiscal year, and as amended thereafter assessing fees for any subsequent fiscal year, are and shall remain in effect for purposes of any unpaid fee assessment, and the fees assessed pursuant to such provisions as adopted or as amended remain a continuing obligation.

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 May 29, 1987.

TRD-8704578 Allen Eli Bell  
Executive Director  
Texas Air Control Board

Proposed date of adoption:  
September 30, 1987  
For further information, please call  
(512) 451-5711, ext. 354.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 27. ICF-MR

##### Subchapter Z. Change in Status of Intermediate Care-MR Sections

###### ★40 TAC §27.2504

The Texas Department of Human Services (DHS) proposes an amendment to §27.2504, concerning contract requirements. The purpose of this amendment is to clarify the types of time-limited contracts permitted between DHS and facilities and to emphasize that facilities must comply with state and federal standards for participation. A previously proposed amendment, which appeared in the February 18, 1987, issue of the *Texas Register* (12 TexReg 498), has been withdrawn. Public comments regarding the previous proposal will be considered and addressed with comments regarding this proposal.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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 governments or small businesses as a result of enforcing or administering the section.

Mr. Packard has also 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 enhanced clarity in department rules. 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 Cathy Rossberg, Administrator, Policy Development Support Division-250, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

###### §27.2504. *Contract Requirements.*

(a) The Texas Department of Human Services may enter only into time-limited contracts with the facility. The terms of any contract may not extend beyond one year. Five [Four] types of contracts are permitted: (1)-(4) (No change.)

(5) a contract for a specified period, as determined by the state survey agency.

(b) ICF-MR facilities must comply with federal and state standards for participation.

(c) If state standards for participation contain additional or more restrictive requirements, facilities must meet these requirements.

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 June 2, 1987.

TRD-8704589 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
July 10, 1987  
For further information, please call  
(512) 450-3766.

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## Chapter 48. CCAD Eligibility

### ★40 TAC §48.2915

The Texas Department of Human Services proposes an amendment to §48.2915, concerning client eligibility for adult protective services, in its community care for aged and disabled chapter. The amendment clarifies that adults must be elder-

ly or disabled to be eligible for adult protective services (APS) and that APS clients do not have to meet financial or functional eligibility requirements.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard also has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be that the public will have a clearer knowledge of APS eligibility requirements. This clarification also will ensure more uniform service delivery. 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 Cathy Rossberg, Administrator, Policy Development Support Division-061, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§48.2915. *Eligibility For Adult Protective Services.* Clients must be elderly or disabled adults who are alleged to be abused, neglected, or exploited to be eligible for adult protective services. Adult protective services clients do not have to meet financial or functional eligibility [any income] requirements.

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 June 2, 1987.

TRD-8704581 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
July 10, 1987  
For further information, please call  
(512) 450-3766.

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# Withdrawn

**Rules** An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

**TITLE 4. AGRICULTURE**  
Part I. Texas Department of  
Agriculture  
Chapter 11. Herbicide  
Regulations

★4 TAC §11.2

The Texas Department of Agriculture has withdrawn the emergency effectiveness of an amendment to §11.2, concerning the herbicide regulations. The text of the emergency amendment appeared in the May 26, 1987, issue of the *Texas Register* (12 TexReg 1684).

Issued in Austin, Texas, on June 2, 1987.

TRD-8704606 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Filed: June 2, 1987  
For further information, please call  
(512) 463-7583.

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**TITLE 22. EXAMINING  
BOARDS**  
Part XXII. Texas State  
Board of Public  
Accountancy

Chapter 503. Definitions  
Definitions

★22 TAC §503.1

The Texas State Board of Public Accountancy has withdrawn from consideration for permanent adoption a proposed amendment, concerning definitions. The text of the proposed amendment appeared in the December 19, 1986, issue of the *Texas Register* (11 TexReg 5038). The effective date of this withdrawal is June 22, 1987.

Issued in Austin, Texas, on June 1, 1987.

TRD-8704553 William A. Sansing  
Enforcement Coordinator  
Texas State Board of  
Public Accountancy

Filed: June 1, 1987  
For further information, please call  
(512) 450-7041.

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**TITLE 40. SOCIAL  
SERVICES AND  
ASSISTANCE**  
Part I. Texas Department of  
Human Services

Chapter 27. ICF-MR  
Subchapter Z. Change in Status  
of Intermediate Care—MR  
Sections

★40 TAC 27.2504

The Texas Department of Human Services has withdrawn from consideration for permanent adoption a proposed amendment, concerning the change in status of intermediate care. The text of the proposed amendment appeared in the February 13, 1987, issue of the *Texas Register* (12 TexReg 498). The effective date of this withdrawal is June 2, 1987.

Issued in Austin, Texas, on June 2, 1987.

TRD-8704590 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Filed: June 2, 1987  
For further information, please call  
(512) 450-3766.

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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 *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 1. ADMINISTRATION

### Part IV. Office of the Secretary of State Chapter 101. Practice and Procedure Before the Office of the Secretary of State

#### ★ 1 TAC §§101.22, 101.30, 101.40

The Office of the Secretary of State adopts amendments to §§101.22, 101.30, and 101.40, without changes to the proposed text published in the March 20, 1987, issue of the *Texas Register* (12 TexReg 930).

Due to the insolvency of certain surety companies and subsequent cancellation of notary bonds, some notaries public are operating without the bond required for faithful performance of duty. Upon revocation of the commission, the notary public will be without authority to notarize documents until a proper bond is obtained.

The amendments allow the Secretary of State to file petitions to revoke the notary commission of those notaries public who failed to provide the Office of the Secretary of State with proof of a valid surety bond with a company authorized to do business in this state.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6252-13a and Article 5949, §10; Texas Business and Commerce Code, §17.08; the Texas Election Code, §31.003; and Texas Civil Statutes, Article 1528(d), which provide the Office of the Secretary of State with the authority to adopt provisions, including the holding of hearings pursuant to APTRA.

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 May 20, 1987.

TRD-8704566 Lorna Wassdorf  
Special Assistant  
Statutory Filing Division  
Office of the Secretary  
of State

Effective date: June 22, 1987  
Proposal publication date: March 20, 1987  
For further information, please call  
(512) 463-5701.

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#### ★ 1 TAC §101.23, §101.24

The Office of the Secretary of State adopts new section §101.23 and §101.24, without changes to the proposed text published in the March 20, 1987, issue of the *Texas Register* (12 TexReg 931).

The new sections ensure that all parties who may be adversely affected by actions taken by the Secretary of State are afforded due process in administrative proceedings.

The new sections provide for the filing of an answer by a party whose rights might be affected by agency action, and for issuance of a default judgement for failure to answer.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6252-13a, and Article 5949, §10; Texas Business and Commerce Code, §17.08; the Texas Election Code, §31.003; and Texas Civil Statutes, Article 1528(d), which provide the Office of the Secretary of State with the authority to adopt regulations necessary for the enforcement of the statutory provisions, including the holding of hearings pursuant to APTRA.

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, 1987.

TRD-8704567 Lorna Wassdorf  
Special Assistant  
Statutory Filing Division  
Office of the Secretary  
of State

Effective date: June 22, 1987  
Proposal publication date: March 20, 1987  
For further information, please call  
(512) 463-5701.

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## TITLE 4. AGRICULTURE

### Part II. Texas Animal Health Commission

#### Chapter 49. Equine

#### ★ 4 TAC §49.1, §49.2

The Texas Animal Health Commission adopts amendments to §49.1 and §49.2, without changes to the proposed text published in the March 10, 1987, issue of the *Texas Register* (12 TexReg 781).

The commission believes the regulations should be amended to provide the public with the option of using a faster diagnostic test known as the competitive enzyme-linked immunosorbent assay (CELISA) diagnostic test for equine infectious anemia. The CELISA test has been approved for use by the United States Department of Agriculture.

The amendments provide an alternative test for those wishing to obtain a test result sooner than the time it takes to get results from the AGID test.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to the Agriculture Code, Chapter 161, Texas Civil Statutes, which provide the commission with authority to adopt rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

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 June 1, 1987.

TRD-8704611 John W. Holcombe, DVM  
Executive Director  
Texas Animal Health  
Commission

Effective date: July 1, 1987  
Proposal publication date: March 10, 1987  
For further information, please call  
(512) 479-6697.

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**TITLE 31. NATURAL  
RESOURCES AND  
CONSERVATION**  
**Part II. Texas Parks and  
Wildlife Department**

**Chapter 65. Wildlife**  
**Subchapter A. Statewide Hunting  
and Fishing**

★ **31 TAC §§65.6, 65.11, 65.13,  
65.32, 65.33, 65.38, 65.42, 65.44,  
65.46, 65.62, 65.63, 65.71, 65.78**

The Texas Parks and Wildlife Commission adopts amendments to §§65.6, 65.11, 65.13, 65.32, 65.33, 65.38, 65.42, 65.44, 65.46, 65.62, 65.63, 65.71, and 65.78. Section 65.42 is adopted with changes to the proposed text published in the April 7, 1987, issue of the *Texas Register* (12 TexReg 1119). These sections are a portion of the statewide hunting and fishing proclamation. The change made to §65.42(a)(4) adds text which clarifies that hunters must possess the prairie chicken permit while hunting.

Fluctuations in wildlife resource populations required the commission to adopt amendments for the 1987-1988 hunting and fishing seasons.

The amendments provide harvest of wildlife resource populations consistent with acknowledged wildlife management tenets.

Comments by the public concerning the proposed amendments were presented to the Parks and Wildlife Commission in the form of public hearing summaries, petitions, letters, and summaries of telephone calls. No comments were received via the *Texas Register*. The proposed changes were discussed during the period March 23-April 6, 1987, at 53 public hearing throughout the state. A total of 243 persons attended the public hearings. All public comments are available for public inspection at the Texas Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, extension 4974, or (512) 389-4974.

Those persons who made comments against the amendments are: Bob White, Darrel Stanley, Mark Lowery, Jesse Travis, Thomas J. Hamilton, Odie L. Morrison, Jerral Hinkle, Daniel Dentler, and Ray Carter. The persons spoke concerning expanding the number of counties which permit early or late antlerless only deer seasons, prohibiting the hunting of deer with dogs, hunting on small acreages where hunter safety is a problem, and the issuance of antlerless deer permits to landowners whose small individual acreage will not support deer.

The Texas Parks and Wildlife Commission disagreed with several of the comments received because they were judged not to be compatible with management of wildlife resources. The commission agreed with several persons speaking and did

agree to hold eight additional public hearings and publish as proposed sections, regulations concerning both the early and late antlerless only seasons in east and south Texas. The commission must act to deal effectively with changing conditions to prevent depletion or waste of wildlife resources.

The amendments are adopted under Texas Parks and Wildlife Code, Chapter 61 (Wildlife Conservation Act of 1983), which provides the Texas Parks and Wildlife Commission with authority to provide wildlife resource regulations for this state.

§65.42. *Prairie Chicken: Open Seasons and Bag Limits.*

(a) In Cochran, Hemphill, Hockley, Lipscomb, Ochilree, Terry, Wheeler, and Yoakum Counties, there is an open season on prairie chicken.

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

(4) Special requirement: a permit, issued free of charge, must be possessed by any person hunting prairie chickens during the open season. Permits are issued upon request with no limitation on the number of permits that may be issued.

(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 June 1, 1987.

TRD-8704593      Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1987  
Proposal publication date: April 7, 1987  
For further information, please call  
(512) 389-4974.

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★ **31 TAC §65.20**

The Texas Parks and Wildlife Commission adopts new §65.20, with changes to the proposed text published in the April 7, 1987, issue of the *Texas Register* (12 TexReg 1123). This new section is a portion of the statewide hunting and fishing proclamation.

The change added subsection (g), which requires that live trapping devices be marked with the owner's name, address, and the date set out to facilitate enforcement.

The new section allows the taking of squirrels that are causing damage to personal property.

The new section provides a legal means and method for homeowners to take nuisance squirrels in urban areas.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Parks and Wildlife Code, Chapter 61 (Wildlife Conservation Act of 1983), which provides the Texas Parks and Wildlife Commission with authority to provide wildlife regulations for this state.

§65.20. *Nuisance Squirrels.*

(a) Squirrels causing damage to personal property may be live trapped, transported, and released by the landowner or his agent, if local ordinances prohibit the use of other means and methods provided by §65.13 of this title (relating to Means and Methods).

(b) A permit, issued by the department, must be obtained by the landowner or his agent prior to trapping operations.

(c) The permit is valid for 30 days from the date of issuance.

(d) A report, listing number captured and released, date and location of capture, and date and location of release must be submitted to the department not later than 10 days following the expiration date of the permit.

(e) Squirrels may not be released on property without the landowner's permission.

(f) Personnel of the Texas Animal Damage Control Program (Animal Plant Health Inspection Service—U.S. Department of Agriculture) may take squirrels without a permit in those areas specified by subsection (a) of this section in the fulfillment of their responsibility mandated by state laws. Squirrels taken pursuant to this subsection must be accounted for in a report filed with the department by January 31 following the year of handling.

(g) Each device must be imprinted or tagged with owner's name, street address, city, telephone number, and the date it was set out.

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 June 1, 1987.

TRD-8704594      Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1987  
Proposal publication date: April 7, 1987  
For further information, please call  
(512) 479-4974.

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★ **31 TAC §65.27**

The Texas Parks and Wildlife Commission adopts the repeal of §65.27, without changes to the proposed text as published in the *Texas Register* (11 TexReg 1124). The repeal was a portion of the statewide hunting and fishing proclamation.

The repeal was necessary as antlerless deer tags will not be required to take antlerless deer.

The repeal deletes text that is unnecessary.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Parks and Wildlife Code, Chapter 61 (Wildlife Conservation Act of 1983), which provides the Texas Parks and Wildlife Commission with authority to provide wildlife regulations for this state.

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 June 1, 1987.

TRD-8704596 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: September 1, 1987  
Proposal publication date: April 7, 1987  
For further information, please call  
(512) 389-4974.

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### Subchapter S. Nongame: Elk

#### ★ 31 TAC §65.500

The Texas Parks and Wildlife Commission adopts new §65.500, without changes to the proposed text published in the April 7, 1987, issue of the *Texas Register* (12 TexReg 1124). The new section replaces the emergency section that was adopted and published in the January 16, 1987, issue of the *Texas Register* (12 TexReg 166).

The new section prohibits the taking of elk in counties where elk are not defined as game animals.

The new section provides an intermediate step between no protection for elk in the Panhandle and that time when Senate Bill 180 becomes effective and defines elk in the Panhandle Counties as game animals.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Parks and Wildlife Code, Chapter 67, which provides the Texas Parks and Wildlife Commission with the authority to establish any limitations on the taking, possession, transportation, exportation, sale, and offering for sale of nongame.

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 June 1, 1987.

TRD-8704599 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Effective date: July 9, 1987  
Proposal publication date: April 7, 1987  
For further information, please call  
(512) 389-4974.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 3. Income Assistance Services

##### Subchapter I. Income

#### ★ 40 TAC §3.902

The Texas Department of Human Services (DHS) adopts amendments to §§3.902, 3.1004, 3.1102, 3.2704, 3.2705, and 3.2802, without changes to the proposed text published in the April 28, 1987, issue of the *Texas Register* (12 TexReg 1415). The justification for the amendments to §§3.902, 3.2704, and 3.2705 is to cite current federal regulations concerning diverting income in the Aid to Families with Dependent Children (AFDC) Program, and monthly reporting exemptions in the Food Stamp Program. The justification for the amendment to §3.1004 is to allow DHS to budget Refugee Cash Assistance (RCA) Program benefits prospectively when determining food stamp eligibility. The justification for the amendments to §3.1102 and §3.2802 is to comply with federal regulations concerning reporting changes in the AFDC Program.

The amendments to §§3.902, 3.2704, and 3.2705 will function by citing current federal regulations; however, there is no change in policy or procedure that results from the citation changes. The amendment to §3.1004 will function by making the budgeting procedures more consistent within the Food Stamp Program. The amendments to §3.1102 and §3.2802 will function by specifying time limits for reporting changes in the AFDC Program.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on June 2, 1987.

TRD-8704616 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 1, 1987  
Proposal publication date: April 28, 1987  
For further information, please call  
(512) 450-3766.

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### Subchapter J. Budgeting

#### ★ 40 TAC §3.1004

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on June 3, 1987.

TRD-8704615 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 1, 1987  
Proposal publication date: April 28, 1987  
For further information, please call  
(512) 450-3766.

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### Subchapter K. Employment Services

#### ★ 40 TAC §3.1102

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on June 3, 1987.

TRD-8704614 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 1, 1987  
Proposal publication date: April 28, 1987  
For further information, please call  
(512) 450-3766.

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Subchapter AA. Special Household

★ 40 TAC §3.2704, §3.2705

The amendments are adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on June 3, 1987.

TRD-8704613 Marlin W. Johnston Commissioner Texas Department of Human Services

Effective date: July 1, 1987 Proposal publication date: April 28, 1987 For further information, please call (512) 450-3766.

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Subchapter BB. Changes

★ 40 TAC §3.2802

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which provides the department with the authority to administer public assistance programs.

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

Issued in Austin, Texas, on June 3, 1987.

TRD-8704612 Marlin W. Johnston Commissioner Texas Department of Human Services

Effective date: July 1, 1987 Proposal publication date: April 28, 1987 For further information, please call (512) 450-3766.

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Chapter 27. ICF-MR

Subchapter S. Utilization Review and Reevaluation

★ 40 TAC §§27.1801-27.1805, 27.1807

The Texas Department of Human Services adopts the repeal of §§27.1801-27.1805 and 27.1807, and new §§27.1801-27.1805, without changes to the proposed text published in the March 10, 1987, issue of the Texas Register (12 TexReg 784).

The repeals and new sections are justified because they result in clearer and more concise department rules.

The new sections clarify existing utilization-review (UR) policies concerning utilization control, utilization review, inspections of care, preadmission and admission process, and continued-stay review.

No comments were received regarding adoption of the repeals and new sections.

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on June 2, 1987.

TRD-8704588 Marlin W. Johnston Commissioner Texas Department of Human Services

Effective date: July 13, 1987 Proposal publication date: March 10, 1987 For further information, please call (512) 450-3766.

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★ 40 TAC §§27.1801-27.1085

The new sections are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on June 2, 1987.

TRD-8704587 Marlin W. Johnston Commissioner Texas Department of Human Services

Effective date: July 13, 1987 Proposal publication date: March 10, 1987 For further information, please call (512) 450-3766.

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Chapter 29. Purchased Health Services

Subchapter R. Birthing Center Services

★ 40 TAC §§29.1701-29.1703

The Texas Department of Human Services adopts new §§29.1701-29.1703, in its purchased health services chapter, without

changes to the proposed text published in the April 10, 1987, issue of the Texas Register (12 TexReg 1172).

New §§29.1701-29.1703 add birthing center services as a covered service of the Texas Medical Assistance Program. The new sections also describe reimbursement policies and conditions for provider participation.

The new sections are justified because they allow women to choose between a hospital delivery or birthing center delivery. Also, the department will save funds because birthing center deliveries are less expensive than hospital deliveries.

The department received two comments regarding the adoption of the new sections. One comment was from a representative of Texas Rural Legal Aid, Inc.; the other comment was from the chairperson of the Consortium of Texas Certified Nurse-Midwives. Both commenters stated that prenatal care should be included as a covered birthing center service because many birthing centers also provide prenatal care.

To meet the standards for birthing centers established by the Texas Department of Health, a birthing center must document, but not necessarily provide, prenatal care. The department has chosen to limit covered services to services provided by the birthing center during the labor, delivery, and postpartum periods. The department, however, reimburses a physician (M.D. or D.O.) or certified nurse-midwife for certain prenatal services.

The new sections are adopted under the Texas Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on June 2, 1987.

TRD-8704580 Marlin W. Johnston Commissioner Texas Department of Human Services

Effective date: June 23, 1987 Proposal publication date: April 10, 1987 For further information, please call (512) 450-3766.

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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 Bar of Texas

**Thursday and Saturday, June 11 and 13, 1987, 9 a.m. and 2 p.m., respectively.** The Board of Directors of the State Bar of Texas will meet in the Nueces Ballroom, Hershey Hotel, Corpus Christi. According to the agenda summary, the board will hear reports, considerations, and presentations on June 11, 1987. On June 13, 1987, the board will hold swearing-in of new directors, hear remarks, presentations, and considerations.

**Contact:** Paula Welch, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

**Filed:** June 3, 1987, 3:36 p.m.  
TRD-8704625

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## Texas Employment Commission

**Wednesday, June 10, 1987, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will approve minutes of the previous meeting, consider internal procedures of commission appeals, and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 23.

**Contact:** Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

**Filed:** June 2, 1987, 10:24 a.m.  
TRD-8704576

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## Texas Industrial Accident Board

**Monday, June 8, 1987, 9:30 a.m.** The Texas Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will approve minutes

of the previous meeting and review and discuss board activities. The board will also meet in executive session to review board files pursuant to workers' compensation statute.

**Contact:** Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

**Filed:** June 3, 1987, 3:15 p.m.  
TRD-8704624

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## Texas Optometry Board

**Thursday, June 11, 1987, 3 p.m.** The Texas Optometry Board will meet in the Hotel at the Astrodome, 2100 South Braeswood, Houston. According to the agenda summary, the board will hear reports of secretary-treasurer, counsel, executive director, committees, consider election of officers, adoption of amendments to proposed rule 279.1 and 279.7 regarding contact lens prescriptions, duplicate license requests, and general office matters. The board will meet in executive session in compliance with the Open Meeting Act, Texas Civil Statutes, Article 6252-17, §2(e). An orientation with newly-appointed board members will be held at 11 a.m. Board examinations will be administered on June 12-14, 1987, at the University of Houston.

**Contact:** Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938.

**Filed:** June 2, 1987, 3:21 p.m.  
TRD-8704601

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## Texas State Board of Examiners of Psychologists

**Thursday-Saturday, June 11-13, 1987, 8:30 a.m. daily.** The Texas State Board of Examiners of Psychologists will meet in the

Woodfin Hotel, 7585 Northcross Mall, Austin on June 11 and 12, and in Suite C-270, 1300 East Anderson Lane, Austin on June 13. According to the agenda, the board will approve minutes of the previous meeting, consider oral exam, applications, opinion letters, proposed rules, interviews, hearings, complaints, supervision guidelines, budget, and legislative matters. The board will also meet with the executive committee of Texas Psychological Association.

**Contact:** Patti Bizzell, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78753, (512) 835-2036.

**Filed:** June 2, 1987, 3:21 p.m.  
TRD-8704602

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## Texas State Board of Podiatry Examiners

**Thursday-Sunday, June 18-21, 1987, 9 a.m. daily, except for 1:30 p.m. on Thursday and 8:30 a.m. on Saturday.** The Texas State Board of Podiatry Examiners will meet in the Menger Hotel, 204 Alamo Plaza, San Antonio. According to the agenda summary, the board on Thursday will review and discuss current complaint files, discuss letters concerning continuing education requirements, consider letters requesting exemption from continuing education requirements, discuss Dr. Brian Carey's podiatry license, advertising ads, set time, place and date of January 1988 exam, and consider inspection of credentials of the candidates to take the exam. On Friday the board will consider written examination for candidates for licensurer. On Saturday oral examination for candidates for licensure. On Sunday the board will consider grading and compiling of each applicant tests and the signing of licenses.

**Contact:** Sandra Marshall, 411 West 13th Street, Austin, Texas 78701, (512) 834-0558.

**Filed:** June 4, 1987, 9:23 a.m.  
TRD-8704637

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## Texas State Board of Public Accountancy

Thursday, June 11, 1987, 9 a.m.

The Ad Hoc Committee on Constructive Enforcement of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Agendas follow.

The committee will hold a training session for area coordinators covering enforcement procedures, consider board policy, the Public Accountancy Act of 1979 as amended, substantive rules, due process, and other matters.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0124.

**Filed:** June 3, 1987, 8:50 a.m.  
TRD-8704618

The committee will hold a training session for area coordinators covering enforcement procedures, consider board policy, the Public Accountancy Act of 1979 as amended, substantive rules, due process, and other matters.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0124.

**Filed:** June 3, 1987, 8:50 a.m.  
TRD-8704619

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## Public Utility Commission of Texas

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

**Monday, June 8, 1987, 9 a.m.** The Hearings Division met in emergency session to consider Docket 7361—Application of Rayburn Country Electric Cooperative, Inc. for approval of wholesale rates. The emergency status was necessary because of statutory deadlines.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1987, 11:04 a.m.  
TRD-8704583

**Thursday, June 11, 1987, 9 a.m.** The Hearings Division will meet to consider Dockets 7122, 7123, 7124, and 7125—Complaint of Intellicall, Inc. against private coin phone rates and practices of Southwestern Bell Telephone Company, complaint of Advanced Telecom Systems, Inc. against private coin phone rates and practices of Southwestern Bell Telephone Company, complaint of Intellicall et al. against private coin phone rates and practices of Southwestern Bell Telephone Company, and application of Southwestern Bell Telephone Company to revise its private coin service tariff.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1987, 11:03 a.m.  
TRD-8704584

**Thursday, July 9, 1987, 10 a.m.** The Hearings Division will consider Docket 7367—Application of Eastex Telephone Cooperative, Inc. for a change of depreciation rates.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1987, 11:03 a.m.  
TRD-8704585

**Monday, November 9, 1987, 9 a.m.** The Hearings Division will consider Docket 7330—Inquiry into intralata WATS competition on multi-jurisdictional WATS access lines.

**Contact:** Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** June 2, 1987, 11:04 a.m.  
TRD-8704586

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## State Securities Board

**Wednesday, June 17, 1987, 10 a.m.** The Securities Commissioner of the State Securities Board will meet in Suite 114, 3100 West Alabama, Houston. According to the agenda summary, the commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities issued, offered for sale, or sold by James Paugh, also known as Jim Paugh, Robert Guy, William Brazell, and American Business Exchange, its employees, agents, and salesmen.

**Contact:** Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78711, (512) 474-2233.

**Filed:** June 2, 1987, 4:05 p.m.  
TRD-8704600

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## Teacher Retirement System of Texas

**Friday, June 12, 1987, 10 a.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet in the Fourth Floor Boardroom, 1001 Trinity, Austin. According to the agenda summary, the board will approve minutes of the previous meeting, review investments for quarter-Mr. Perrone, review of discussion and recommendations at IAC meeting-Mr. Achziger, consider amendment of articles of incorporation of special purpose corporation, rental of office space-Mr. Hineman, recommendation of TRS Growth Subcommittee-Mr. Crowson, review of 1987 legislative session-

Dr. Thompson, hear report of general counsel-Mr. Baker, and Member Benefits Division report-Mr. Mercer. The board will also meet in executive session to discuss personnel.

**Contact:** Mary Godzik, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

**Filed:** June 4, 1987, 9:25 a.m.  
TRD-8704635

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## The University of Texas at Austin

**Wednesday, June 10, 1987, 1 p.m.** The Intercollegiate Athletics Council for Men of The University of Texas at Austin will meet in the Radisson Hotel, 700 San Jacinto Street, Austin. According to the agenda summary, the council will approve minutes of the April 15, 1987, meeting, approve schedules and schedule changes, consider letter awards, academics, tickets and ticket policies, budgets and budget changes, new business, construction, development, and old business. The council will also meet in executive session.

**Contact:** Haila Kauffman, P.O. Box 7399, Austin, Texas 78713, (512) 471-4439.

**Filed:** June 3, 1987, 2:08 p.m.  
TRD-8704623

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## Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, and agendas follow.

**Tuesday, June 16, 1987, 2 p.m.** The commission will consider an order assessing administrative penalties on Temple-Eastex, Inc. (solid waste registration 30112); City of Farmersville (Permit 10442-01); El Paso County Water Control and Improvement District #4 (Permit 10166-01); and application by Harris County Fresh Water Supply District 1A for an amendment to permit 11194-01 in Harris County.

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

**Filed:** June 3, 1987, 4:16 p.m.  
TRD-8704627

**Wednesday, June 17, 1987, 2 p.m.** The commission will consider enforcement report for an order assessing administrative penalties for City of Bowie (Permit 10071-02); applications by George E. Stourton for authorization to dispose of treated domestic wastewater; and application by T Bar M, Inc. for renewal of Permit 11279-01, Guadalupe River Basin in Comal County.

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

**Filed:** June 3, 1987, 4:16 p.m.  
TRD-8704628

**Wednesday, June 24, 1987, 10 a.m.** The commission will consider an order assessing administrative penalties of City of Cotulla (Permit 10153-01); application by Textstyrene Plastics, Inc. for proposed Permit 02773 to authorize discharge of treated process wastewater, Trinity River Basin, Tarrant County; application by U.S. Department of Justice, Federal Bureau of Prisons, La Tuna Federal Correctional Institution for proposed Permit 13341-01, Rio Grande Basin, El Paso County; application by City of Columbus for amendment to Permit 10025-01, Colorado River Basin, Colorado County; and application by Hunt County Oil Company for renewal of Permit 11721-01, Sabine Basin, Hunt County.

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

**Filed:** June 3, 1987, 4:17 p.m.  
TRD-8704629

**Wednesday, June 24, 1987, 2 p.m.** The commission will consider application by H2M Utility Service Company for proposed Permit 13347-01 to authorize a discharge of 31,000 gallons per day of treated domestic wastewater effluent from a treatment plant in Wise County, Trinity River Basin.

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

**Filed:** June 3, 1987, 4:17 p.m.  
TRD-8704630

**Wednesday, July 8, 1987, 10 a.m.** The commission will consider petition for creation of Fort Bend County Municipal Utility District #74, containing 649.4787 acres of land.

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

**Filed:** June 2, 1987, 3:57 p.m.  
TRD-8704603

**Tuesday, July 14, 1987, 10 a.m.** The commission will consider Application 5128 Texas Utilities Mining Company, seeking a permit to construct and maintain a dam and reservoir impounding 120.5 acre feet of water on Pin Oak Creek, tributary of Cottonwood Creek, tributary of Tehuacana, tributary of the Trinity River, Trinity River Basin in Freestone County.

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

**Filed:** June 2, 1987, 3:56 p.m.  
TRD-8704604



### Regional Agencies Meetings Filed June 2

**The Tax Appraisal District of Bell County,** Appraisal Review Board, will meet at 411

East Central, Belton, on June 18, 1987, at 9 a.m. and June 19, 1987, at 1:30 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 301.

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District #1,** Board of Directors, met in the District Office, Highway 81, Natalia, on June 8, 1987, at 8 a.m. Information may be obtained from C.A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

**The Brazos Valley Development Council,** Board of Directors, will meet in Room 102, The Brazos Center, 3232 Briarcrest, Bryan, on June 11, 1987, at 7:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

**The Callahan County Appraisal District,** will meet in the First Floor, Callahan County Courthouse, Callahan County, on June 9, 1987, at 8 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

**The Colorado River Municipal Water District,** Board of Directors, will meet at 400 East 24th Street, Big Spring, on June 9, 1987, at 10 a.m. Information may be obtained from O.H. Ivie, P.O. Box 869, Big Spring, Texas 79721-0869, (915) 267-6341.

**The Dallas Area Rapid Transit,** Mobility Impaired Task Force, met at 601 Pacific Avenue, Dallas, on June 2, 1987, at 3 p.m. and June 6, 1987, at 9 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Education Service Center, Region XII,** Board of Directors, will meet at 401 IH-35, Waco, on June 11, 1987, at 7:30 p.m. Information may be obtained from Weldon O. Mills, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

**The Hays County Central Appraisal District,** Appraisal Review Board, will meet on the First Floor, County Courthouse Annex, San Marcos, on June 22, 1987, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

**The Hunt County Tax Appraisal District,** Board of Directors, will meet in the boardroom, 4801 King Street, Greenville, on June 16-30, 1987, at 9 a.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

**The Trinity River Authority of Texas,** Administration Committee, met at 5300 South Collins, Arlington, on June 8, 1987, at 10 a.m. Information may be obtained from

Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

**The Wood County Appraisal District, Appraisal Review Board,** will meet in the Conference Room, 217 North Main, Quitman, on June 8, 1987, at 9 a.m. and June 11, 1987, at 1:30 p.m. Information may be obtained from W. Carson Wages or Teresa Poston, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.

TRD-8704575



### Meetings Filed June 3

**The Archer County Appraisal District,** Appraisal Review Board, will meet in the District Office, 211 South Center, Archer City, on June 15, 1987, at 7:30 a.m. Information may be obtained from Jean James, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

**The Blanco County Appraisal District,** Board of Directors, will meet at the Blanco County Courthouse Annex, Johnson City, on June 9, 1987, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

**The Cherokee County Appraisal District,** Board of Directors, will meet at 107 East Sixth Street, Rusk, on June 11, 1987, at 2:30 p.m. Information may be obtained from S.R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

**The Coryell County Appraisal District,** Appraisal Review Board, will meet at 113 North Seventh Street, Gatesville, on June 9 and 12, 1987, at 10 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

**The Deep East Texas Private Industry Council,** will meet at the Rodeway Inn, Highway 59 South, Lufkin, on June 12, 1987, at 3 p.m. Information may be obtained from Don E. Boyd, 109 Ratcliff Circle, Lufkin, Texas 75901, (214) 586-3556.

**The Denton Central Appraisal District,** Board of Directors, will meet at 3911 Morse Street, Denton, on June 11, 1987, at noon. Information may be obtained from Joe Rogers, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

**The Eastland County Appraisal District,** Appraisal Review Board, will meet at the Eastland High Cafeteria, Eastland, on June 11-12, 1987, at 8:30 a.m. and June 16, 1987, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

**The Erath County Appraisal District**, Board of Directors, will meet at 1390 Harbin, Stephenville, on June 10, 1987, at 10 a.m. Information may be obtained from Jerry Lee, 1390 Harbin, Stephenville, Texas 76401, (817) 965-5434.

**The Gregg Appraisal District**, Board of Directors, will meet at 2010 Gilmer Road, Longview, on June 10, 1987, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Hays County Central Appraisal District**, Board of Directors, will meet on the First Floor, Hays County Courthouse Annex, 102 LBJ Drive, San Marcos, on June 9, 1987, at 6 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

**The Henderson County Appraisal District**, Board of Directors, met at 101 East Corsicana, Athens, on June 8, 1987, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 101 East Corsicana, Athens, Texas 75751, (214) 675-9296.

**The Hockley County Appraisal District**, Board of Directors, met at 1103C Houston Street, Levelland, on June 8, 1987, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Hunt County Tax Appraisal District**, Board of Directors, will meet in the Boardroom, 4801 King Street, Greenville, on June 12, 1987, at 11 a.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

**The Kendall County Appraisal District**, Appraisal Review Board, met at 207 East San Antonio Street, Boerne, on June 8, 1987, at 8:30 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

**The Lampasas County Appraisal District**, Board of Directors, will meet at 109 East Fifth Street, Lampasas, on June 10, 1987, at 2 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

**The Lavaca County Central Appraisal District**, Appraisal Review Board, will meet at 113 North Main, Hallettsville, on June 10, 1987, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

**The Martin County Appraisal District**, Appraisal Review Board, will meet at the Junior High Cafeteria, 100 North Gray, Stanton, on June 10, 1987, at 9 a.m. and 1:30 p.m. Information may be obtained from Delbert Dickenson, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

**The Nolan County Central Appraisal District**, Board of Directors, will meet in the Sunflower Room, Holiday Inn Restaurant, Sweetwater, on June 9, 1987, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

**The Wise County Appraisal District**, Board of Directors, will meet in the Boardroom, 206 South State Street, Decatur, on June 11, 1987, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8704617

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## Meetings Filed June 4

**The Tax Appraisal District of Bell County**, Board of Directors, will meet at 411 East Central, Belton, on June 24, 1987, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 301.

**The Cass County Appraisal District**, Board of Directors and Board of Review, met at 400 North Main Street, Linden, on June 8, 1987, at 6:30 p.m., and will meet at the same location on June 15, 1987, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

**The Jack County Appraisal District**, Board of Directors, met at the Los Creek Office Building, 216-D South Main, Jacksboro, on June 5, 1987, at 5:30 p.m. Information may be obtained from Doris G. Ray or Linda Williams, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

**The Central Appraisal District of Johnson County**, Appraisal Review Board, will meet at 109 North Main, Cleburne, on June 10 and 17, 1987, at 9 a.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

**The Tarrant Appraisal District**, Appraisal Review Board, will meet in Suite 505, 1701 River Run, Fort Worth, on June 16, 1987, at 8:30 a.m. Information may be obtained from Linda Freeman, 1701 River Run, Suite 505, Fort Worth, Texas 76107, (817) 332-9166.

TRD-8704634

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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.

## Texas Air Control Board Notice of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act, Article 4477-5, §3.09; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and the TACB Procedural Rules, Rule 103.11(4), the TACB will conduct a public hearing to receive testimony concerning revisions to its general rules.

The TACB is proposing to revise §101.24, regarding inspection fees. Under the current system, fees are based solely on emissions, and each facility is responsible for performing a yearly emissions inventory. The proposed system would be structured according to the Standard Industrial Classification (SIC) Code and is designed to set a fee for each SIC code commensurate with the expenditure of agency resources on that industry.

The proposed system incorporates information regarding the following factors for each SIC code: average number of inspections, average number of violations, average number of facilities, and average total emissions. The resulting proposed fee schedule will be incorporated by reference into §101.24.

The hearing will be held at 7 p.m. on Thursday, July 2, 1987, in the auditorium at the TACB located at 6330 U.S. Highway 290 East, Austin, Texas 78723. The hearing is structured for the receipt of oral or written comments. Interrogation or cross-examination is not permitted, although a TACB staff member will be available at the hearing to answer questions.

Written comments not submitted at the hearing may be submitted to the TACB central office in Austin up to and including July 3, 1987. Comments received by 4 p.m. on that date will be considered by the board prior to any final decision on the proposed revisions. Copies of the proposed rule language and fee schedule are available for inspection at the TACB central office and at all TACB regional offices. For further information, contact Betty Rogers at (512) 451-5711.

Issued in Austin, Texas, on May 29, 1987

TRD-8704579      Allen Eli Bell  
Executive Director  
Texas Air Control Board

Filed: June 2, 1987  
For further information, please call (512) 451-5711, ext. 354.

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## Texas Economic Development Commission

### Private Activity Bond Allocation Report

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987 is \$1,227,750,000.

The Tax Act and the Internal Revenue Code of 1986 authorize the governor of a state to proclaim a formula for allocating the state ceiling among the governmental units (or other authorities) in such state having authority to issue private activity bonds. Executive Order MW-40A establishes the procedures for the 1987 allocation for the state ceiling on private activity bonds.

It specifies that no more than an aggregate amount of \$327,750,000 may be reserved by local housing finance corporations for the purpose of issuing qualified mortgage bonds, no more than an aggregate amount of \$200 million may be reserved by issuers of state-voted issues (no more than \$100 million of which may be reserved by any one such issuer), and no more than an aggregate of \$700 million may be reserved for all other bonds requiring an allocation.

Generally, the state ceiling will be allocated on a first-come, first-served basis within the applicable subceiling, with the Texas Economic Development Commission (the commission) administering the allocation system.

The information that follows is a summary report of the allocation activity for the period May 22-29, 1987.

Weekly Report on the 1987 Allocation of the State Ceiling  
on Certain Private Activity Bonds as Pursuant to  
Executive Order MW-40A

Total amount of state ceiling remaining unreserved for the \$327,750,000 subceiling for qualified mortgage bonds through May 29, 1987: \$8,245,675.

Total amount of state ceiling remaining unreserved for the \$200 million subceiling for state-voted issues from May 22, 1987, through May 29, 1987: \$200,000,000.

Total amount of state ceiling remaining unreserved for the \$700 million subceiling for all other bonds from May 22, 1987, through May 29, 1987: \$419,320,000.

Total amount of the \$1,227,750,000 state ceiling remaining unreserved as of May 29, 1987: \$627,565,675.

Comprehensive listing of bond issues which have received a reservation date per Executive Order MW-40A from May 22, 1987, through May 29, 1987, in the order of issuer, user, description, and amount: Industrial Development Corporation of Port of Corpus Christi, Valero Refining and Marketing Company, air and water pollution control, \$9,000,000.



Comprehensive listing of bonds issued and delivered as per Executive Order MW-40A from May 22, 1987, through May 29, 1987: None.

Issued in Austin, Texas, on June 3, 1987.

TRD-8704620 David V. Brandon  
Executive Director  
Texas Economic Development  
Commission

Filed: June 3, 1987

For further information, please call (512) 472-5059.

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## Texas Education Agency Notice of Contract Award

As required in Texas Education Code, Chapter 21, Subchapter O, the Texas Education Agency has awarded the second of two contracts to conduct support services for the Texas Educational Assessment of Minimum Skills (TEAMS) for 1987-1989 to National Computer Systems, P.O. Box 30, Iowa City, Iowa 52244. The amount of the award is \$9,254,633. The contract period runs from September 1, 1987 to August 31, 1989.

The request for proposals, announced in the September 26, 1986, issue of the *Texas Register* (11 TexReg 4081), outlined the tasks necessary to conduct the TEAMS program for 1.5 million students annually. These tasks included:

- (1) development of multiple-choice items in reading, writing, and mathematics;
- (2) written composition item development;
- (3) printing of test booklets for Grades 1, 3, 5, 7, 9, and 11;
- (4) development and printing of Braille and large print booklets for the visually handicapped;
- (5) printing of necessary manuals for test administrators, school coordinators, and district coordinators;
- (6) production of answer documents for Grades 5, 7, 9, and for the exit level test;
- (7) development and production of interpretive guides and training material;
- (8) distribution and collection of secure test booklets and related materials;
- (9) scoring of tests;
- (10) reporting to students, teachers, campuses, school districts, and the Texas Education Agency.

Materials produced as a result of this contract are secure, as specified in the Texas Education Code, §21.556.

Issued in Austin, Texas, on June 1, 1987.

TRD-8704569 W. N. Kirby  
Commissioner of Education

Filed: June 1, 1987

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

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## Texas Department of Health Applications for Funding Services

The Interagency Council on Early Childhood Intervention announces that applications will be available for funding services in Cherokee and Anderson Counties under the

Texas Early Childhood Intervention Program after June 5, 1987.

Applications may be submitted by public and private agencies and organizations that are current or potential providers of services to children with developmental delays. Applications will be considered competitively.

The purpose of this program is to provide comprehensive intervention services for children with developmental delays or who are at risk of developmental delay and their families.

Funding priorities are established by the Interagency Council and will be detailed in the application. Quality ranking will be based upon priorities addressed, interagency grant review team ranking, geographic needs, and ECI staff recommendations.

Applications must be received in the ECI office by 5 p.m., July 15, 1987, or they must be postmarked on or before July 14, 1987.

Applications should be mailed to ECI Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; or hand delivered to the ECI office, 1101 East Anderson Lane, Austin. Inquiries regarding this request for proposals should be directed to Mary Elder, ECI administrator, at (512) 465-2671.

Funding available for support of these applications is contingent upon state legislative appropriations. Funding will be effective September 1987.

Issued in Austin, Texas, on June 2, 1987.

TRD-8704591 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 2, 1987

For further information, please call (512) 465-2671.

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## Applications for New and Expansion Funding

The Interagency Council on Early Childhood Intervention announces that applications will be available for new and expansion funding under the Texas Early Childhood Intervention Program after June 5, 1987.

Applications may be submitted by public and private agencies and organizations that are current or potential providers of services to children with developmental delays. Applications for new and expansion programs will be considered competitively.

The purpose of this program is to provide comprehensive intervention services for children with developmental delays or who are at risk of developmental delay and their families.

Funding priorities are established by the Interagency Council and will be detailed in the application. Quality ranking will be based upon priorities addressed, interagency grant review team ranking, geographic needs, and ECI staff recommendations.

Applications must be received in the ECI office by 5 p.m., July 31, 1987, or they must be postmarked on or before July 30, 1987.

Applications should be mailed to ECI Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; or hand delivered to the ECI office, 1101 East Anderson Lane, Austin. Inquires regarding this request for proposals should be directed to Mary Elder, ECI administrator, at (512) 465-2671.

Funding available for support of these applications is contingent upon state and federal legislative appropriations. Funding will be effective November 1987.

Issued in Austin, Texas, on June 2, 1987.

TRD-8704592      Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 2, 1987  
For further information, please call (512) 465-2671.

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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 May 26-29, 1987.

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 May 26-29, 1987**

Everest Exploration, Inc., Hebbronville; in situ uranium mining (Gruy-7B Mining Project); approximately three miles northwest of Hebbronville in Jim Hogg County; UR-02914; new

Big Three Industries, Beaumont; cryogenic air separation plant; on State Highway 347, south of Beaumont, on the north side of the road at a point approximately three miles south of the intersection of State Highway 347 and U.S. Highway 287, Jefferson County; 01595; renewal

Harris County Municipal Utility District 19, Houston; wastewater treatment facilities; immediately west of the confluence of Gum Gully and Jackson Bayou; approximately 1.8 miles northwest of the intersection of FM Road 2100 and U.S. Highway 90 in Harris County; 11329-01; renewal

Shelbyville Independent School District, Shelbyville; treatment plant; approximately 300 feet east of the football field at the Shelbyville School in the southern portion of Shelbyville in Shelby County; 13370-01; new

Sandoz Crop Protection Corporation, Beaumont; waste disposal wells; on company property in the William Sigler Survey, Abstract No. 48, approximately eight miles north of Beaumont, Jefferson County; WDW-125, WDW-155, WDW-201; amendments

Texas Department of Corrections, Huntsville; wastewater treatment facilities; approximately 3,500 feet northwest of the intersection of State Highway 6 and U.S. Highway 90A in Fort Bend County; 10986-01; amendment

Old World Products, Inc., doing business as Marshall Pottery, Marshall; wastewater treatment facilities; on Highway 31 (Elysian Fields Roads) approximately one mile southwest of Harrison County Memorial Airport about 3½ miles southeast of Marshall, Harrison County; 11699-01; amendment

City of Bonham; onsite sludge disposal pit; approximately ½ mile east of the City of Bonham on Seven Oaks Road in Fannin County; 10070-01; amendment

Champion Building Products, Division of Champion International Corporation, Camden; lumber chip and plywood manufacturing plant; on the southside of the intersection of FM Road 942 and FM Road 62 in the Town of Camden, Polk County; 01598; renewal

Shell Chemical Company, a division of Shell Oil Company, Deer Park; plant manufacturing petrochemicals; north of State Highway 225, west of Patrick Bayou and north of the City of Deer Park, Harris County; 00402; renewal

City of San Antonio; industrial wastewater treatment plant; approximately 1.1 miles southwest of Loop 410 and IH 35 interchange and adjacent to the Missouri-Pacific right-of-way, Bexar County; 02635; renewal

Chemical Exchange Industries, Inc., Galena Park; oil distilling and chemical processing plant; at 900 Clinton Drive in the City of Galena Park, Harris County; 00786; renewal

Guadalupe-Blanco River Authority, Seguin; water treatment plant; just upstream of Lake Dunlap Dam on the south bank of Lake Dunlap (Guadalupe River); 3.6 miles south-southeast of the intersection of IH 35 and FM Road 725 in Guadalupe County; 02912-01; new

Exxon Pipeline Company, Pasadena; petroleum products storage and transportation facility; at 3403 Pasadena Freeway in the City of Pasadena, Harris County; 02058; renewal

Buford G. Mooney, doing business as Longford Water and Sewer, Vidor; wastewater treatment facilities; on the east side of State Highway 87, approximately three miles north of the intersection of IH 10 and State Highway 87 in Orange County; 11155-01; renewal

City of Cleveland; wastewater treatment facilities; east of the City of Cleveland, approximately 1.7 miles east

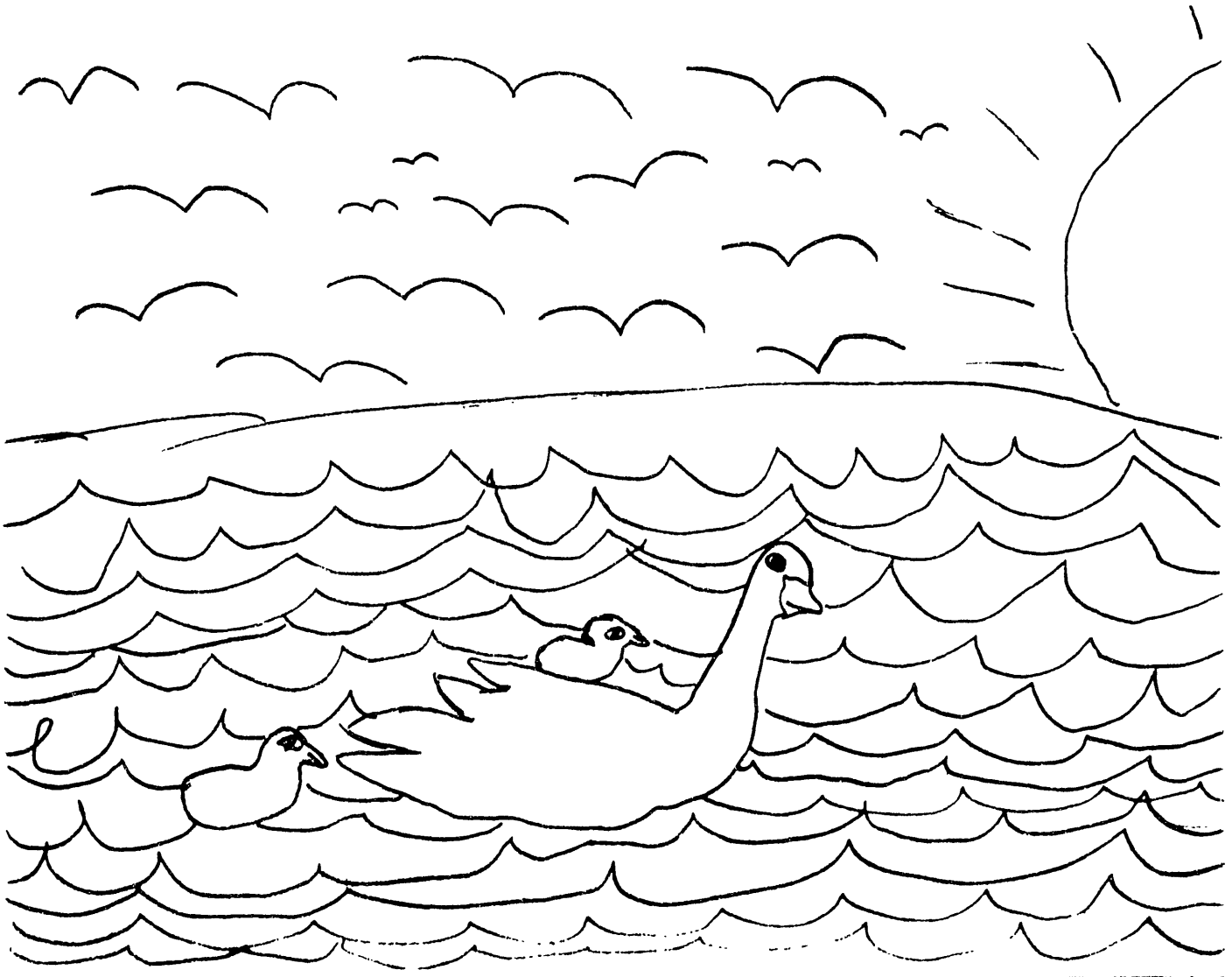
and .3 mile north of the intersection of U.S. Highway  
59 and State Highways 321 and 105 in Liberty County;  
10766-02; amendment

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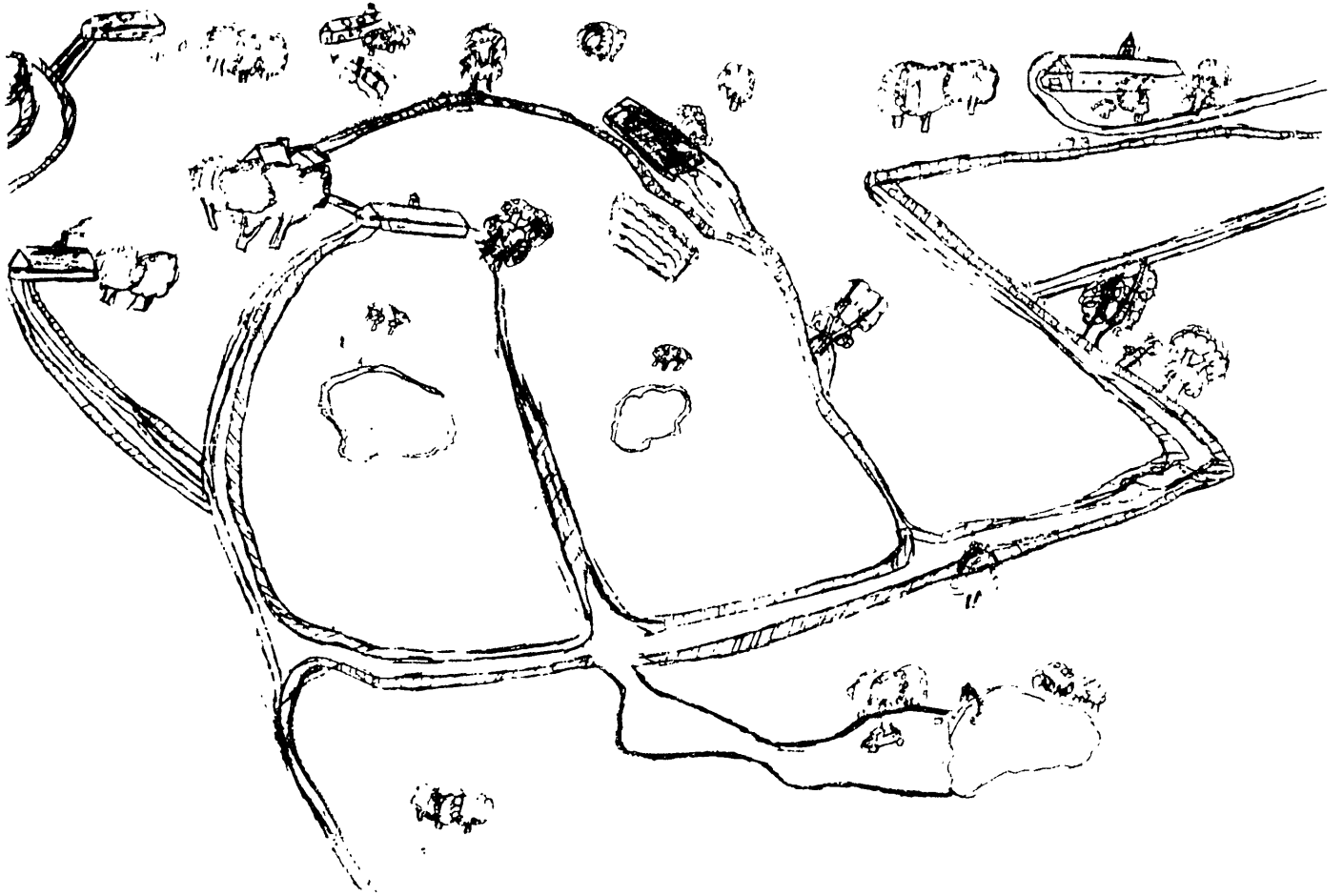
TRD-8704605      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

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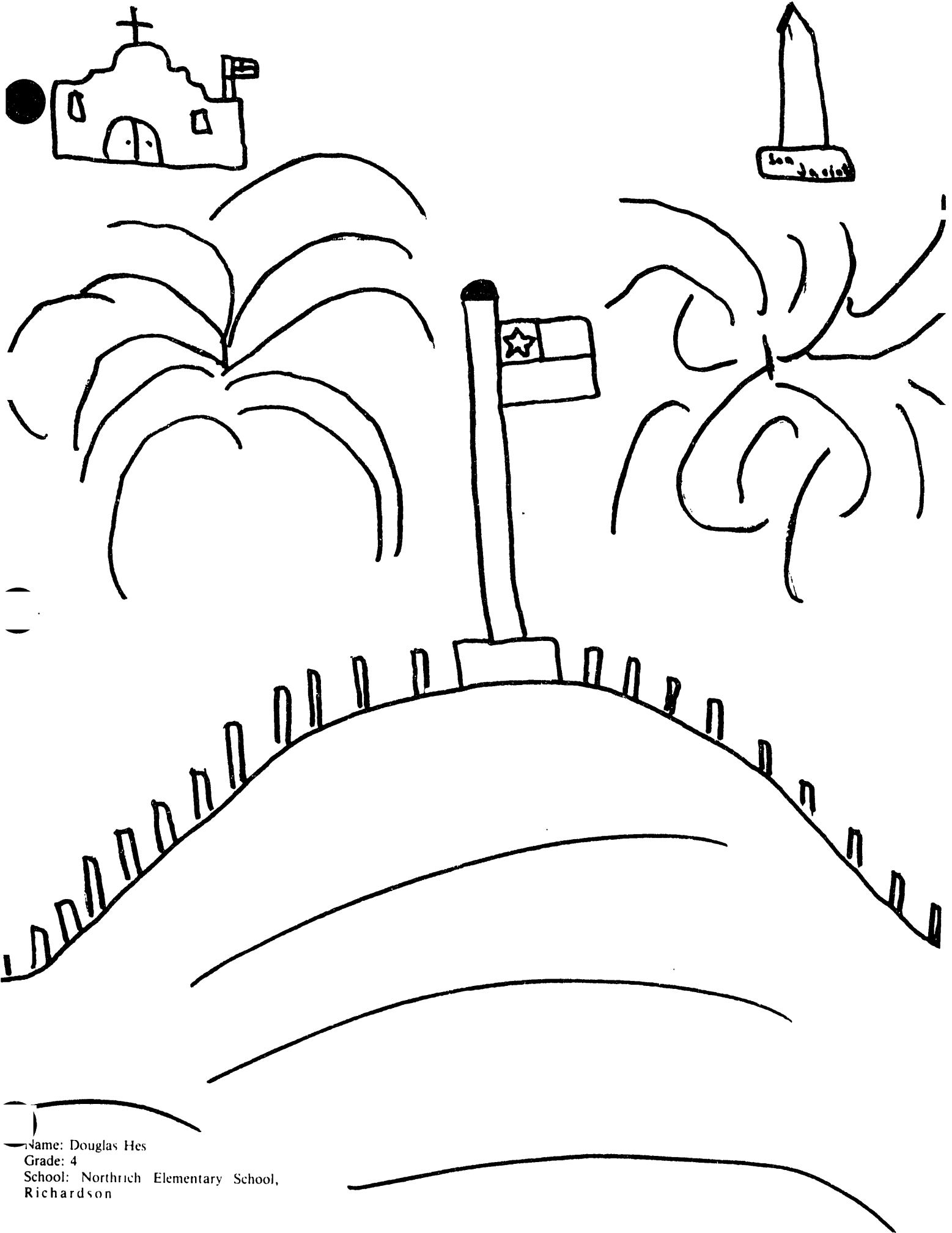
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Name: Emily Avila  
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School: Northrich Elementary School,  
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Name: Shane Woodard  
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School: Northrich Elementary School,  
Richardson



Name: Douglas Hes  
Grade: 4  
School: Northrich Elementary School,  
Richardson

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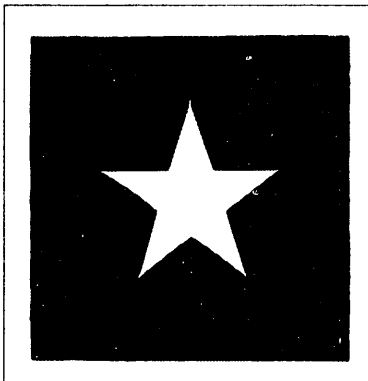


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