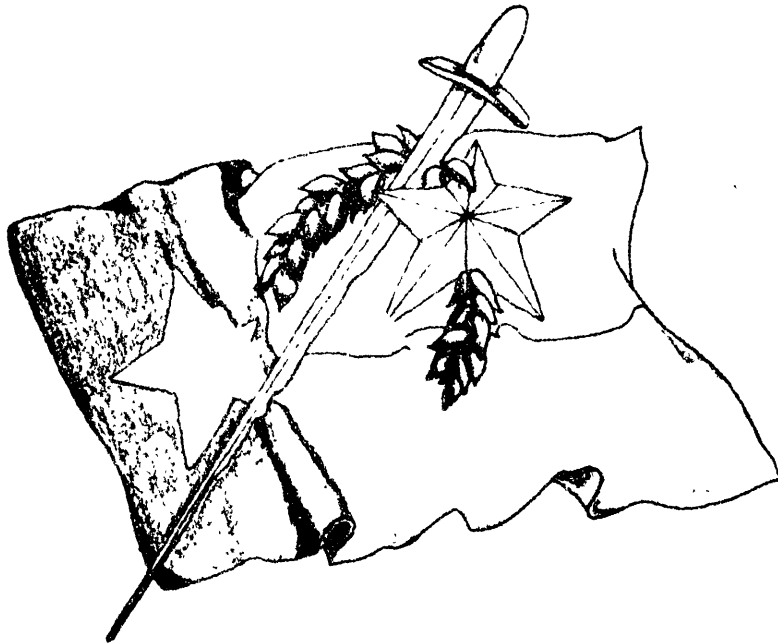


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Texas Register

SEP 22 1983



Highlights

- ★ The Texas Parks and Wildlife Department adopts on an emergency basis amendments concerning statewide hunting and fishing; effective date - October 1 page 3727
- ★ The Industrial Accident Board proposes new rules concerning communications and general medical provisions; proposed date of adoption - October 21 page 3735
- ★ The Railroad Commission of Texas adopts amendments and a new rule in a chapter concerning gas utilities; effective date - October 4 page 3758

How To Use the Texas Register

Texas Register

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Information Available: The nine sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor - appointments, executive orders, and proclamations
- Secretary of State - summaries of opinions based on election laws
- 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- Withdrawn Rules - rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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
- Legislature - Bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- 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 monthly, 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: page 2 in the lower left hand corner of this page is written "8 TexReg 2" issue date while on the opposite page, in the lower right-hand corner, page 3 is written "issue date: 8 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* (explained below), rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

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* (a listing of all the titles appears below).

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).

Latest Texas Code Reporter
(Master Transmittal Sheet). No. 10, December 1982

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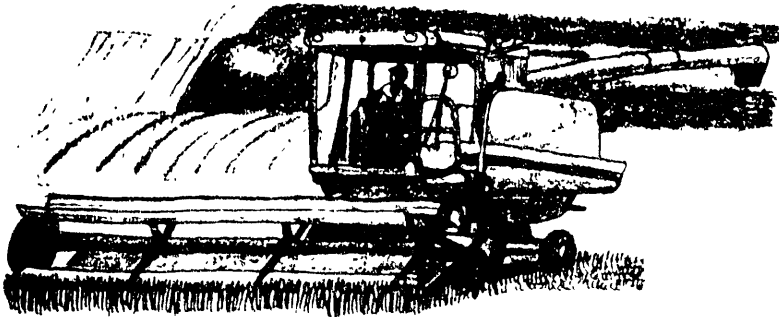
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The Attorney General

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*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P O Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free, additional opinions are \$1.00 a copy.



Request for Opinion

RQ-198. Request from Clayton Garrison, executive director, Employees Retirement System of Texas, Austin, concerning whether a state law enforcement officer injured while working as a private security guard is entitled to occupational disability benefits from the State of Texas.

TRD-837187

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

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

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

Emergency Rules

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting and Fishing

31 TAC §65.1, §65.45

The Texas Parks and Wildlife Commission adopted emergency amendments to §65.1 and §65.45 in a regularly scheduled public hearing August 31, 1983. The amendments provide clarification to users of the Statewide Hunting and Fishing Proclamation as to which statutes of the Parks and Wildlife Code are repealed pursuant to provisions of the Wildlife Conservation Act of 1983 (Senate Bill 94) and establish bag and possession limits for quail.

The commission finds imminent peril to the public welfare requires the amendments to clarify and inform the public of the repeal of sections in the Parks and Wildlife Code under the authority of Parks and Wildlife Code, §61.004, and to prevent waste of quail resources

The amendments are adopted on an emergency basis under the authority of the Wildlife Conservation Act of 1983, Texas Parks and Wildlife Code, Chapter 61.

§65.1. Application

(a) Except as provided by the Texas Parks and Wildlife Code, Title 7, this subchapter applies to all of the wildlife resources (except migratory game birds) in the regulatory counties of Texas.

(b) Sections apply to the following counties as shown:

Anderson	All sections, including §§65.61-65.64
Angelina	§§65.1-65.64, except §65.17
Austin	§§65.1-65.47
Bandera	All sections, including §65.46
Bexar	All sections, including §65.62
Blanco	All sections, including §65.33
Brooks	All sections, including §65.46
Burnet	All sections, including §§65.33-65.46
Cameron	All sections, including §65.72, except paragraph (2)
Cass	§§65.1-65.47
Chambers	§§65.1-65.47
Cherokee	§§65.1-65.64
Collingsworth	All sections, including §65.45
Comal	All sections, including §65.6 and §65.62
Cottle	All sections, including §65.45
Crane	§§65.1-65.47
Delta	§§65.1-65.47
Dickens	§§65.1-65.47
Edwards	§§65.33-65.47
Foard	§§65.1-65.47
Frio	§§65.33-65.47
Galveston	§§65.1-65.47
Gillespie	All sections, including §§65.33-65.46
Goliad	§§65.1-65.47
Gregg	§§65.1-65.64
Grimes	All sections, including §65.6 and §65.33
Hardeman	§§65.1-65.47
Harrison	All sections, including §65.17
Hopkins	§§65.1-65.47
Houston	All sections, including §65.33

Jim Hogg	§§65.1-65.47
Kendall	§§65.1-65.47
Kenedy	§§65.1-65.47
Kent	All sections, including §65.45
Kimble	All sections, including §65.46
King	§§65.1-65.47
Knox	All sections, including §65.45
Leon	§§65.1-65.64
Limestone	All sections, including §65.35
Llano	All sections, including §§65.33-65.46
Loving	§§65.1-65.47
Marion	§§65.1-65.64
Mason	All sections, including §§65.33-65.46
McCulloch	All sections, including §§65.33-65.46
McMullen	All sections, including §§65.1-65.47
Medina	§§65.34-65.46
Morris	All sections, including §§65.61-65.64
Rains	§§65.1-65.64
Reagan	All sections, including §65.46
Real	§§65.33-65.46
Refugio	§§65.1-65.47
Robertson	All sections, including §65.33
Sabine	§§65.1-65.47, except §65.17
San Jacinto	§§65.1-65.47, except §65.17
San Patricio	All sections, including §65.45
San Saba	All sections, including §§65.33-65.46
Smith	§§65.1-65.47
Stonewall	All sections, including §65.45
Travis	§§65.33-65.46
Trinity	All sections, including §65.6, §65.33
Upshur	§§65.1-65.64
Uvalde	§§65.1-65.47
Van Zandt	§§65.1-65.64
Victoria	All sections, including §65.45
Waller	§§65.34-65.47
Wheeler	All sections, including §65.45

(c) The following statutes of the Texas Parks and Wildlife Code are repealed, in whole or in part, as they apply to all of Texas' counties or to the following counties cited pursuant to provisions of the Wildlife Conservation Act of 1983, Article I, §36 and §37 of Senate Bill 94, 68th Legislature, 1983, and Texas Parks and Wildlife Code, §61.004: §61.201 in Rains and Van Zandt Counties, §62.002, Subchapter C of Chapter 62, except §§62.054(b), 63.002, 63.003, 63.004, except (b), 63.005, 63.006, 63.008-63.010, 64.012-64.015, 66.006, 66.101 in Angelina, Cherokee, Gregg, Leon, Marion, Rains, Upshur, and Van Zandt Counties, §66.103 in Angelina, Cherokee, Gregg, Leon, Marion, Rains, Upshur, and Van Zandt Counties, §66.104 in Angelina, Cherokee, Gregg, Leon, Marion, Rains, Upshur, and Van Zandt Counties, §66.106(a)(1) in Caddo Lake, §66.106(a)(2)-(5) in Angelina, Cherokee, Gregg, Leon, Marion, Rains, Upshur, and Van Zandt Counties, §66.107 in Angelina, Cherokee, Gregg, Leon, Marion, Rains, Upshur, and Van Zandt Counties, §66.108 in Angelina, Cherokee, Gregg, Leon, Marion, Rains, Upshur, and Van Zandt Counties, §§101.012, 103.011, 103.021, 103.022, 103.031, Subchapter B of Chapter 108, Subchapter B of Chapter 127, §131.021(a), only as it relates to redfish (red drum), Subchapter B of Chapter 134, Subchapter C of Chapter 134, §136.011, Subchapters C and D of Chapter 136, Subchapter B of Chapter 138, Subchapter C of Chapter 138,

§138.032, §138.033, Subchapter B of Chapter 144, Subchapter B of Chapter 160, Subchapter C of Chapter 160, §163.011, Subchapters B and C of Chapter 178, Subchapter B of Chapter 184, Subchapter B of Chapter 186, Subchapter B of Chapter 188, Subchapters B and C of Chapter 192, Subchapter B of Chapter 193, Subchapters B and C of Chapter 212, Subchapter B of Chapter 213, Subchapters B and C of Chapter 224, Subchapter B of Chapter 230, except §230.018, Subchapter C of Chapter 230, Subchapters B and C of Chapter 231, Subchapter B of Chapter 232, Subchapter B of Chapter 234, Subchapter C of Chapter 235, Subchapter B of Chapter 238, Subchapter B of Chapter 235, Subchapters C and D of Chapter 245, Subchapter C of Chapter 247, Subchapter B of Chapter 250, Subchapter B of Chapter 254, Subchapter B of Chapter 256, Subchapter C of Chapter 256, §§258.021, 258.022, 258.024, 258.031, 258.033, 258.041, 258.042, Subchapter B of Chapter 260, §272.031, Subchapter B of Chapter 290, Subchapter B of Chapter 296, Subchapter B of Chapter 302, §302.022, Subchapter D of Chapter 302, §304.022, §304.023, Subchapter D of Chapter 304, §305.012, Subchapter B of Chapter 306, §§312.012, 312.013, 312.022-312.024, Subchapter B of Chapter 317, Subchapters B and C of Chapter 327, Subchapter B of Chapter 328, Subchapters B-I of Chapter 330, Subchapter C of Chapter 334, §335.011(b), Subchapter B of Chapter 337, and Subchapter B of Chapter 342, §§61.202, 61.208, 116.002, 122.011, 126.011, 136.002, 138.002, 151.002, 155.011, 171.011, 173.011(b), 199.021, 201.015, 202.011, 213.012, 215.011, Subchapter E of Chapter 230, §§242.002, 245.002, 283.011, 286.011, 289.011, 290.002, 295.001, 302.002, 302.041, 304.002, 305.011, 312.002, 312.011, 312.021, 322.011, 334.002, 335.011(a), 335.021, 335.025, and 340.002.

§65.45 Quail Open Seasons, Bag, and Possession Limits

(a) (c) (No change.)

(d) In Anderson, Andrews, Angelina, Austin, Bailey, Bandera, Bastrop, Bell, Blanco, Bowie, Brazoria, Brazos, Brewster, Burleson, Caldwell, Calhoun, Camp, Cass, Castro, Chambers, Cherokee, Cochran, Collin, Colorado, Comal, Concho, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Ector, Edwards, Ellis, El Paso, Falls, Fannin, Fayette, Floyd, Fort Bend, Franklin, Freestone, Gaines, Galveston, Gillespie, Glasscock, Grayson, Gregg, Grimes, Guadalupe, Hale, Hansford, Hardin, Harris, Harrison, Hartley, Hays, Henderson, Hill, Hockley, Hopkins, Houston, Hudspeth, Hunt, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Kaufman, Kendall, Kerr, Kimble, Lamar, Lamb, Lavaca, Lee, Leon, Liberty, Limestone, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Matagorda, McCulloch, McLennan, Menard, Midland, Milam, Montgomery, Moore, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Parmer, Pecos, Polk, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Shelby, Sherman, Smith, Sterling, Sutton, Swisher, Terrell, Terry, Titus, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Wharton, Williamson, Winkler, Wood, and Yoakum

Counties, the bag and possession limits are 12 quail per day and 36 in possession

(e) In Aransas, Atascosa, Bee, Bexar, Brooks, Cameron, DeWitt, Dimmit, Duval, Erio, Goliad, Gonzales, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, Maverick, McMullen, Medina, Nueces, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, and Zavala Counties, the bag and possession limits are 16 quail per day and 48 in possession

(f) In Archer, Armstrong, Baylor, Borden, Bosque, Briscoe, Brown, Burnet, Callahan, Carson, Childress, Clay, Coke, Coleman, Collingsworth, Comanche, Cooke, Coryell, Cottle, Denton, Dickens, Donley, Eastland, Erath, Fisher, Foard, Garza, Gray, Hall, Hamilton, Hardeman, Haskell, Hemphill, Hood, Howard, Hutchinson, Jack, Johnson, Jones, Kent, King, Knox, Lampasas, Lipscomb, Mills, Mitchell, Montague, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Potter, Roberts, Runnels, Scurry, Shackelford, Somervell, Stephens, Stonewall, Tarrant, Taylor, Throckmorton, Tom Green, Wheeler, Wichita, Wilbarger, Wise, and Young Counties, the bag and possession limits are 20 quail per day and 60 in possession.

Issued in Austin, Texas, on September 13, 1983

TRD 837198 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: October 1, 1983
Expiration date: January 29, 1984
For further information, please call (512) 479-4944
or (800) 792-1112



TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts

Chapter 3 Tax Administration
Subchapter D Minerals Tax Division--
Occupation Tax on Sulphur Producers

34 TAC §3 42

The Comptroller of Public Accounts adopts on an emergency basis new §3 42, concerning due date for sulphur tax reports and payments. The purpose of the section is to alleviate a condition created by an amendment to the Texas Tax Code §203 101. This section, read in conjunction with the Texas Tax Code, §203 052, requires that sulphur producers file the return and pay the tax due for a calendar quarter the day after the close of the quarter. Under the authority of the Texas Tax Code, §111 051, the comptroller may set the due date for a report or payment by rule. This new section moves the due date of these reports and payments from the first day of the month to the last day of the month so that producers will have an adequate amount of time to completely and accurately prepare these reports. This rule is adopted on an emergency basis so that it may be effective for tax reports and payments due in October 1983.

This section is adopted on an emergency basis under the authority of the Texas Tax Code, §111 002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Tax Code.

§3 42 *Due Date for the Sulphur Tax Reports and Payments* The due date for the reports and tax payments of all sulphur producers, currently required by the Texas Tax Code, §203 052, to be filed on the first day of each January, April, July, and October, is extended to the last day of each January, April, July, and October, respectively.

Issued in Austin, Texas, on September 12, 1983

TRD-837140 Bob Bullock
Comptroller of Public Accounts

Effective date: September 12, 1983
Expiration date: January 10, 1984
For further information, please call (512) 475-3341.

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. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action, a fiscal statement indicating effect on state or local government, a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule, a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter M. Motor Bus Companies

16 TAC §5.230

The Railroad Commission of Texas proposes amendments to §5.230, concerning the establishment, change, or discontinuance of bus schedules, pursuant to a petition filed by Greyhound Lines, Inc. Greyhound proposes simplification of notice provisions. The commission takes no position at this time on the merits of the proposed amendments.

Rory K. McGinty, assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. McGinty also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a reduction in administrative expense to bus companies providing regular-route service, without a diminution in service to the public. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Walter Wendlandt, Acting Director, Transportation

Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 911a, §4, which provide the Railroad Commission of Texas with authority to adopt rules to regulate motor bus companies.

§5.230. *Establishment, Change, or Discontinuance of Bus Schedules.*

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

(d) Notice of proposed change or discontinuance.

(1) **Notice or proposed discontinuance where commission authorization is required** [Generally]. Each motor bus company shall, **with respect to each discontinuance for which commission approval is required** [at least 30 days prior to the effective date of any proposal of service], file with the commission:

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

(C) a verified statement of facts identifying which of the **three [six]** classifications described in subsection (b) of this section **for which commission approval is required** includes the proposed [change or] discontinuance.

(2) **Notice of proposed change or discontinuance for which commission approval is not required.** Each motor bus company shall, except as provided in paragraph (3) of this subsection, file the following materials with the commission at least 30 days prior to the effective date of any proposal to change or discontinue one or more schedules of service where commission approval is not required:

(A) a copy of the proposed change or discontinuance;

(B) a letter, addressed to the commission, certifying that the motor bus company has posted notice of the proposed schedule change or discontinuance in each affected terminal and commission agency and in each bus serving such route, thereby giving notice to the affected public. The letter must be signed by an authorized officer, employee, or agent of the motor bus company, and such signature shall be the motor bus company's certification that all facts stated therein are true and correct.

(3)(2) Abbreviated notice. A motor bus company may, upon receipt of special permission from the commission, change or discontinue a schedule of service on less than 30 days' notice. The notice shall reflect the special permission number assigned by the commission and that the commission has authorized the change or discontinuance on less than 30 days' notice.

(e)-(g) (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 September 12, 1983.

TRD-837213 Walter Wendlandt
Acting Director
Transportation Division
Railroad Commission of Texas

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 445-1186.

Subchapter W. Railroad Transportation 16 TAC §5.481

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Railroad Commission of Texas, 1124 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Railroad Commission of Texas proposes the repeal of §5.481, concerning telephone reports of railroad accidents/incidents. This section will be moved from Subchapter W, concerning railroad transportation, to Subchapter AA, concerning railroad safety, redesignated as §5.612, concerning reports of railroad accidents/incidents. New §5.612 is proposed in this issue.

Mike Calhoun, rail planning assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Calhoun also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be simplification of the commission's railroad safety regulations. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Walter Wendlandt, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The repeal is proposed under Texas Civil Statutes, Article 6259, *et seq.*, which provides the Railroad Commission of Texas with authority to regulate railroad safety and to adopt reasonable regulations to ensure safe operation of railroads within the state.

§5.481. *Telephonic Reports of Certain Accidents/Incidents.*

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 September 12, 1983.

TRD-837214 Walter Wendlandt
Acting Director
Transportation Division
Railroad Commission of Texas

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 445-1186.

Subchapter AA. Rail Safety 16 TAC §5.612-5.615

The Railroad Commission of Texas proposes to move §5.481 from Subchapter W, concerning railroad transportation, to Subchapter AA, concerning railroad safety, and to redesignate the section as §5.612, concerning reports of railroad accidents/incidents. Section 5.481 is proposed simultaneously for repeal in this issue. The Railroad Commission of Texas also proposes new §§5.613-5.615, concerning railroad safety standards, the right to inspect rail property, and enforcement of railroad safety standards, respectively.

Mike Calhoun, rail planning assistant director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Calhoun also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be an increase in rail safety with diminished risk to the public. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Walter Wendlandt, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The rules are proposed under Texas Civil Statutes, Article 6259, *et seq.*, as well as Article 6252-13a, which together empower the commission to adopt reasonable regulations to ensure railroad safety.

§5.612. Reports of Railroad Accidents/Incidents.

(a) A railroad must report immediately by telephone to Assistant Director of Rail Planning, (512) 445-1350, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, whenever it learns of the occurrence of any collision, derailment, fire, explosion, act of God, or other event involving operation of railroad on-track equipment (standing or moving) which results in the:

- (1) death of or injury to any rail passenger or employee;
- (2) death of or injury to any person other than a rail passenger or employee; or
- (3) more than \$4,500 in damage to railroad on-track equipment signals, track, and track structures, and roadbed.

(b) Each report must state the:

- (1) name of the railroad;
- (2) name, title, and telephone number of the individual making the report;
- (3) time, date, and location of accident/incident;
- (4) circumstances of the accident/incident; and
- (5) number of persons killed or injured.

§5.613. Railroad Safety Standards.

(a) Governing statutes. Railroads operating within the State of Texas are subject to safety standards contained in or adopted pursuant to the following statutes:

- (1) The Federal Railroad Safety Act of 1970, as amended (45 United States Code §§421, 431-441);
- (2) The Safety Appliance Acts, as amended (45 United States Code §§1-16);
- (3) The Locomotive Inspection Act, as amended (45 United States Code §§22-34);
- (4) The Signal Inspection Act, as amended (49 United States Code §26);
- (5) The Accident Reports Act, as amended (45 United States Code §§38-42); and
- (6) The Hours of Service Act, as amended (45 United States Code §§61-64b).

(b) Federal regulations adopted by reference. Federal railroad safety regulations, including, but not limited to, those enumerated in this subsection, are hereby adopted as the minimum railroad safety requirements of the Railroad Commission of Texas, and all railroads operating within the State of Texas shall be governed thereby:

- (1) Track Safety Standards codified at 49 Code of Federal Regulations Part 213;
- (2) Rules, Standards, and Instructions for Railroad Signal Systems codified at 49 Code of Federal Regulations Part 236;
- (3) Freight Car Safety Standards codified at 49 Code of Federal Regulations Part 215;
- (4) Safety Glazing Standards codified at 49 Code of Federal Regulations Part 223;
- (5) Locomotive Safety Standards codified at 49 Code of Federal Regulations Part 229;

(6) Safety Appliance Standards codified at 49 Code of Federal Regulations Part 231;

(7) Power Brake Standards codified at 49 Code of Federal Regulations Part 232; and

(8) Federal operating practice regulations codified at 49 Code of Federal Regulations Parts 217, 218, 220, 221, 225, and 228.

(c) Copies of the Code of Federal Regulations and the United States Code may be obtained at the Transportation Division, Railroad Commission of Texas, 1124 IH 35 South, Austin, Texas 78704.

§5.614. Right to Inspect Rail Property. Authorized personnel of the Railroad Commission of Texas shall have the right, at any time, to enter onto the property of any railroad company operating within the State of Texas for the purpose of conducting inspections, investigations, and surveillance of railroad track, facilities, equipment, and operations in order to determine the railroad's level of compliance with relevant safety standards.

§5.615. Enforcement of Rail Safety Standards.

(a) Federal enforcement action. The director of transportation may refer violations of rail safety standards to the Federal Railroad Administration (FRA) with a recommendation that the FRA seek either imposition of civil penalties or an injunction against further rail safety violations, or both.

(b) State enforcement action. The commission may, through the attorney general of Texas, bring an action in any court of competent jurisdiction and proper venue seeking either imposition of civil penalties or an injunction against further rail safety violations, or both, if the director of transportation has requested such action and the FRA has failed to take timely action on the request. Federal Railroad Administration action on a request that it seek to impose civil penalties is timely if, within 60 days after receipt of the request, FRA has either assessed a civil penalty or determined, in writing, that no violations have occurred. Federal Railroad Administration action on a request that it seek an injunction against further rail safety violations is timely if, within 15 days after receipt of the request, the FRA has referred the matter to the United States attorney general for institution of litigation, otherwise initiated action seeking injunctive relief, or determined, in writing, that no violations have occurred.

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 September 12, 1983.

TRD-837215 Walter Wendlandt
Acting Director
Transportation Division
Railroad Commission of Texas

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 445-1186.

TITLE 22. EXAMINING BOARDS
Part V. Texas State Board of
Dental Examiners
Chapter 109. Conduct
22 TAC §109.211

The Texas State Board of Dental Examiners proposes an amendment to §109.211, concerning unprofessional, dishonorable, and immoral conduct.

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

Mr. Nail also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the protection of the public from dentists who violate standards of professional conduct. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

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

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

§109.211. Unprofessional, Dishonorable, and Immoral Conduct. Unprofessional conduct, dishonorable conduct, and immoral conduct are synonymous terms when applied to the conduct of a dental licensee and include the following:

(1)-(9) (No change.)

(10) **abrogates or forgives the co-payment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient's payment portion will not be collected.**

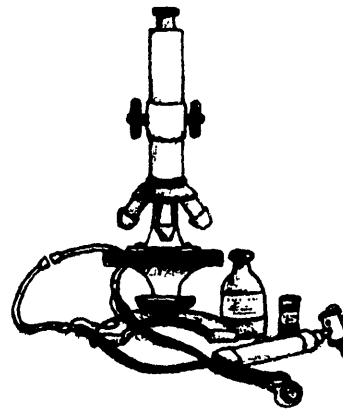
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on September 9, 1983.

TRD-837134 William S. Nail
 Executive Director
 Texas State Board of Dental
 Examiners

Earliest possible date of adoption:
 October 21, 1983

For further information, please call (512) 475-2443.



Part IX. Texas State Board of
Medical Examiners
Chapter 169. Authority of Physicians
to Supply Drugs

22 TAC §§169.1-169.4

The Texas State Board of Medical Examiners proposes new §§169.1-169.4, concerning the authority of physicians to supply drugs. The new rules being proposed represent an effort to provide physicians with some guidelines for the supplying of drugs to the physicians' patients as authorized under the Medical Practice Act, §5.09.

Florence Allen, accountant, and Jean Davis, program administrator, have determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ms. Davis also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be that limited amounts of drugs may be supplied where the physician determines that the patient's condition requires those drugs without delay. Such drugs may be supplied when the physician determines, in consideration of time of day or night, the patient's location, the hours of operation of pharmacies available to the patient, and other specific instances, that the patient probably would not be able to obtain the drug without the physician supplying it. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed, as these rules are guidelines.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing will be held, but as of this time, the date for the public hearing has not been determined.

The new sections are proposed under the Medical Practice Act, Texas Civil Statutes, Article 4495b, which provides the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the

practice of medicine in this state, and the enforcement of the Act.

§169.1. Purpose. The purpose of these sections is to provide physicians with guidelines for the supplying of drugs to the physician's patients as authorized by Texas Civil Statutes, Article 4495b, §5.09, which provide that a person licensed to practice medicine under that Act is authorized to supply the needs of his or her patients with any drugs or remedies as are necessary to meet the patients' immediate needs; provided, however, that section of the Act does not permit the physician to operate a retail pharmacy without first complying with the Texas Pharmacy Act.

§169.2. Authority. A physician may personally provide or authorize the provision of drugs to his or her patients which are, in the opinion of the physician, therapeutically beneficial or necessary to the patient from the physician's supply of drugs or remedies, in the course of treating patients, and may be reimbursed for the cost of supplying those drugs, providing the physician shall comply with all appropriate labeling sections applicable to the class of drugs under the Texas Pharmacy Act and oversees compliance with packaging and record keeping sections applicable to the class of drugs.

§169.3. Limitations. The authority to provide drugs to patients from the physician's own supply and to be reimbursed for the cost of supplying such drugs is limited in the following manner.

(1) Drugs may be supplied only where the physician determines, in the exercise of his or her independent medical judgment, that the patient's current medical condition requires the drugs proposed to be supplied and such drugs are necessary without any considerable lapse of time or significant delay; provided, however, the limitations herein set out do not apply to the providing of "sample" drugs that are properly labeled and for which no charge is made.

(2) Drugs may be supplied only when the physician makes a determination, considering time of day or night, the patient's location, the availability of transportation for the patient, the availability of the drug in an open and accessible licensed pharmacy, the hours of operation of pharmacies reasonably available to the patient, the physical and mental condition or status of the patient, and other factors impacting upon the ability of the patient to receive the drug from licensed pharmacies, that the patient would not in reasonable probability be able to secure the drug without the physician supplying the drug to the patient.

(3) The physician may not make a separate charge for the drug supplied in excess of reimbursement for cost to the physician, which shall include the cost of the drug product and all other actual costs to the physician incidental to providing the dispensing service, but not including a separate fee for the act of dispensing the drug product itself.

(4) The physician shall supply a drug only in an amount necessary for the protection of the health of the patient for the immediate future and shall not supply drugs for patients for periods of time beyond which is necessary or beyond which the drug could be dispensed

from a licensed pharmacy which is reasonably available to the patient under the particular existing circumstances.

§169.4. Policy. It is the policy of the board to encourage physicians to issue prescriptions for drugs and remedies in all cases except where the supplying of the drug is necessary for the immediate medical needs of the patient and is reasonably unavailable from licensed pharmacies in the existing circumstances. The board specifically approves the providing of drugs on authorization from a physician in a hospital emergency room when such drugs have been prepackaged and labeled by a licensed pharmacist.

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 September 13, 1983.

TRD-837188

A. Bryan Spires, Jr., M.D.
Executive Director
Texas State Board of Medical
Examiners

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 452-1078.

Part XXII. Texas State Board of Public Accountancy Chapter 501. Professional Conduct Other Responsibilities and Practices 2? TAC §501.43

The Texas State Board of Public Accountancy proposes amendments to §501.43, concerning advertising.

Bob E. Bradley, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Bradley also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be consistency with the established change and practice in the overall professional accounting community. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to William A. Sansing, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3894.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct and

to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

§501.43. Advertising.

(a) Licensees shall have the right to advertise. However, a licensee shall not use or participate in the use of any public communication or advertisement which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes, but is not limited to, a statement or claim which:

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

(3) contains [any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality, or] statements intended to attract clients by use of showmanship, hucksterism, slogans, jingles, or other garish language; or

(4)-(9) (No change.)

(b)-(c) (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 September 9, 1983.

TRD-837137 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 451-0241.

Chapter 521. Fee Schedule

22 TAC §521.1

The Texas State Board of Public Accountancy proposes amendments to §521.1, concerning a fee schedule.

Bob E. Bradley, executive director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an estimated loss in revenue of \$309,850 for 1984, \$338,330 for 1985, \$370,050 for 1986, \$403,930 for 1987, and \$442,160 for 1988. There is no anticipated effect on local government.

Mr. Bradley also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the reduction of the cost to licensees served by the board. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to William A. Sansing, Enforcement Coordinator, 1033 La Posada, Suite 340, Austin, Texas 78752-3894.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §9(a), which provide the Texas State Board of Public Accountancy with the authority to change license fees.

§521.1. Application. The annual fee for a license issued pursuant to the Act shall be \$20 [\$30]; however, the initial license fee may be prorated as shown:

Certification or registration obtained in:	Fee payable:
January 1-March 31	\$20 [\$30]
April 1-June 30	\$15 [\$22.50]
July 1-September 30	\$10 [\$15]
October 1-December 31	\$5.00 [\$7.50]

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 September 9, 1983.

TRD-837138 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 451-0241.

TITLE 28. INSURANCE

Part II. Industrial Accident Board

(Editor's note: Because the Industrial Accident Board's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)

Chapter 1. Communications [General Communications] and General Medical Provisions

Communications

061.01.00.015, .020, .025, .032, .037, .045, .050, .055, .061, .066, .071, .076, .081, .085, .090, .095, .100

The Industrial Accident Board proposes to amend the title of Chapter 1 to include general medical provisions for the purpose of including medical provisions in one chapter. This chapter will encompass communications and general medical provisions.

The Industrial Accident Board proposes to adopt the new undesignated head "Communications," including new Rules 061.01.00.015, .020, .025, .032, .037, .045, .050, .055, .061, .066, .071, .076, .081, .085, .090, .095, and .100, to enumerate additional communications that must be filed in the board's Austin

office. The rules further state that attorneys shall provide the board with their permanent State Bar identification number when retained in a workers' compensation case, and the insurance adjusters investigating or handling a workers' compensation claim shall provide their license number issued under the Texas Insurance Code, Article 21.07-4. The rules also define health provider, subscriber, insurance carrier, and self-insurer. The insurance carriers shall designate an Austin representative to comply with House Bill 2081, 68th Legislature, effective January 1, 1984.

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

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be the ease in identifying and researching the rules. There is no anticipated adverse economic cost to small businesses as a result of the rules as proposed.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The new rules are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.015. Definitions. The following words and terms, when used in this undesignated head, shall have the following meanings, unless the context clearly indicates otherwise.

Health provider—Used in these board rules in a generic sense, having reference to licensed practitioners of medicine, osteopathic, chiropractic, and podiatry.

Medical report or medical treatment—Shall also include, where applicable, osteopathic, chiropractic, podiatric care, and the reports thereof.

Medical expenses—Shall include health provider care by licensed medical doctors, osteopathic physicians, chiropractic physicians, and podiatrists, as well as hospital care, drugs and prescriptions, appliances, nursing care, psychological care, therapy and physical rehabilitation, where the same are prescribed by a health provider named under the Workers' Compensation Law, and rendered or provided by a licensed source.

Subscriber and employer—Are synonymous.

.020. Social Security Number. All forms, reports, and other documents filed with the board which pertain to a claim shall include the social security number of the injured employee.

.025. Adjuster Identification. Each adjuster employed by or on behalf of an insurance company, self-insured, insurance agent, or corporation or by an employer in connection with either the investigation or handling of a workers' compensation claim shall provide the board

with his/her license number as issued under the Texas Insurance Code, Article 21.07-4.

.032. Attorney Identification. Each attorney engaged by either a claimant, insurance carrier, or self-insured in connection with the handling of a workers' compensation claim shall provide the board with his/her permanent State Bar identification number promptly upon retention in the claim.

.037. Self-Insureds. Unless otherwise specifically noted herein, whenever a board rule makes reference to an insurance carrier or association, this shall be interpreted to include also all self-insured entities as well.

.045. Designation of Insurance Carriers' Austin Representative. All insurance carriers writing and issuing workers' compensation insurance policies effective in Texas shall designate in writing to the board their Austin, Texas, representative to the Industrial Accident Board for purposes of communication with the board. The name, business address, and phone number of such representative shall be supplied and kept current at all times. Written notification or communication by the board with such representative shall be deemed notification to the carrier for all purposes.

.050. General Policy Concerning Communications. The board hereby promulgates its general policy concerning communications to and from the Industrial Accident Board:

(1) The carrier shall send a copy of all written communications relating to a pending claim before the board to the claimant, or if claimant is represented by counsel, directly to his attorney and to the board. Without limiting the generality of the foregoing, the term "written communications" shall include board approved Form A-1, A-2, A-4, and A-2 Lump Sum Transmittal Letter, Statements of Controversion, and Notices of Intention to Appeal.

(2) The attorney representing the claimant shall send a copy of all written communications relating to a pending claim before the board to the insurance carrier and to the board. Without limiting the generality of the foregoing, the term "written communication" shall include written claim for compensation, affidavit of hardship, power of attorney, notice of appeal.

.055. Communication to Claimants. All notices and written communications to claimant will be mailed to the last address supplied, either on the employer's first report of injury or by claimant's letter. If the board is notified that claimant is represented by an attorney, copies of forms, notices, and correspondence will thereafter be mailed to his attorney and not to the claimant. However, copies of compromise approval notices, prehearing setting, and awards of the board will be mailed to the claimant and his attorney.

.061. Communication to Employers. All notices and written communications to employers, including notice of conduct which may result in the imposition of a statutory penalty by the board, will be mailed to the last address supplied either on the employer's first report of injury form or on the notice that the employer has become a subscriber form.

.066. Communication to Insurance Carriers. Unless otherwise required by statute, or provided by a board rule, all notices and other communications to insurance carriers will be sent either to an address designated by the carrier as its principal Texas mailing address or to its designated Austin representative.

.071. Communication to Health Care Provider. A health care provider shall send a copy of all written communications relative to a pending claim for compensation and the treatment thereof or concerning a statement for professional services rendered to the insurance carrier and to the claimant or his attorney, if represented.

.076. Filing of Instruments.

(a) The following shall be filed only with the board in Austin:

- (1) Notice of injury and claim for compensation. (Texas Civil Statutes, Article 8307, §4a)
- (2) Employer's first report of injury. (Texas Civil Statutes, Article 8307, §7.)
- (3) Employer's response to board request for information. (Texas Civil Statutes, Article 8307, §7.)
- (4) Notice that employer has become subscriber. (Texas Civil Statutes, Article 8308, §18a.)
- (5) Response to request for notice that employer has become subscriber. (Texas Civil Statutes, Article 8308, §18a.)
- (6) Notice of cancellation or nonrenewal of compensation insurance. (Texas Civil Statutes, Article 8308, §20a.)
- (7) Form A-1, Report of Initial Payment of Compensation. (Texas Civil Statutes, Article 8306, §3b.)
- (8) Statement of controversion. (Texas Civil Statutes, Article 8306, §18a(a).)
- (9) Application to suspend compensation. (Texas Civil Statutes, Article 8306, §12a, and Article 8307, §4.)
- (10) Formal statements of position. (Texas Civil Statutes, Article 8307, §10.)
- (11) Statement of position in death cases. (Texas Civil Statutes, Article 8306, §18a(a).)
- (12) Notice of intention to appeal. (Texas Civil Statutes, Article 8307, §5.)
- (13) Response to notice of possible violation. (Texas Civil Statutes, Article 8306, §18a(a).)
- (14) Carrier's designation of board representative. (Texas Civil Statutes, Article 8306, §18a.)

(b) All other correspondence and forms relating to claims arising under the Workers' Compensation Law must be filed with the proper regional office or the proper resident reviewer of the board in Austin.

.081. Timely Filing. Forms, reports, and other documents required to be filed before a specified time will be considered timely only if received by the board at Austin or at an appropriate regional office prior to or during business hours on the last permissible day of filing. When the last day for filing is a legal holiday, or is Sunday, then the time is extended so as to include the next succeeding business day.

.085. Filings Subsequent to Final Order or Award. In order for it to continue monitoring a claim for future medical and compensation benefits after a final award, carriers must continue filing with the board in Austin,

and in accordance with existing board rules, the following documents: A-1, A-2, A-4, notice of suspension of medical benefits, a copy of the instruments reflecting final disposition of the case, whether by compromise settlement agreement, court judgment, or dismissal without judgment entry, and upon request a copy of all available medical information.

.090. Translation of Documents. Whenever a party submits or files a medical report, witness statement, or other instrument written in a foreign language, a true and correct English translation shall be filed simultaneously.

.095. Responsibility of Translators. Whenever a non-English speaking party appears before the board or any member thereof at a prehearing conference or a formal hearing, a translator who is proficient in the English language must accompany the party. The responsibility for providing an interpreter rests with the party producing the non-English speaking witness.

.100. Wage Information. The board will accept in lieu of other wage information a stipulated wage agreement executed by the injured employee and the insurance carrier which establishes by mutual agreement an average weekly wage and a weekly compensation rate on a standard form approved by the board. Such stipulation may be considered by the Industrial Accident Board, along with any other evidence concerning the wage rate, but it will not necessarily be binding upon the board. No action by the board on the claim shall be taken as formal approval of such stipulation, and the same shall be regarded only as an informal waiver of proof for purposes of the hearing before the board.

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 September 12, 1983.

TRD-837142 William Treacy
Executive Director
Industrial Accident Board

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 475-4538.

061.01.00.030, .031, .040, .041, .043, .044, .065, .070

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Industrial Accident Board, 200 East Riverside Drive, first floor, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes to repeal Rules 061.01.00.030, .031, .040, .041, .043, .044, .065, and .070. The rules are being repealed to revise them, add additional rules, and change their order within the chapter. Chapter 1, containing revisions and additions, will appear in a separate submission.

William Treacy, executive director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be an orderly categorization of topics. There is no anticipated economic cost to individuals as a result of the repeal. The repeal of these board rules will have no effect on small businesses.

Comments on the proposal may be submitted within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The repeal is proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

- .030. *Filing of Instruments.*
- .031. *Social Security Number.*
- .040. *Timely Filing.*
- .041. *Medical Reports.*
- .043. *Translation of Documents.*
- .044. *Responsibility of Translators.*
- .065. *General Policy.*
- .070. *Communication to Claimants.*

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 September 12, 1983.

TRD-837143 William Treacy
 Executive Director
 Industrial Accident Board

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 475-4538.

General Medical Provisions

061.01.00.200, .205, .210, .215, .220, .225, .230, .235, .240, .250, .255, .260, .265, .270

The Industrial Accident Board proposes to adopt the new undesignated head "General Medical Provisions," including new Rules 061.01.00.200, .205, .210, .215, .220, .225, .230, .235, .240, .250, .255, .260, .265, and .270. The general medical provisions chapter encompasses the necessary filing of medical reports, places responsibility for the filing of medical reports on certain parties, and sets out the criteria for requesting medical examinations and the necessary filing of assignments of medical benefits. The new rules provide that notice of suspension of medical benefits must be filed with the board and claimant/at-

torney and establish voluntary arbitration panels to assist the board in regulating fees and charges, which is in accordance with legislation passed by the 68th Legislature, 1983.

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

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be ease in identifying and researching the rules. There is no anticipated economic cost to members of the public who are required to comply with the rules. The proposed rules will not have an adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The new rules are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.200. *Preparation and Filing of Initial Medical Reports.*

(a) When a physician, chiropractor, or podiatrist renders care to an injured worker, he shall submit an initial report in accordance with Texas Civil Statutes, Article 8306, §7. This initial report may be a narrative report or a form report. If a form report is used for the initial report, it must contain as a minimum all or substantially all of the information required in the Physician's Report IAB-152.

(b) A copy of each and every initial medical report of the health provider shall be promptly and simultaneously sent to the insurance carrier and to the claimant or his attorney.

(c) Any party to a claim must file a copy of each and every medical report and/or hospital record with the board on request.

.205. *Subsequent Narrative Medical Reports.* Subsequent narrative medical reports reasonably necessary to inform the insurance carrier, claimant, and board of the injury status of the claimant shall be periodically and simultaneously sent by the health provider to the insurance carrier, claimant or his attorney, and the board.

.210. *Additional Filing of Medical Reports.*

(a) All available medical reports and medical information shall be filed with the board by the insurance carrier after the expiration of four weeks of disability, or following the amputation of any member, or earlier if requested by the board.

(b) All available medical reports and medical information shall be filed with the board by the attorney for the claimant after the expiration of four weeks of disability, or following the amputation of any member, or earlier if requested by the board.

.215. Identifying Information in Medical Reports. In addition to the information concerning the description of the injury or disease, the treatment thereof, and any known or estimated disability resulting therefrom, each medical report shall also contain sufficient information to enable the insurance carrier and board to identify the compensation claim to which the report refers. At a minimum, such identifying information shall include the name of the patient (claimant), his social security number, the date of injury, the name of the employer, and if known, the board and insurance company file numbers.

.220. Cost of Medical Reports. The association shall pay the fair and reasonable charges of the health provider for the preparation and submission of both the initial and subsequent medical reports, records, and information. There shall be no additional charge made to the claimant, or his attorney, or to the board for copies of these reports and records.

.225. Assignment of Medical Benefits. In the event an assignment of medical benefits is made by an injured employee to a health or accident insurance company, a true copy thereof shall be promptly and simultaneously filed by the health or accident insurance company with both the board and association.

.230. Request for Medical Examination. Any insurance carrier may request the board on a form approved by the board to direct a claimant to a doctor for medical examination prior to hearing. The insurance carrier must also submit a copy of the request directly to the claimant's counsel or to the claimant if the claimant is not represented by counsel. Requests will be considered by the board if received at least 20 days immediately prior to prehearing conference; provided, however, that at the prehearing examiner's discretion, requests based upon unexpected developments may be considered at the prehearing conference level. All requests for medical examination orders shall be in writing and shall include:

- (1) the reason for such request;
- (2) a statement reciting whether or not the claimant has been treated or examined by any other doctor or doctors of either the carrier's or the employer's choice, and if so, stating the name, address, and medical specialty of such doctor or doctors, and the approximate date of the last treatment or examination;
- (3) a statement that the insurance carrier has insurance coverage of this claim under the Texas Workers' Compensation Act. It is understood that this is an admission of coverage by the named insurer of the named employer;
- (4) a certification that a copy of the request is furnished by the insurance carrier to the claimant's counsel or to the claimant if the claimant is not represented by counsel;
- (5) in all instances wherein compensation benefits are not being provided, the carrier must attach to his request a statement reciting the reasons for withholding same. Further, the carrier shall certify that the claimant or his attorney has been furnished a copy thereof;
- (6) if the carrier should request an examination by a doctor whose practice is outside the area where the

claimant lives, then a statement shall be attached to the request setting out the reason(s) for the request and whether such required travel would be suitable to the condition of the claimant and convenient and accessible to him/her; and

(7) in the event the board denies the request, it shall state in writing the reason therefore.

.235. Demand for Surgical Operation. Any written demand for a surgical operation under Texas Civil Statutes, Article 8306, §12e, or any application for reduction or suspension of compensation pursuant to Article 8307, §4, must be filed with the board at least seven calendar days prior to the date of hearing. However, where good cause for waiving strict compliance is approved by the board, parties may file demand for or tender of surgery on or before the scheduled date of hearing.

.240. Reports Accompanying Demand for Surgical Operation.

(a) Demand for surgery either by the claimant or by the insurance carrier shall be accompanied by a medical report which establishes, regardless of specific words used, that:

(1) in reasonable medical probability the requested surgical procedure will either effect a cure or will materially and beneficially improve and relieve the claimant's condition, and

(2) the surgery is medically advisable.

(b) In addition to the medical report described in subsection (a) of this section, the party demanding the surgery shall simultaneously file with the board all other medical reports pertinent to the injury or disease at issue.

.250. Scars and Deformities. In all cases involving severe and disfiguring burns or lacerations, a descriptive medical report of the scars or deformity shall be submitted by either the carrier or the claimant. In all such cases involving scars to the face, arms, or hands, a color photograph taken after maximum healing has occurred must be submitted at or prior to any final board action on the claim.

.255. Transportation Costs as Medical Expenses. Whenever it becomes reasonably necessary for a claimant to travel outside the city or county of his or her residence in order to obtain medical care under Texas Civil Statutes, Article 8306, §7, the reasonable costs thereof shall be reimbursed by the insurance carrier. This would include, where appropriate, the reasonable costs of meals and lodging. All travel by private conveyance shall be based upon the mileage expense allowance then current for travel by state employees.

260. Suspension of Medical Benefits Defined.

(a) A carrier will be deemed to have suspended medical benefits when:

(1) it has filed the notice required in board Rule 061.01.00.265 (relating to Notice of Suspension of Medical Benefits); or

(2) it has failed to promptly direct the claimant to a health provider, following request therefore by the claimant pursuant to Texas Civil Statutes, Article 8306, §7.

(3) it has failed or refused to pay an accrued and itemized health provider bill (medical expense), as submit-

ted, and within 30 days from the carrier's receipt thereof. For the purpose of this rule, a health provider bill will be considered adequately itemized if it is in sufficient detail to permit the carrier and board to evaluate whether the charges thereon are fair and reasonable within the meaning of Texas Civil Statutes, Article 8306, §7 and §7b.

(b) All carriers shall promptly date stamp each health provider bill with the date the same was received by the carrier. Failure on the part of the carrier to comply with this rule shall create a rebuttable presumption that such health provider bill was received by the carrier within five business days of the date of such bill.

.265. *Notice of Suspension of Medical Benefits.* An insurance carrier shall notify the board in writing within 10 days following any decision to suspend or terminate medical benefits as provided in Texas Civil Statutes, Article 8306, §7, giving the reason or reasons therefore. A copy of this notice shall be simultaneously sent to the claimant or his attorney, if any, and to the health provider(s).

.270. *Voluntary Arbitration.* The board shall establish procedures for selection of voluntary arbitration panels to assist the board in regulating fees and charges submitted by health care providers to the full extent authorized by Texas Civil Statutes, Article 8306, §7 and §7b.

(1) The executive director of the board shall prepare bylaws subject to the final approval of the board governing the operation and functions of the various voluntary arbitration panels.

(2) The executive director of the board shall implement the procedures so adopted by the board, and he or his designee shall supervise the arbitration panels established by the board and shall serve as chairman of each panel. However, the executive director may from time to time designate the assistant executive director of the board or other person to act as chairman in his place.

(3) The procedures for selection of panels and the bylaws shall be available to all parties.

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 September 12, 1983.

TRD-837144 William Treacy
Executive Director
Industrial Accident Board

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 475-4538.

Chapter 2. Insurance Coverage

061.02.00.011, .015, .020

The Industrial Accident Board proposes to amend Rule 061.02.00.011, requiring the filing of notice that em-

ployer has become subscriber, IAB-20, to be filed within 30 days of the effective date of the workers' compensation policy. The board also proposes new Rule 061.02.00.015, which states that if an insurance carrier does not properly file notice of cancellation or nonrenewal of a workers' compensation policy, the policy will remain in effect until proper notice is filed or the policy is written by another insurance carrier and the inception date of the new policy will terminate the old policy. Proposed new Rule 061.02.00.020 establishes board procedure for implementing failure by an insurance carrier to file notice that employer has become subscriber with the board and how the carrier may avoid a penalty.

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

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be that the insurance carriers writing compensation policies will be responsible for filing the notices with the board. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. The proposed rules will not have an adverse economic effect on small businesses.

Comments on the proposal may be submitted within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The amendment and new rules are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.011. *Notice That Employer Has Become Subscriber.* The notice that employer has become subscriber shall be filed with the board's Austin office within 30 days of the effective date of the policy and the notice must be completed in detail and shall include:

(1)-(6) (No change.)

(7) Form 154 shall be filed for divided risk coverage [(Revised 1979)].

.015. *Termination of Coverage.* Once a carrier files notice that employer has become subscriber, that insurance carrier shall be deemed to have compensation coverage for the named employer until notice of cancellation or nonrenewal of compensation insurance is properly filed with the board or until another carrier files notice that employer has become subscriber. In the latter instance, coverage by the prior carrier will terminate effective the inception date of the policy written by the subsequent carrier, and not the date such subsequent notice is filed by such carrier with the board.

.020. *Sanctions.* In the event a carrier fails to file notice that employer has become subscriber, as required by statute, the board will notify the carrier of its

delinquency pursuant to Chapter 1 of these rules (relating to Communications and General Medical Provisions).

(1) If the carrier requests a hearing, the matter will be heard by the board within 10 days of the request.

(2) If the carrier does not timely request a hearing and does not timely make the required filing of notice, the board may then impose the penalty authorized by Texas Civil Statutes, Article 8308, §18a(b). The carrier will be promptly notified in writing of any board imposition of penalty.

(3) However, the board may consider a request for extension of time to provide the requested information if the carrier makes the request and in addition shows good cause therefore within 10 days of receipt of notice from the board.

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

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For further information, please call (512) 475-4538.

061.02.00.040

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Industrial Accident Board, 200 East Riverside Drive, first floor, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes to repeal Rule 061.02.00.040, concerning self-insured entities, which has been incorporated into the proposed Rule 061.01.00.027.

William Treacy, executive director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be an orderly categorization of topics. There is no anticipated economic cost to individuals as a result of the repeal. The repeal of this board rule will have no effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The repeal is proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the In-

dustrial Accident Board with the authority to promulgate rules.

.040. Self-Insured Entities.

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

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Industrial Accident Board

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For further information, please call (512) 475-4538.

Chapter 3. Employer's Report of Injury or Disease [Accident]

061.03.00.015, .020, .025, .030, .035

The Industrial Accident Board proposes to amend the title of Chapter 3 to broaden the subject of the chapter. The board proposes new Rules 061.03.00.015, .020, .025, .030, and .035 to enumerate the reports and information to be filed by the employer with the board and the insurance carrier.

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

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be the ease in identifying and researching rules. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. The proposed rules will not have an adverse economic cost to small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The new rules are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.010. Forms. The employer's first report of injury and supplemental report of injury shall be completed on standardized forms approved by the board for that purpose. Every insurance carrier writing workers' compensation coverage effective in Texas shall provide an adequate number of the current forms in use to each insured employer.

.015. Employer Report of Injury and Disease. Since the efficient operation of workers' compensation depends

so greatly upon the insurance carrier and Industrial Accident Board receiving prompt notice of injury or occupational disease claims by employees, the employer shall promptly give written notice to the Industrial Accident Board and to its insurance carrier of any employee's claim of injury resulting in absence from work in excess of one day, or of any notice by the employee of the manifestation of an occupational disease. This initial report must be made by the employer even in the absence of verification by the employer of the claimed injury or occupational disease. However, the filing by an employer of a report of injury shall not be deemed an admission of liability for the claim.

.020. *Filing of Employer's First Report of Injury.* The employer shall send the original employer's first report of injury directly to the Industrial Accident Board in Austin and shall simultaneously deliver a copy thereof to its workers' compensation insurance carrier

.025. *Board Request for Additional Information.* When requested in writing by the board, the employer shall promptly furnish to the board the information requested if such information is either known to the employer or reasonably available to said employer and which is pertinent to the compensation claim in question.

.030. *Employer's Supplemental Report of Injury.* When the employee returns to work or is no longer incapacitated as a result of the injury or occupational disease, the employer shall file an employer's supplemental report of injury promptly with the board and shall simultaneously deliver a copy thereof to the insurance carrier.

.035. *Sanctions.* If the employer fails to timely submit any information to the board which the board is entitled to request under the authority of the Workers' Compensation Act, the board shall notify the employer by certified mail with a copy sent to the employer's insurance carrier to either file the requested information or request a hearing by the board within 10 days of notice. If the employer timely requests a hearing, the matter will be heard by the board in Austin within 10 days of the request. If the employer does not timely request a hearing and does not timely provide the requested information, the board may impose a penalty authorized by Texas Civil Statutes, Article 8307, §7. The employer will be promptly notified of any imposition of penalty by the board. The board may consider a request for extension of time to provide the requested information if the employer makes the request in writing and shows good cause therefore within 10 days of the receipt of notice from the board.

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

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Executive Director
Industrial Accident Board

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For further information, please call (512) 475-4538.

061.03.00.050, .060

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Industrial Accident Board, 200 East Riverside Drive, first floor, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes to repeal Rules 061.03.00.050 and .060 to realign the subchapters and to propose them for adoption under a separate submission with new subchapter numbers.

William Treacy, executive director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be an orderly categorization of topics. There is no anticipated economic cost to individuals as a result of the repeal. The repeal of these board rules will have no effect on small businesses

Comments on the proposal may be submitted within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The repeal is proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board with the authority to promulgate rules.

.050. *Employer Reports to Carrier.*

.060. *Employer Supplemental Reports to Carrier.*

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

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TRD-837148 William Treacy
Executive Director
Industrial Accident Board

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For further information, please call (512) 475-4538.

Chapter 4. Employee's Notice of Injury or Death and Claim for Benefits

061.04.00.055

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Industrial Accident Board, 200 East Riverside Drive, first floor, Austin, or in the

Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes to repeal Rule 061.04.00.055, as this subchapter will be incorporated in Chapter 1 with other medical expense rules.

William Treacy, executive director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be an orderly categorization of topics. There is no anticipated economic cost to individuals as a result of the repeal. The repeal of this board rule will have no effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704

The repeal is proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board with the authority to promulgate rules.

.055. Transportation Costs as Medical Expense.

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

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Executive Director
Industrial Accident Board

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For further information, please call (512) 475-4538.

Chapter 5. Procedures for Formal Hearings by the Board

061.05.00.040, .170, .185, .190, .191, .210

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Industrial Accident Board, 200 East Riverside Drive, first floor, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes to repeal Rules 061.05.00.040, .170, .185, .190, .191, and .210, as these rules have been either realigned within Chapter 5 or placed in another chapter and filed under a separate submission.

William Treacy, executive director, has determined that for the first five-year period the repeal will be in

effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be prompt filing of reports and statements with the board. There is no anticipated economic cost to individuals as a result of the repeal. The repeal of these board rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704

The repeal is proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provides the Industrial Accident Board with the authority to promulgate rules.

- .040. Subpoenas and Subpoenas Duces Tecum.*
- .170. Request for Medical Examination.*
- .185. Application for Suspension of Compensation.*
- .190. Demand for Surgical Operation.*
- .191. Reports Accompanying Demand for Surgical Operation*
- .210. Wage Information.*

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

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Executive Director
Industrial Accident Board

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For further information, please call (512) 475-4538.

Formal Hearings

061.05.00.165, .175, .180, .185, .195

The Industrial Accident Board proposes to adopt the new undesignated head "Formal Hearings," including existing Rules 061.05.00 031, .170, .080, .090, .100, .160 and proposed new Rules .165, .175, .180, .185 and .195. The new rules specify reports and statements which must be filed with the board on or before the date of the formal hearing.

In contested claims coming before the board for a decision, two types of hearings are used. When the parties do not desire to make a personal appearance and offer sworn testimony, the board makes a final award based upon the information furnished by the parties and contained in the board's file. This determination has been routinely called a formal hearing, and the rules applicable to this type of hearing will be found under the undesignated title "Formal Hearings." How-

ever, hearings that involve the appearance of witnesses, the acceptance of sworn testimony, and which result in a record of proceedings will be governed by the rules which include, but are not limited to, special formal hearings, fraud hearings, investigative hearings, and personal appearance hearings.

William Treacy, executive director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be a prompter filing of reports and statements with the board. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. The proposed rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The new rules are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules

.165. Filing of Medical Reports and Records. If not previously filed pursuant to other board rules, all medical reports and records shall be filed at the time of formal hearing.

.175. Carrier Attendance. The carrier's designated Austin representative must be available to the board on the day a claim is scheduled for formal hearing. In the event the Industrial Accident Board needs a copy of the carrier's file, or a portion thereof, the carrier's designated Austin representative shall obtain the file, or portion thereof, as requested by the board, from the carrier by suitable overnight mail or delivery service.

.180. Contents of Formal Statement of Position. The formal statement of position shall be responsive to the prehearing officer's recommendations and shall be sufficiently detailed to apprise the board of all controverted issues. Legal contentions should be supported by citations to applicable authorities.

.185. Statement of Ambiguities. In the event the carrier is a member of a group of carriers, the following statement of ambiguity shall be included in the carrier's formal statement of position and the carrier designated therein shall be deemed to be the carrier of record, for all purposes.

To resolve any ambiguity that may exist you are hereby advised the correct carrier is _____. In the event it is subsequently determined that _____ is not the correct carrier, we will not assert as a defense either before the Industrial Accident Board or subsequently in a court of law that the award of the board was entered against the wrong carrier, nor that claimant has sued the wrong carrier

.195. Sanctions. Failure to file a formal statement of position or filing a formal statement of position that does not comply with the requirements of board Rule 061.05.00.180 (relating to Contents of Formal Statement of Position) may be punishable by appropriate sanctions of the board.

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

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Executive Director
Industrial Accident Board

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For further information, please call (512) 475-4538.

Special Formal and Other Investigative Hearings

061.05.00.300, .310, .320, .325, .330, .335, .340, .345, .350, .355, .360, .365, .370

The Industrial Accident Board proposes to adopt the new undesignated title "Special Formal and Other Investigative Hearings." The board proposes new Rules 061.05.00.300, .310, .320, .325, .330, .335, .340, .345, .350, .355, .360, .365, and .370, which provide procedures to be followed at the hearing, the use of court reporters, continuance of a hearing and issuance of subpoenas *duces tecum*. It is proposed that hearings generally follow the procedure used in judicial proceedings in the courts of the state.

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

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be a prompter filing of reports and statements with the board. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. The proposed rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The new rules are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.300. Procedures. These hearings will only generally follow the Texas Rules of Civil Procedure. Evidence

will be received in accordance with the Texas Rules of Evidence as generally applied in Texas judicial proceedings, although not with the same degree of strictness. The procedures used in these hearings shall generally follow that used in judicial proceedings in the courts of this state.

.310 Commencement of Hearings. Upon its own motion, or upon the written request or complaint of either a party or employer, the board may schedule a special formal hearing, fraud hearing, or investigative hearing to be conducted by the board or any member thereof under the authority of applicable provisions of the Workers' Compensation Law of Texas.

.320 Notice. All hearings shall be commenced by written notice, in accordance with the provisions of Chapter 1 of these rules (relating to Communications and General Medical Provisions) to the individuals and businesses or agencies directly concerned with the subject of the hearing. Sufficiency of the notice shall be presumed unless the issue is raised by an interested party on or before the hearing date.

.325. Special Statutory Notice. In the event of hearings conducted by the board pursuant to the provisions of Texas Civil Statutes, Article 8306, §18, or Texas Civil Statutes, Article 8307, §7 and §9a, or Texas Civil Statutes, Article 8308, §18a, the notice requirements of those statutes will prevail whether same or inconsistent with any other provisions of these board rules pertaining to notice.

.330. Thirty-Day Notice. In all other hearings except for those described in board Rule 061.05.00.325 (relating to Special Statutory Notice), and unless waived by the board upon its own motion, or for good cause shown, no less than 30 days written notice of the date, time, and place of such hearing will be given to the parties concerned.

.335. Personal Appearance Hearings in Austin. A party desiring to make personal appearance hearing before the board on a claim which is scheduled for formal hearing by the board in Austin shall give the board and all other interested parties not less than seven days written notice thereof. The claimant's attendance at such hearing is required unless waived by the board for good cause shown. Hearings will begin at 9:30 a.m. in the board's Austin office, and cases normally will be heard by the board in the order they are registered with the receptionist. Strict compliance with the notice provisions of this rule may be waived for good cause.

.340. Use of Court Reporters. Testimony will be recorded under the direction and control of the board member conducting the hearing. It will be permissible for any party to have a court reporter record the proceedings, conditioned upon:

(1) notification thereof shall be made to the presiding board member not less than three days before the scheduled hearing; and

(2) the original of the transcript shall be promptly furnished by the court reporter to the board, without cost to the board; and

(3) a true copy of the transcript shall be made available to the opposing party or parties at the usual and customary charge therefore.

.345 Continuance. After a hearing is scheduled and notice is given to the party or parties as herein provided, a postponement or cancellation may be had by any party only for good cause. A request for postponement or cancellation shall be first and promptly made by telephone or in person to the presiding board member. If the request is granted, the party shall confirm the request and the grounds therefore by letter to the board member, with a copy thereof being delivered to the opposing party/parties or counsel.

.350 Recess. After a hearing has commenced, circumstances may develop which, in the best interest of equity and justice, require the presiding board member to recess the hearing until a later time or date. If this occurs, the parties and all subpoenaed witnesses shall be entitled to notice of the date, time, and place of the resumption of hearing, in accordance with the same provisions as herein before provided for in these rules for the initial notice, except not less than 10 days written notice thereof shall be given to the party or parties.

.355. Complaint Specifications. For all hearings for which complaint and allegation of violation of any provision of the Workers' Compensation Law or of Industrial Accident Board rules, the written notice herein provided for shall describe in detail the areas of investigation or complaint so as to fairly inform the party under investigation.

.360. Documentary Evidence. If documentary evidence is to be tendered at the hearing, true copies thereof shall be prepared in advance by the party offering such evidence, sufficient in number for all interested parties to the hearing.

.365. Filing of Formal Statement of Position. Although no formal statement of position is required to be filed in these types of hearings, any party may file a written brief concerning the facts, law, or argument which a party may desire to present in written form to the board.

.370. Subpoenas and Subpoenas Duces Tecum.

(a) Upon its own motion, or upon the written request of any party to a hearing, the board member presiding over the scheduled hearing may issue a subpoena for attendance of a witness or issue a subpoena *duces tecum* in order to examine any part of the books, files, and records of the parties or other witnesses as relate to the matters in dispute.

(b) It is urged that all requests for subpoenas be promptly made and correctly identify the name and address of the person to be subpoenaed, and a description of the books, records, etc., to be produced by subpoena *duces tecum*.

(c) Although the board will issue a subpoena upon request and in accordance with this rule, the requesting party should be aware the board is unable to enforce its subpoena authority unless the request is accompanied by \$1.00 cash for each subpoena to be served, and, in addition, the party requesting the subpoena may be called

upon to pay witness travel expense pursuant to Texas Civil Statutes, Article 3708

(d) No subpoena will be issued directed to a witness residing more than 100 miles from the county courthouse in the county where the hearing is held

(e) A true copy of the request for subpoena; subpoena *duces tecum* shall be promptly mailed by the requesting party to all other parties to the hearing

(f) Any objection to a subpoena or to a subpoena *duces tecum*, or any portion thereof, shall be made in writing to the board member conducting the hearing and shall state with certainty the grounds of objection. If the written objection is presented to the board not less than seven days prior to the hearing, then a majority of the board shall rule upon the same. If presented less than seven days in advance of the hearing, or at the time of the hearing, the objection may be determined by the board member scheduled to conduct the hearing

(g) Any subpoena *duces tecum* issued by the board, or any member thereof, shall be restricted in the documents, instruments, and other writings discoverable thereby, to the provisions of the Texas Rules of Civil Procedure, Rule 186a, as now written, or hereafter amended. In the event of an unresolved dispute concerning the applicability of a subpoena *duces tecum* to a particular document, instrument, or other writing, the board or board member conducting the hearing shall examine the instrument *in camera* to determine whether or not the same is discoverable in whole or in part.

(h) Insofar as practicable, and also in conformity with the board rules herein provided, Rules 176, 177, 177a, 178, and 179 of the Texas Rules of Civil Procedure, as now written, or hereafter amended, shall be applicable to subpoena practice before the board.

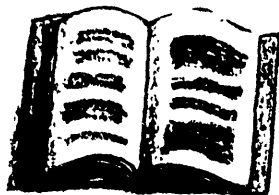
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on September 12, 1983.

TRD-837151 William Treacy
Executive Director
Industrial Accident Board

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October 21, 1983

For further information, please call (512) 475-4538.



Chapter 7. Carrier's Report of Initiation and Suspension of Compensation Payments

061.07.00.005, .012, .016, .023, .028, .035, .040, .045, .050, .055, .060

The Industrial Accident Board proposes new Rules 061.07.00.005, .012, .016, .023, .028, .035, .040,

.045, .050, .055 and .060. The board recognizes the mandate of the legislature to dedicate itself to the enforcement of those laws requiring the prompt and fair delivery of compensation and medical benefits to the injured workers of Texas. The fulfillment of this duty requires the board to take an active role in the implementation of Texas Civil Statutes, Article 8306, §18a, effective January 1, 1984. The proposed rules define written notice of injury, the board's notice to the carrier of injury, application for suspension of compensation, and mode of payments of compensation.

William Treacy, executive director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be the ease in identifying and researching the rules. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. The proposed rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The new rules are proposed under Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.005. Payment of Benefits Without Prejudice. It being the policy of the Industrial Accident Board to encourage the prompt delivery of compensation and medical benefits to an injured worker, neither the payment of periodic benefits nor of the health provider care shall be considered an admission of liability by the insurance carrier.

.012. Written Notice of Injury Defined. Written notice of injury as used in Texas Civil Statutes, Article 8306, §18a, shall consist of either:

- (1) an employer's first report of injury (IAB Form E-1); or
- (2) any other instrument in writing, regardless of its source, which fairly informs the carrier of the name of the injured worker, the identify of the employer, the approximate date of injury, and facts showing compensable lost time or the probability of compensable lost time. Every carrier shall promptly and legibly date stamp every written notice of injury received by it, showing the date such notice was received.

.016. Board Notice to Carrier of Injury. The board shall furnish a dated written notification of any injury which may produce compensable lost time to the carrier's designated Austin representative. This notice shall begin the 20-day period for commencement of the payment of compensation, or the filing of the statement of controversy, as required in Texas Civil Statutes, Article 8306,

§18a, unless the carrier has already received earlier written notice thereof from another source (Effective January 1, 1984).

.023. Mode of Payment of Compensation. Every insurance carrier shall report to the Industrial Accident Board and to the claimant or his attorney on Form A-1 the initial payment of compensation to an injured employee or employee's beneficiary within 10 days from the date of issuance of a draft, check, or other evidence of payment. If such payment represents both initial and final payment, that fact shall be stated on the face of the Form A-1.

(1) All payments of compensation whether of periodic payments, advances, A-2 lump sum payments, or of compromise settlement agreements, shall be by United States legal tender, checks, or negotiable drafts drawn on a Texas bank.

(2) Whenever a payment of compensation is made through the use of a negotiable draft, the carrier shall accompany the draft with written advice to the claimant of the carrier's office location and phone number where the claimant may call, at carrier's expense, to obtain help if necessary in cashing the compensation draft.

.028. Filing of Wage Statement

(a) In cases in which the reported weekly compensation rate is less than the maximum prescribed by law, the insurance carrier shall file with the board and the claimant or his attorney a wage statement reporting the wages upon which the compensation rate is based. The wage statement shall accompany the Form A-1, report of initial payment of compensation, or in the event a wage statement is not available at the time of filing Form A-1, the carrier shall indicate on Form A-1 that a wage statement has been requested and shall file said form within a reasonable time, not to exceed 30 days from the date of initial payment of compensation.

(b) When an employer fails or refuses to promptly complete and return the wage statement to the carrier, the carrier shall notify the board of that fact and additionally shall supply the employer's current address to the board. The board will thereafter contact the employer pursuant to the provisions of Texas Civil Statutes, Article 8307, §7, and of these rules, and may impose appropriate sanctions against the employer for a continuing unexcused failure to respond to the request.

(c) If the carrier does not notify the board of the employer's failure to comply within 30 days of the carrier's first request for a wage statement, the board shall set the compensation rate based upon evidence in the file, and the carrier shall be required to pay the rate determined by the board beginning with the date that the initial payment of compensation was due and continuing until the wage statement is filed with the board or until the carrier is authorized to stop or suspend compensation.

.035. Notice of Suspension of Compensation. In every instance in which an insurance carrier has paid compensation to a claimant, the carrier shall report to the board and to the claimant or his attorney on Form A-2 (notice of suspension of compensation payments) within

10 calendar days from the date of the last payment. The reasons for suspension of payment shall be stated fully on the notice. When Form A-2 is filed stating compensation suspended because case settled with third party, the carrier shall accompany the notice with a copy of the judgment(s) or settlement papers.

.040. Transmittal Letter. In cases where the carrier tenders a lump sum payment to claimant based upon medical disability, the carrier shall accompany the payment with the A-2 and a transmittal letter which shall read as follows:

(1) Enclosed is our payment of compensation of \$_____ for injuries received on _____. This payment is based on the medical reports contained in our file. Your case remains open before the Industrial Accident Board. This payment does not represent a settlement of your compensation claim.

(2) The insurance carrier shall file an amended A-2 not later than 10 days after the carrier has received a rejected lump sum payment from the claimant or has itself canceled for any reason the lump sum payment.

.045. Maximum Payment to Minor. In cases of specific injury of injuries resulting in death, permanent total incapacity, or a high degree of permanent partial disability, where the injured employee is a minor, the compensation rate per week shall be fixed at the maximum allowed by the law unless the evidence clearly dictates the contrary.

.050. Resumption of Compensation. In the event the carrier shall, after reporting suspension of payment on Form A-2, subsequently resume the payment of compensation, it shall report such resumption on Form A-4 within 10 days from date of first payment after resumption, and a copy of such Form A-4 shall be furnished to the claimant or his attorney.

.055. Payment for Amputation. When an industrial injury occurring prior to September 1, 1973, results in the amputation or partial amputation of a finger, thumb, or toe, the insurance carrier shall file with the board, with copy to the claimant or his attorney, a signed medical report and a chart showing the exact point of amputation at the time a Form A-2, compromise or lump sum payment, is submitted.

.060. Application for Suspension of Compensation. Where application is made by the carrier for suspension of compensation pursuant to either Texas Civil Statutes, Article 8306, §12a, or Texas Civil Statutes, Article 8707, §4, the question of suspension will be set by the board for hearing within two weeks of said application. No suspension of compensation benefits will be approved by the board, under Texas Civil Statutes, Article 8307, §4, unless statutory grounds exist for such suspension. No suspension of compensation benefits will be approved by the board, under Texas Civil Statutes, Article 8306, §12a, unless:

- (1) the injured employee has returned to work; or
- (2) the injured employee refuses light duty work procured for him in the locality where he was injured or at a place agreeable to him; or

(3) the treating physician has released the employee to return to work without physical restrictions relating to the compensable injuries involved.

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 September 12, 1983.

TRD-837153 William Treacy
Executive Director
Industrial Accident Board

Earliest possible date of adoption.
October 21, 1983

For further information, please call (512) 475-4538.

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

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Executive Director
Industrial Accident Board

Earliest possible date of adoption.
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For further information, please call (512) 475-4538.



061.07.00.010, .011, .020-.022, .030, .070,
.080

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Industrial Accident Board, 200 East Riverside Drive, first floor, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes to repeal Rules 061.07.00.010, .011, .020-.022, .030, .070, and .080, to realign the rules within this chapter or place them in another chapter. In both instances a new submission is being made.

William Treacy, executive director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be a more orderly arrangement of the rules. There is no anticipated economic cost to individuals who are required to comply with the repeal. The proposed rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, First Floor, Austin, Texas 78704.

The repeal is proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

- .010. *Mode of Payment.*
- .011. *Filing of Wage Statement.*
- .020. *Notice of Suspension.*
- .021. *Transmittal Letter.*
- .022. *Maximum Payment to Minor.*
- .030. *Certification Procedure.*
- .070. *Resumption of Compensation.*
- .080. *Payment for Amputation.*

Chapter 8. Lump Sum Payments [Settlement Agreements]

061.08.00.010, .040, .080

The Industrial Accident Board proposes to amend the title of Chapter 8 to be more inclusive of the types of payments in this chapter.

The board proposes to amend Rules 061.08.00.010, .040, and .080 to specify when lump sum payment may be paid in a fatal case, to specify that the injured worker must sign a compromise settlement agreement, except in extraordinary circumstances, and to correct a typographical error in calculating the percent of impairment in each ear

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

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be clarification of existing rules. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. The proposed rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The amendments are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

Chapter 10. Notices of Intention to Appeal

061.10.00.010

The Industrial Accident Board proposes to amend Rule 061.10.00.010, concerning filing of notice, to clarify and emphasize that notices of intention to appeal from a final order or award of the board must be in writing and filed in the board's Austin office.

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

Mr. Treacy also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be clarification of how and where notices of intention to appeal the board's orders and awards should be filed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. The proposed rule will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The amendment is proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.010. Filing of Notice. Notices of intention to appeal from a [the] final order or award of the board shall be filed with the board in Austin and must be in writing, clearly and accurately identify the compensation claim to which it pertains, including the board file number, and delivered to the board's office in Austin, either: [may be mailed to the board or delivered in person to the executive director of the board or to any person designated by the board. (1970)]

- (1) in person, or
- (2) by mail, or
- (3) by wire or telegram, or
- (4) by comparable means.

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 September 12, 1983.

TRD-837156 William Treacy
Executive Director
Industrial Accident Board

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For further information, please call (512) 475-4538.

.010. Lump Sum Payments [Payment Agreements]. No lump sum payment of fatal benefits may be made without prior board approval. No lump sum payment of fatal benefits may be made to beneficiaries, unless there exists a bona fide dispute as to the liability of the insurance carrier, and, no lump sum payment of benefits for injuries enumerated in Texas Civil Statutes, Article 8306, §11a, shall be made unless there is also a bona fide dispute as to the liability of the insurance carrier (Texas Civil Statutes, Article 8306, §8 and §10b). [Injuries resulting in death or total permanent disability, when compensable, are not subject to compromise, and compensation in such instances should be paid in weekly installments or in lump sum (where authorized by statute), in accordance with a lump sum payment agreement approved by the board.]

(1) (No change.)

(2) All lump sum payment agreements submitted to the board must be submitted in four parts—the original must be white, the second copy pink, third copy yellow, and fourth copy white. The forms must either be on NCR paper or be submitted with carbon left intact. A copy of the lump sum payment agreement will be furnished to the parties listed below in lieu of a separate approval notice:

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

(C) the final copy will be placed in the Austin representative's box [(Revised 1979)].

.040. Execution of Compromise Settlement Agreement. A compromise settlement agreement must be signed by the claimant personally, unless sufficient good cause is found by the board to excuse strict compliance to this rule. **Only in extraordinary circumstances will the board approve a compromise settlement agreement in which the attorney signs the claimant's name under a power of attorney.** [(1981)]

.080. Hearing Impairment.

(a) (No change.)

(b) The average of the hearing threshold levels at 500 Hz, 1,000 Hz, 2,000 Hz, and 3,000 Hz should be calculated for each ear. The percent of impairment for each ear should be calculated by multiplying by 1.5[%] the amount by which the above average hearing threshold level exceeds 25 dB up to a maximum of 100% which is reached at 92 dB. The hearing handicap, a bilateral assessment, should then be calculated by multiplying the smaller percentage, (better ear), by five, adding this figure to the larger percentage, (poorer ear), and dividing the total by six.

(c)-(g) (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 September 12, 1983.

TRD-837155 William Treacy
Executive Director
Industrial Accident Board

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For further information, please call (512) 475-4538.

Chapter 11. Prehearing Conferences

061.11.00.010, .015, .020, .025, .035, .040, .045, .055, .060, .065, .070, .075, .080

The Industrial Accident Board proposes to amend Rule 061.11.00.010, stating all interested parties will be given 30 days notice of a prehearing conference unless medical benefits or compensation are not being paid. Then the conference may be set with less than 30 days notice.

The board proposes to adopt new Rules 061.11.00.015, .020, .025, .035, .040, .045, .055, .060, .070, .075, and .080. The rules set forth the reasons for setting prehearing conferences, participation of the parties at the conferences, and the proper conduct of the parties at the conferences. The rules will provide that insurance carriers should be represented either by an attorney licensed to practice in Texas or by an individual proficient in the compensation law and procedure.

One of the new rules pertains to consular officers and their attorneys, when representing injured workers before the board, who shall adhere to the board's rules and attend prehearing conferences.

William Treacy, executive director, has determined that for the first five year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be an orderly categorization of the topics. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. The proposed rules will have no adverse economic effect on small businesses

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, First Floor, Austin, Texas 78704

The amendment and new rules are proposed under Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules

.010. Notice of Prehearing [Pre-Hearing] Setting. The board will give at least 30 days notice of prehearing [pre-hearing] conference to all interested parties, unless compensation or medical benefits are [is] not being paid, in either of which event a prehearing [pre-hearing] conference may be set with less [fewer] than 30 days notice. (1970)(Revised 1977)

.015. Setting Under Texas Civil Statutes, Article 8306, §18a.

(a) If the carrier, having received written notice of a compensable lost time injury as provided in Texas Civil Statutes, Article 8306, §18a, is not timely paying compensation, or ceases the payment of such benefits, the

board shall set the claim for a prehearing conference on the first available docket.

(b) In the event a dispute arises over the suspension of medical benefits as defined in these board rules, a health provider may file with the board a written request to attend a prehearing conference, as a party and participant therein, and in such event the health provider shall attend the prehearing conference, either in person or by a representative. In the request, the health provider shall certify the charges have been itemized and that timely reports have been made in accordance with Texas Civil Statutes, Article 8306, §7, and these board rules. (Effective January 1, 1984)

.020. Setting on Hardship.

(a) If the board determines that financial hardship may exist and the carrier has failed to tender an adequate advance or acceleration of benefits within 10 days from the filing of a hardship affidavit with the board, the board shall schedule such case for prehearing conference on the next docket following 30 days from the date of the filing of the hardship affidavit.

(b) Hardship affidavits must contain sufficient factual information to support the allegations of hardship, and shall be signed and sworn by the claimant personally, unless otherwise waived by the board for good cause shown.

(c) A copy of the hardship affidavit shall be forwarded to the insurance carrier by the claimant, at the same time the original is filed with the board.

.025. Setting at Carrier's Request Upon a showing of good cause, prehearing will be set by the board on the insurance carrier's request. It shall be presumed the payment of compensation benefits for a period of consecutive 52 weeks or longer constitutes a case of "extended disability", and in such cases the carrier, upon written request therefore, approved by the board, shall be entitled to a prehearing conference in order to review the claimant's physical and medical condition and the treatment thereof

.035. Representatives Must Be Qualified. The success of the prehearing conference system depends upon a high level of expertise in workers' compensation matters by representatives of carriers and claimants. Carriers should be represented either by an attorney licensed to practice in this state, or by individuals who can demonstrate a continuing proficiency in compensation law and procedure. Negotiation of a settlement in a workers' compensation case constitutes the practice of law, and no attorney's fees or expenses will be authorized by the board to any representative of the claimant other than an attorney licensed to practice in this state.

.040. Supply of Forms The carrier's representative shall have a sufficient supply of proper forms to enable him to complete settlements at the prehearing conference. (1970)(Revised 1973)

.045. Postponement and Continuance. If for any reason the case should not be heard at the designated time and place, any interested party shall notify the resident reviewer or the hearing officer 10 days prior to prehearing, giving reasons for his objections and he shall furnish a copy of said objections to opposing counsel or

party. The resident reviewer or hearing officer may, after reviewing the objections, order the prehearing rescheduled or retained on the docket. (1970)(Revised 1973)

.055. *Maintain Setting.* Where the request for continuance or postponement is based upon the payment of compensation and furnishing of medical aid, the resident reviewer or the prehearing officer may still maintain the setting where there is a showing of hardship on the part of the claimant. (1970)(Revised 1973)

.060. *Failure to Appear.* Where claimant or his attorney, if any, fails to make a personal appearance at the prehearing without good cause, such failure to appear shall result in a postponement of the prehearing until the board is assured in writing of his or their appearance. The board may order a reduction in attorney's fees in cases of unexcused or unexplained failure of the attorney to attend any scheduled prehearing conference. (1970)(Revised 1974)

.065. *Participation at Conference.* Although no testimony will be taken at a prehearing conference, nevertheless, the claimant, carrier's representative, and any other witnesses in attendance must, if called upon by the prehearing examiner of the adverse party, fully participate by responding to requests for information reasonably necessary in the evaluation or defense of the claim presented. A violation of this rule by claimant may result in a continuance of the prehearing conference until a subsequent date, and a violation of the rule by any other party or witness may result in appropriate sanctions by the board. (1981)

.070. *Carrier Self-Audit of Prehearing Conference.* A viable prehearing conference system is important to the efficient functioning of the workers' compensation program in this state. This necessarily includes a good faith effort on the part of both claimant or his/her attorney, and of the carrier to negotiate in good faith. In order that the board might monitor the designed function of the prehearing conference, in all claims which are the subject of a prehearing conference, except fatals, statutory total and permanent claims, and second injury fund claims, and where no A-2 payment is made or compromise settlement agreement is entered into at the prehearing conference;

(1) The carrier shall make and keep a written record of each compensation file which has been the subject of a prehearing conference, and an award recommendation has been made by the prehearing examiner, the following information: the name of the claimant; the name and permanent State Bar number of the claimant's attorney, if known to the carrier; the board file number, the carrier file number; the date of the prehearing conference held on the claim; the amount of the final demand of the claimant or his/her attorney at the prehearing conference; the amount of the final offer made by the carrier; and the net award by the board.

(2) Such record shall also include the date of final disposition, the net amount thereof, and whether by way of compromise settlement agreement, judgment, or dismissal without judgment entry.

(3) The record described in this rule shall be retained by the carrier for not less than five years follow-

ing its completion, and shall be made available to the board, upon its request therefore.

(4) Neither the carrier nor claimant's attorney shall ever be required to file such information as directed herein by the board, and such information shall never become a part of the records of the board. A carrier or an attorney shall, at the request of the board, make these records available to the board for the purpose of the board and carrier or attorney evaluating the negotiation record of the carrier or the attorney at prehearing conferences. No board member or officer or employee of the board shall ever disclose such information, or any part thereof, to any other person, corporation, or agency.

.075. *Conduct at Prehearing Conference.* Abusive, threatening, and vulgar language or gestures will not be tolerated at a prehearing conference. Violation of this board rule by any party or witness may result in a continuation of the hearing until a later date, sanctions, or, in appropriate instances, charges of unethical conduct under Rule 061.13.00.010 of these board rules (relating to Practicing before the Board).

.080. *Consular Officers.* Consular officers and their attorneys shall comply with all board rules and shall attend any prehearing conference or board hearing set on any compensation claim where such consular officer or their attorney shall purport to represent the interests of any resident or nonresident alien beneficiary in a workers' compensation claim under the Workers' Compensation Laws of Texas. No attorney's fee or other expenses shall be deducted or withheld from any compensation paid without prior authorization of the board pursuant to the provisions of Texas Civil Statutes, Article 8306, §7c. The board shall be provided with proper documentation, as it may request, from time to time, of the remission of compensation benefits paid through any consular office pursuant to the provisions of Texas Civil Statutes, Article 8306, §17.

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 September 12, 1983

TRD 837157 William Treacy
Executive Director
Industrial Accident Board

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October 21, 1983

For further information, please call (512) 475-4538.

061.11.00.012, .013, .042, .043, .047,
.050-.053

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Industrial Accident Board, 200, East Riverside, First Floor, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Industrial Accident Board proposes to repeal Rules 061.11.00.012, .013, .042, .043, .047, and .050-.053. The rules are being repealed to revise them, add rules, and change their order within the chapter. Chapter 11, containing revisions and additions, will appear in a separate submission.

William Treacy, executive director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Treacy also has determined that for each year of the first five years the repeal is in effect there is no public benefit anticipated as a result of enforcing the repeal. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed. The repeal will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, Industrial Accident Board, 200 East Riverside Drive, First Floor, Austin, Texas 78704.

The repeal is proposed under Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

- .012. *Setting on Hardship.*
- .013. *Setting at Carrier's Request.*
- .042. *Representatives Must Be Qualified.*
- .043. *Hold Order.*
- .047. *Supply of Forms.*
- .050. *Postponement and Continuance.*
- .051. *Maintain Setting.*
- .052. *Failure to Appear.*
- .053. *Participation at Conference.*

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 September 12, 1983.

TRD-837158 William Treacy
 Executive Director
 Industrial Accident Board

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For further information, please call (512) 475-4538.

Chapter 13. Unethical or Fraudulent Claims Practices

061.13.00.020, .030

The Industrial Accident Board proposes amendments to Rule 061.13.00.020 and new Rule .030. The proposed amendment to .020(1)(A) sets forth that it is

deemed unethical or fraudulent conduct by the carrier to misrepresent to health providers as well as claimants and employers the provisions of the Workers' Compensation Law. The proposed amendment to .020(1)(I) states that an employer at a prehearing conference may participate as a witness/observer. The new board Rule .030 provides that filing of a violation report by an authorized representative of the board shall be answered in writing within 30 days from receipt of the report to the executive director of the board.

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

Mr. Treacy also has determined that for each year of the first five years the rules as proposed are in effect there is no public benefit anticipated as a result of enforcing the rules as proposed. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. The proposed rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to William Treacy, Executive Director, 200 East Riverside Drive, Austin, Texas 78704.

The amendments and new rule are proposed under the authority of Texas Civil Statutes, Article 8307, §4, which provide the Industrial Accident Board the authority to promulgate rules.

.020. *Actions by Carrier, Claimant's Attorney, and/or Agent.* The following willful acts shall be deemed unethical or fraudulent conduct by the board:

- (I) Carrier representatives:
 - (A) misrepresenting to claimants, [or] employers, or health providers the provisions of the Workers' Compensation Law of Texas.
 - (B)-(H) (No change.)

(I) allowing an employer to dictate the methods by which and the terms on which a claim is handled and settled. Nothing in the foregoing shall prohibit the free discussion of a claim prior to prehearing conference, prohibit the employer's assistance in the investigation and evaluation of a claim prior to prehearing conference, or prohibit the employer's attendance at a prehearing conference and participation therein as a witness/observer [matter of right].

- (J)-(U) (No change.)
- (2) (No change.)

.030. *Filing of Violation Report.* Whenever an authorized representative of the board believes any party to a compensation claim has been or is in violation of either the Workers' Compensation Act, or any part thereof, or of these board rules, a written violation report shall be sent to the executive director with a copy to the party concerned. Said party shall promptly report in writing and shall direct his reply to the executive director. This board may impose sanctions for failure of said party to

respond to the violation report within 30 days from receipt thereof.

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 September 12, 1983.

TRD-837159 William Treacy
Executive Director
Industrial Accident Board

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 475-4538.

Chapter 20. Crime Victims Compensation Act

061.20.00.006, .017, .026, .035

The Industrial Accident Board proposes amendments to Rules 061.20.00.006 .017, and .026, and new Rule .035. The proposed amendment to .006 provides for the victim's filing of an application within one year to begin with the last known event which constituted the criminally injurious conduct, which is in accordance with House Bill 729, passed by the 68th Legislature, 1983. The proposed amendment to .017 establishes the procedure of payment of benefits to the victims of crime. The proposed amendment to Rule .026 adds a provision that attorney fees shall be fair and reasonable for services. The new .035 provides that the crime victim must cooperate with the attorney general's office and the board in furnishing requested information.

Jerry Belcher, special programs director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Belcher also has determined that for each year of the first five years the rules as proposed are in effect there is no public benefit anticipated as a result of enforcing the rules as proposed. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed, as the rules have been amended in accordance with legislation passed by the 68th Legislature, 1983. The proposed rules will have no adverse economic effect on small businesses.

Comments on the proposal may be submitted in writing within 20 days after publication in the *Texas Register* to Jerry Belcher, Special Programs Director, Crime Victims Compensation Act, P.O. Box 3536, Austin, Texas 78764.

The amendments and new rule are proposed under the authority of Texas Civil Statutes, Article 8309-1, §10(a), which provide the Industrial Accident Board the authority to promulgate rules.

.006. Filing of Application. In determining the time period for the victim's filing of an application with the board under §4(c), the board will consider one year [the 180 days] to begin with the last known event which constituted the criminally injurious conduct for which compensation is sought.

.017. Insufficient Funds. When the compensation to victims of crime fund contains no funds or insufficient funds to make payments to awarded victims, the board will make such award payments as funds become available on the following basis:

- (1) In all applications for injuries sustained on or after January 1, 1984, and approved by the board during calendar year 1984 and each calendar year thereafter, wherein funds are insufficient to pay the total amount approved, the board will award benefits first to victims entitled to emergency grants, loss of wages, and dependents of deceased victims for loss of support. Other approved benefits will be adjusted (prorated) and awarded quarterly for an amount not to exceed the monies deposited within the same calendar period. None of the benefits, other than emergency grants, loss of wages, and support, will be awarded and paid until all claims on the waiting list have been awarded and paid. [the first award in time shall take priority over later awards, except that]
- (2) (No change.)

.026. Attorney's Fee. Any attorney representing a claimant and requesting a fee shall file with the board a written power of attorney with itemization of time and expenses incurred prior to the board entering an award. The amount awarded will be based on the services being reasonable and necessary.

.035. Victims Compliance Necessary. All information requested by the attorney general's office and/or the Industrial Accident Board shall be promptly furnished by the claimant, his or her attorney or agency representing the claimant. Any delay or refusal to promptly furnish the requested information may result in a delay in further action by the attorney general's office in its investigation or by the board in its processing of the claim.

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 September 12, 1983.

TRD-837160 William Treacy
Executive Director
Industrial Accident Board

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 475-4538.



**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

**Part I. Texas Department of
Human Resources**

**Chapter 3. AFDC
Support Documents**

40 TAC §3.9804

The Texas Department of Human Resources proposes the repeal of existing §3.9804 and new §3.9804, concerning the standard budgetary allowances in the Aid to Families with Dependent Children (AFDC) Program.

In §3.9804, the department is proposing a new standard for determining AFDC eligibility and benefit amounts for September 1983 and future months. The needs standard for September was adopted on an emergency basis effective September 1, 1983, in the August 5, 1983, issue of the *Texas Register*. The department is basing the new standard on increased appropriations from the 68th Legislature, 1983. The last adjustment to the AFDC standard of need was made in 1969. The department has developed the new standard to recognize the increased cost of living. The Board of Human Resources approved the new standard for September and future months on August 11, 1983.

David Hawes, programs budget and statistics director, has determined that for the first three years the new rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The estimated additional cost to the state will be \$2,180,490 in fiscal year 1983, \$15,232,625 in fiscal year 1984, and \$32,111,833 in fiscal year 1985. The need and payment standards are subject to additional change at the beginning of the 1986-1987 biennium. Therefore, the department has not projected the additional costs beyond fiscal year 1985. There is no estimated loss or increase in revenue.

Mr. Hawes has also determined that for each year of the first three years the rule as proposed is in effect the public benefits will be increased benefits for AFDC recipients. There are no economic costs for individuals required to comply with this rule.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-504, Texas Department of Human Resources, 153 B, P O Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorize the department to administer public assistance programs.

§3.9804. Standard Budgetary Allowances

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 September 13, 1983.

TRD-837193 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption
October 21, 1983

For further information, please call (512) 441-3355,
ext 2037

This new rule is proposed under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

§3.9804. Standard Budgetary Allowances. For September 1983 and future months, the needs allowance for each size family group for AFDC is as follows:

Family Size	Non-caretaker Cases			Caretaker Cases		
	Maximum Income (150%)	Budgetary Needs (100%)	Recognizable Needs (30%)	Maximum Income (150%)	Budgetary Needs (100%)	Recognizable Needs (30%)
1	\$255.00	\$170.00	\$ 51.00	\$307.50*	\$205.00*	\$ 62.00*
2	360.00	240.00	72.00	637.50	425.00	128.00
3	507.00	338.00	101.00	741.00	494.00	148.00
4	604.50	403.00	121.00	889.50	593.00	178.00
5	780.00	520.00	156.00	991.50	661.00	198.00
6	841.50	561.00	168.00	1140.00	760.00	228.00
7	1051.50	701.00	210.00	1237.50	825.00	248.00
8	1155.00	770.00	231.00	1410.00	940.00	282.00
9	1324.50	883.00	265.00	1510.50	1007.00	302.00
10	1426.50	951.00	285.00	1681.50	1121.00	336.00
11	1597.50	1065.00	320.00	1785.00	1190.00	357.00
12	1701.00	1134.00	340.00	1951.50	1301.00	390.00
13	1870.50	1247.00	374.00	2056.50	1371.00	411.00
14	1972.50	1315.00	395.00	2226.00	1484.00	445.00
15	2142.00	1428.00	428.00	2329.50	1553.00	466.00
Per each additional member	169.50	113.00		169.50	113.00	

* SSI Caretaker

Note: For SSI caretaker cases with second parent, use these figures: Maximum Income \$505.50; Budgetary Needs \$337.00; Recognizable Needs \$101.00

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 September 13, 1983.

TRD-837192 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
October 21, 1983

For further information, please call (512) 441-3355,
ext. 2037.

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 generally 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. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

TITLE 22. EXAMINING BOARDS Part IX. Texas State Board of Medical Examiners

Chapter 169. Authority of Physicians to Supply Drugs

22 TAC §§169.1-169.4

The Texas State Board of Medical Examiners has withdrawn from consideration for permanent adoption proposed new §§169.1-169.4, concerning the au-

thority of physicians to supply drugs. The text of the new sections as proposed appeared in the August 16, 1983, issue of the *Texas Register* (8 TexReg 3179).

Issued in Austin, Texas, on September 12, 1983

TRD 837189

Jean Davis
Program Administrator
Texas State Board of Medical
Examiners

Filed, September 13, 1983

For further information, please call (512) 452-1078.

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.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which explain the legal justification for the rule, how the rule will function, contain comments received on the proposal, list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes, and contain the agency's interpretation of the statute under which the rule was adopted.

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. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules



TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division Subchapter M. Motor Bus Companies

16 TAC §5.236

The Railroad Commission of Texas adopts amendments to §5.236, with changes to the proposed text published in the June 24, 1983, issue of the *Texas Register* (8 TexReg 2159). A typographical change from the text as published was made in (d)(1) to be consistent with (d)(2).

Existing provisions are carried forward, except where inconsistent with the Bus Regulatory Reform Act of 1982. Provision is made for the establishment of law-

ful rates applicable to the interstate transportation of express package shipments pursuant to 49 United States Code §11501(e). The provisions have also been changed to delete the requirement that motor bus companies serve notice of proposed rate reductions on all connecting and competing carriers.

The first five year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. The public benefit anticipated as a result of enforcing the rule as proposed will be compliance with the Bus Regulatory Reform Act of 1982. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

There were no comments received regarding adoption of the amendments.

These amendments are adopted under Texas Civil Statutes, Article 911a, §4, which provide the Railroad Commission of Texas with the authority to adopt rules for the regulation of motor bus companies.

§5.236 *Rates, Fares, and Charges for Motor Bus Companies.*

(a) (No change.)

(b) Assessment of unauthorized rates, fares, and charges prohibited. Motor bus companies are prohibited from charging, collecting, demanding or receiving any rate, fare, charge, or other compensation other than the lawful rates, fares, and charges prescribed by order of the commission or otherwise made lawful under 49 United State Code §11501(e) and on file with the commission.

(c) Rates, fares, and charges for regular route passenger service.

(1) Rate increases.

(A) (No change.)

(B) Procedures.

(i) (No change.)

(ii) Notice of increases prescribed by the Interstate Commerce Commission on appeal from an order of the commission pursuant to 49 United States Code §11501(e) Each motor bus company shall, within 15 days of receipt of notice that the Interstate Commerce Commission has prescribed an intrastate regular route motor bus passenger service rate increase applicable via such carrier pursuant to 49 United States Code §11501(e) but prior to the effective date of such rate, file with the commission a copy of the Interstate Commerce Commission decision prescribing the rate increase together with a tariff or tariff supplement reflecting the level of rates prescribed by the Interstate Commerce Commission. Such tariff or supplement shall comply, in all respects, with the provisions 49 Code of Federal Regulations §1300 and §1301, concerning tariff specifications, except that references therein to the "commission" or the "Interstate Commerce Commission" shall be construed to be references to the Railroad Commission of Texas (RCT)

(2) Rate decreases

(A) (No change.)

(B) Procedures

(i) Service of notice. Notice of a proposed rate reduction must be served on the Railroad Commission of Texas. Notice shall be deemed to have been served on the Railroad Commission of Texas upon receipt.

(ii) (iii) (No change.)

(3) Application of subsection. The provisions of this subsection apply to the intrastate transportation of passengers in regular route service. The provisions of this subsection do not apply to the transportation of passengers in charter or special party service, or to the transportation of express package shipments.

(d) Rates, fares, and charges for express package service

(1) Requirements. Rates, fares, and charges applicable to express package service by a motor bus company shall be effective only when prescribed by order of the commission or when prescribed by order of the Interstate Commerce Commission pursuant to 49 United States Code §11501(e) and on file with the commission.

(2) Procedures

(A) Application to the Railroad Commission of Texas for a rate change. Applications to establish or change rates, fares, and charges applicable to express package service by a motor bus company shall be filed with the commission on forms prescribed by the director. Each application shall include a verified statement of facts in support of the application, together with a copy of all exhibits to be presented at hearing.

(B) Notice of changes prescribed by the Interstate Commerce Commission on appeal from an order of the commission pursuant to 49 United States Code §11501(e). Each motor bus company shall, within 15 days of receipt of notice that the Interstate Commerce Commission has prescribed an intrastate express package service rate change applicable via such carrier pursuant to 49 United States Code §11501(e) but prior to the effective date of such rate, file with the commission a copy

of the Interstate Commerce Commission decision prescribing the rate change together with a tariff or tariff supplement reflecting the level of rates prescribed by the Interstate Commerce Commission. Such tariff or supplement shall comply, in all respects, with the provisions of 49 Code of Federal Regulations §1300 and §1301, concerning tariff specifications, except that references therein to the "commission" or the "Interstate Commerce Commission" shall be construed to be references to the Railroad Commission of Texas (RCT).

(e) Application of section. The provisions of this section apply to the intrastate transportation of passengers in regular route, charter, or special party service, and to the intrastate transportation of express package shipments by motor bus companies.

(f) Conflicting provisions. The provisions of this section shall govern, notwithstanding any conflicting provisions in §5.304 of this title (relating to Rates, Charges, and Fares) or any other conflicting provisions in the commission's regulations.

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 September 12, 1983

TRD-837216

Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date October 5, 1983

Proposal publication date June 24, 1983

For further information, please call (512) 445-1186.

Chapter 7. Gas Utilities Special Rules of Practice and Procedure

16 TAC §7.11

The Railroad Commission of Texas adopts amendments to §7.11, without changes to the proposed text published in the July 12, 1983, issue of the *Texas Register* (8 TexReg 2579).

On September 1, 1983, the Gas Utility Regulatory Act (GURA), Texas Civil Statutes, Article 1446e, went into effect. Section 3.05(e) of GURA shortened the time period for the commission to issue its final order in an appeal from city action. To allow the commission more time to evaluate and decide the case and to comply with §3.05(e), the period of time for filing exceptions and replies has been shortened.

The amendment shortens the period of time for filing exceptions from 20 days to 15 days and for filing replies from 15 days to 10 days. This amendment will have no fiscal impact on state or local government or on individuals required to comply with the rule.

Favorable comments were received from the Association of Texas Intrastate Natural Gas Pipelines which in summary reiterated the requirements under the GURA, §3.05(e), and stated that the amendment was needed to allow adequate time for the commission to

evaluate the proposed rates and determine that the rates set are just and reasonable.

Texas Civil Statutes, Article 6053, 1962, provide the Railroad Commission of Texas with the authority to establish rules for the regulation of natural gas.

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 September 12, 1983.

TRD-837208 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: October 4, 1983
Proposal publication date: July 12, 1983
For further information, please call (512) 445-1186.

16 TAC §7.13

The Railroad Commission of Texas adopts new §7.13, with changes to the proposed text published in the July 12, 1983, issue of the *Texas Register* (8 TexReg 2580).

On September 1, 1983, the Gas Utility Regulatory Act (GURA), Texas Civil Statutes, Article 1446e, went into effect. Section 3.05(e) of GURA shortened the time period for the commission to issue its final order in an appeal from city action. To allow this commission more time to evaluate and decide the case and to comply with §3.05(e), the requirement for prefilng all direct evidence was needed.

The rule, as adopted, contains one change from the text as published in the July 12, 1983, issue of the *Texas Register* (8 TexReg 2580). This change requires that on the date the utility files its petition for review and direct prefiled testimony that it serve copies of these documents by U.S. mail with a certificate of service to the municipality and all parties to the proceeding at the municipal proceeding. The proposed rule, as published, would require personal same-day service as filed with the commission. The rule, as adopted, requires that upon filing a petition for review appealing the city's action with the commission, the municipality and all parties to the proceeding at the municipal level be served by U.S. mail with a certificate of service attesting said mailing was made.

This rule will benefit the public by allowing more time for the commission to evaluate and decide the case while complying with the Gas Utility Regulatory Act.

The anticipated economic cost to individuals who are required to comply with the rule will be minimal; furthermore, for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Favorable comments were received from the Association of Texas Intrastate Natural Gas Pipelines, which in summary reiterated the requirements under the

GURA, §3.05(e), and stated that the rule was needed to allow the commission adequate time to evaluate the proposed rates and determine that the rates set are just and reasonable.

Comments in opposition to portions of the rule were filed by Lone Star Gas Company. Lone Star urged the commission to require that the service to the municipality and parties at the municipal level be made by depositing the required documents in the U.S. mail with a certificate of service on the same date the petition for review is filed with the commission, rather than requiring personal service. Lone Star further disagreed with the requirement of prefilng its direct testimony with the municipality and parties to the municipal proceeding. Lone Star asserted that, to save unnecessary expense and inconvenience, the direct testimony should not be filed with the municipality and parties to the municipal proceeding until they have intervened in the appeal.

The commission disagrees with Lone Star Gas Company's contention that it is an unnecessary expense and inconvenience to require filings of prefiled testimony to the municipalities and all parties to the proceeding at the municipal level. The purpose of this rule is to expedite the prehearing portion of an appealed case. Not requiring the utility to prefile its testimony with the municipality and parties to the proceeding at the municipal level would either unreasonably shorten the time period available for these parties to prepare their cases, in the event they intervene, or to shorten the time the commission has to evaluate and decide the case.

Texas Civil Statutes, Article 6053, 1962, provide the Railroad Commission of Texas with the authority to establish rules for the regulation of natural gas.

§7.13. Deadline for the Filing of Prepared Testimony and Exhibits by a Utility Seeking Appellate Review of Municipal Action. Any utility filing a petition for review appealing the decision of the governing body of a municipality to the commission shall file all of its direct evidence for its case, including prepared testimony of all of its witnesses and exhibits, with the commission, the municipality and all parties at the municipal level on the same date it files its petition for review. Service to the municipality and all parties at the municipal level may be made by depositing the petition for review and direct evidence in the U.S. mail with a certificate of service attesting that said mailing was made on the same day as the filing for the petition for review with the commission.

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 September 12, 1983.

TRD-837209 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: October 4, 1983
Proposal publication date: July 12, 1983
For further information, please call (512) 445-1186.

16 TAC §7.39

The Railroad Commission of Texas adopts new §7.39, without changes to the proposed text published in the July 12, 1983, issue of the *Texas Register* (8 Tex-Reg 2580).

The rule will provide general guidance to utilities and municipalities in rate-making proceedings concerning criteria utilized in determining the reasonableness of rate case expenses. Additionally, this rule will assure that the rate-payers will not bear unreasonable rate case expenses incurred by utilities and municipalities.

The rule places the burden on the party requesting reimbursement for rate case expenses to prove the reasonableness thereof according to certain standards set forth in the rule.

The following comments in favor of the rule were received by the commission. With no anticipated economic cost to individuals required to comply, the rule will assure that the rate-payers will not bear unreasonable rate case expenses incurred by utilities and municipalities in a rate making proceeding; and the rule provides the commission with the flexibility to make determinations concerning rate case expenses on a case-by-case basis.

The following comments in opposition to the rule were received by the commission. The imposition of a preponderance of the evidence standard as to rate case expense places an undue burden on the utility and is more restrictive than permitted by law, and the analyses to be undertaken and work products to be produced by the moving party as set forth in the rule constitute requirements not properly imposed upon a party to an administrative proceeding.

Commenting in favor of the rule was the Association of Texas Intrastate Natural Gas Pipelines; commenting against the rule was Southern Union Gas Company, a division of Southern Union Company.

The agency disagrees with the comments against the rule. The burden of proof and work products required by the rule impose no greater burden on a party seeking reimbursement of rate case expenses than is necessary to determine the reasonableness of such expenses.

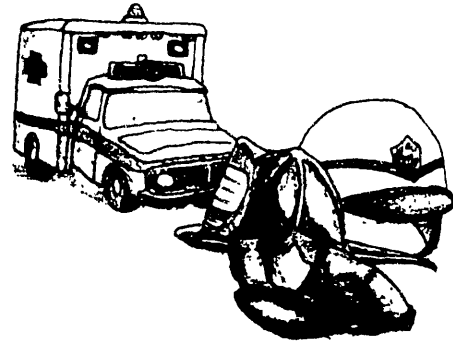
The commission adopts §7.39 under authority of Texas Civil Statutes, Article 1446e, §5.01, which provide the commission with the authority to establish rules for determining the applicability of rates.

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 September 12, 1983.

TRD-837210 Mack Wallace, Chairman
Buddy Temple and Jim Nugent,
Commissioners
Railroad Commission of Texas

Effective date: October 4, 1983
Proposal publication date: July 12, 1983
For further information, please call (512) 445-1186.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 10. Family Self-Support Services

Eligibility Determination

40 TAC §10.1002

The Texas Department of Human Resources adopts an amendment to §10.1002, with changes to the proposed text published in the July 12, 1983, issue of the *Texas Register* (8 TexReg 2603). The rule is revised to adopt income guidelines of the Food Stamp Program to determine eligibility for services.

The comment period on the proposed rule ended August 11, 1983. Comments favoring adoption of the proposed rule were received from the Austin Community Nursery Schools, Austin. No other comments were received. The rule is adopted with a change to include eligibility determinations of contracted provider staff.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§10.1002. Determination and Redetermination of Income Eligibility. To be eligible based on income, the DHR or contracted provider staff must determine that the clients' total gross income is equal to or less than the gross income levels established for the Food Stamp program.

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

Issued in Austin, Texas, on September 13, 1983.

TRD-837191 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Effective date: October 4, 1983
Proposal publication date: July 12, 1983
For further information, please call (512) 441-3355, ext. 2037.

State Board of Insurance Exempt Filings

State Board of Insurance
Notification Pursuant to the Texas
Insurance Code, Chapter 5,
Subchapter L

(Editor's note: As required by the Texas Insurance Code, Articles 5.96 and 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved a filing of standard and uniform manual rates and forms for a personal vehicle value policy program for Universal Underwriters Insurance Company. This program is designed to provide insurance to individual members of the general public purchasing automobiles who desire to insure a predicted future value of their purchases. The individual would be the named insured and would pay the premium for the coverage, and the lending institution would have no insurable interest in the policy. This program is similar to the residual value

protection program which is intended to cover banks, lending institutions, leasing companies, etc. The residual value protection program takes into consideration excess mileage deductions, damage deductions, etc., while this program does not.

Because of the rising cost of automobiles and the tight money market, banks and other lending institutions are becoming more conservative and requiring larger down payments and a shorter financing period. Many are reluctant to finance automobiles for longer terms because of the uncertainty as to the future disposal value. This program will eliminate the speculation as to the future disposal value by insuring it, and could also make it possible for consumers to engage in a financing arrangement with their bank through the use of substantially reduced monthly payments and a balloon payment in the amount of the insured value at the end of the term.

This filing becomes effective 15 days after it is published in the *Texas Register*.

This notification is made pursuant to the Texas Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 12, 1983.

TRD-837190 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: October 5, 1983
For further information, please call (512) 475-2950.

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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or 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. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Alcoholic Beverage Commission

Monday, September 26, 1983, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Suite 210, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve the August 22, 1983, minutes, consider the administrator and staff reports of agency activity, and approve an affidavit of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: September 13, 1983, 1:20 p.m.
TRD-837199

East Texas State University

Thursday, September 22, 1983, 3:30 p.m. The Campus Building and Planning Committee of the Board of Regents of East Texas State University will meet in Suite 342, Office of Federation of North Texas Area Universities, 10830 North Central Expressway, Dallas. According to the agenda, the committee will review a campus master plan and bids for the Zeppa Center project; discuss the social science renovation project and library addition project; and discuss

renovation of the student center, music building, and Hall of Languages.

Contact: Steve W. Batson, Commerce, Texas 75428, (214) 886-5012.

Filed: September 15, 1983, 9:40 a.m.
TRD-837252



Select Committee on Public Education

Wednesday, September 21, 1983, 9 a.m. The Select Committee on Public Education will meet in the Joe Kelly Butler Board Room, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will hear testimony from teacher and other professional organizations.

Contact: Larry Yawn, Sam Houston Building, Seventh Floor, 201 East 14th Street, Austin, Texas 78711, (512) 475-2427.

Filed: September 13, 1983, 3:17 p.m.
TRD-837207

Texas Education Agency

Committees of the Texas Education Agency (TEA) will meet in the Joe Kelly Butler Board Room, TEA North Building, 1200 East Anderson Lane, Austin. Days, times, committees, and agendas follow

Tuesday, September 20, 1983, 10 a.m. The Public School Professional Personnel Advisory Committee will meet in emergency session to consider an update on the status of implementation of House Bill 246, concerning curriculum reform; hear reports on the results of the Texas Assessment of Basic Skills, State Board of Education regulations regarding teacher education programs, Textbook Committee rules, concerning Proclamation 60; and a discussion of House Joint Resolution 12, concerning the school bond guarantee program. The emergency status is necessary to enable the committee to be informed and react promptly to the reports listed on the agenda and to carry such information back to their local school districts.

Thursday, September 22, 1983, 10 a.m. The Public School Boards of Trustees Advisory Committee will consider an update on the status of implementation of House Bill 246, concerning curriculum reform; hear reports on the results of the Texas Assessment of Basic Skills, State Board of Education reg-

ulations regarding teacher education programs, Textbook Committee rules, concerning Proclamation 60; and a discussion of House Joint Resolution 12, concerning the school bond guarantee program.

Contact: Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

Filed: September 14, 1983, 4:22 p.m.
TRD-837249, 837250

Committees of the Texas Education Agency (TEA) will meet in the auditorium, fourth floor, Teacher Retirement System Building, 1001 Trinity Street, Austin. Days, times, committees, and agendas follow.

Wednesday, September 28, 1983, 1 p.m.

The Texas Advisory Committee on Energy and Environmental Education and the Advisory Committee for Fine Arts in Education will hold a joint meeting to consider an update on House Bill 246, including the results of the recent public hearings on proposed revisions and the latest information concerning the new curriculum.

Thursday, September 29, 1983, 8:30 a.m.

The Texas Advisory Committee on Energy and Environmental Education will hear a report on the 1983 citation of awards in energy and environmental education, hear recommendations on science and social studies fairs, conduct summer energy/environmental education workshops, and hear resource group reports and recommendations of the committee.

Contact: Joe Huckestein, 201 East 11th Street, Austin, Texas 78701, (512) 475-2608.

Filed: September 13, 1983, 3:14 p.m.
TRD-837204, 837205

Employees Retirement System of Texas

Monday, September 26, 1983, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas (ERS) will meet in the ERS Building, 18th and Brazos Streets, Austin. Items on the agenda include review and approval of the August 22, 1983, minutes; reports of retirements and death benefits granted for May 1-July 31, 1983, payments for occupational deaths and to survivors of law enforcement officers, firemen, and others since June 13, 1983, and of the Group Insurance Advisory Committee meeting and action on any of its recommendations; consideration of Investment Advisory Committee recommendations and action on investment of the system's funds, and of appointment of employees to fill va-

cancies on the Group Insurance Advisory Committee; discussion and action on a proposed investment policy; consideration and adoption of proposed amendments to 34 TAC §§81.5, 81.9, and 81.11 and proposed §81.14 and §81.23 to implement provisions of House Bills 844 and 1863, concerning the uniform group insurance program; action on motions for rehearings of the contested cases of Kathryn L. Jones, Delores J. Siefkas, and Ronald W. Watkins; the executive director's report; and consideration of and action on scheduling Board of Trustees' meetings

Contact: Clayton T. Garrison, P.O. Box 13207, Austin, Texas 78711, (512) 476-6431.

Filed: September 13, 1983, 3 p.m.
TRD-837203

Texas Health Facilities Commission

Friday, September 23, 1983, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will consider the following applications.

Amendment of Certificate of Need Orders
Surgicenter of Southeast Texas, Conroe
AS82-0121-037A(071583)
Lakewood Village Medical Center,
Fort Worth
AN82-0526-013A(080583)

Notices of Intent to Acquire Existing Health Care Facilities

Surgicare Corporation, or its wholly-owned subsidiary, Bay Area Surgicare Center, Inc., Houston
AS83-0816-110

Surgicare Corporation, or its wholly-owned subsidiary, Surgicare Outpatient Center of Victoria, Inc., Houston
AS83-0816-111

Connell Cross, Clute
AN83-0728-067

Certificate of Need
Methodist Hospital of Rockwall,
Rockwall
AH81-0811-009

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 787863.

Filed: September 14, 1983, 9:14 a.m.
TRD-837220

State Department of Highways and Public Transportation

Wednesday and Thursday, September 21 and 22, 1983, 9 a.m., daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in the auditorium, Room 101, first floor, and in Room 207, second floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. Items on the agenda summary include public presentations in the auditorium for various highway, bridge, and FM road requests in Navarro County, Liberty County, Potter and Randall Counties, Dallas County, and Harris County (docket is available in the commission office, second floor of the same building); and discussion of agenda Item 1—Collin, Dallas, and Denton Counties. Upon completion of these items, the commission will meet in Room 207 to execute contract awards and routine minute orders, consider decisions on presentations from public hearing dockets, and review staff reports relative to planning and construction programs and projects

Contact: Lois Jean Turner, Dewitt C. Greer Building, Room 203, 11th and Brazos Streets, Austin, Texas 78701, (512) 475-3525.

Filed: September 13, 1983, 2:03 p.m.
TRD-837200

Texas Department of Human Resources

Wednesday, September 28, 1983, 9 a.m. The Advisory Council for Social Work Certification of the Texas Department of Human Resources will meet in the North Main Room, Metro Center Hotel, 600 Commerce Street, Fort Worth. According to the agenda, the council will approve the minutes, hear a report on complaint investigations and felony convictions, and discuss other orders of recognition.

Contact: Michael O. Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6050.

Filed: September 14, 1983, 1:12 p.m.
TRD-837226

Tuesday, October 4, 1983, 9 a.m. The Advisory Council on Child Care Administration and the Advisory Committee on Child Care Facilities of the Texas Department of Human Resources will meet jointly in Rooms 3.108 and 1.122, Joe C. Thompson

Texas Register

Conference Center, 26th and Red River, Austin. Items on the agenda summary include the director's report, a legislative update, discussion of proposed rules for implementing revisions of the law, and an update on the status of examination revisions.

Contact: Mike Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6055.

Filed: September 14, 1983, 1:12 p.m.
TRD-837227

Tuesday and Wednesday, October 4 and 5, 1983, 9 a.m., daily. The Advisory Committee on Child Care Facilities and the Advisory Council on Child Care Administration of the Texas Department of Human Resources will meet jointly in Room 3 108, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. Items on the agenda include the director's report, a legislative update, a report of the subcommittee on emergency procedures, proposed revisions to minimum standards for emergency shelters, A&I work group on residential treatment center standards, day-care work group on day-care center standards, and a presentation on child restraint.

Contact: Doug Sanders, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6039.

Filed: September 14, 1983, 1:12 p.m.
TRD-837228

State Board of Insurance

Tuesday, September 27, 1983, 9 a.m. The State Board of Insurance rescheduled a meeting to be held in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will hold a public hearing to consider proposed rates for prepaid legal services contracts to be written by Bankers Multiple Line Insurance Company. The meeting was originally scheduled for September 15, 1983, as published at 8 Tex-Reg 3589.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: September 15, 1983, 9:44 a.m.
TRD-837254

Tuesday, September 27, 1983, 2 p.m. The State Board of Insurance revised the agenda of a meeting to be held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board will consider the filing of a revision of increased limit factors

for employee benefit liability insurance by Travelers Indemnity Company.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: September 14, 1983, 2:03 p.m.
TRD-837237

Friday, September 30, 1983, 9:30 a.m. The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda, the board will hold a public hearing to consider the revision of private passenger automobile insurance rates.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: September 15, 1983, 9:44 a.m.
TRD-837255

Lamar University

Wednesday, September 21, 1983, 1:30 p.m. The Board of Regents of Lamar University will meet in the board room, John E. Gray Institute, Lamar University, Beaumont. According to the agenda, the board will review personnel. The board also will meet in executive session.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8404.

Filed: September 13, 1983, 3:50 p.m.
TRD-837211

Texas Low-Level Radioactive Waste Disposal Authority

Thursday, September 15, 1983, 9:30 a.m. The Finance Committee of the Texas Low-Level Radioactive Waste Disposal Authority met in emergency session via conference call at 1300-C East Anderson Lane, Suite 175, Austin. According to the agenda, the committee discussed acquisition of real property for construction of a low level radioactive waste disposal facility. The emergency status was necessary because the committee needed to recommend land acquisitions as quickly as possible while properties were still on the market. Delay could have eliminated potential sites from consideration. The committee also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f).

Contact: L. R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

Filed: September 13, 1983, 4:29 p.m.
TRD-837212

Texas State Board of Public Accountancy

Wednesday, September 21, 1983, 10 a.m. The Ad Hoc Examination Advisory Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Items on the agenda include service agreements with the Texas Society of CPA Chapters, the role of the proctor-in-charge at the examination site, new examination sites, new board policy and procedures, and evaluations.

Contact: Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: September 13, 1983, 11:10 a.m.
TRD-837194

Thursday-Saturday, September 22-24, 1983, 8:30 a.m., daily. The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada Drive, Austin. According to the agenda summary, the board will consider committee meetings and reports; discuss board history, financial matters, litigation, communications, activity summary, and other board business; and will conduct a panel hearing.

Contact: Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: September 14, 1983, 10:25 a.m.
TRD-837223

Public Utility Commission of Texas

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

Friday, September 23, 1983, 1 p.m. A prehearing conference in Docket 5271—inquiry into the water rates of Skycorp, Inc., within Johnson County, and Docket 5304—inquiry into the water rate increase of Skycorp, Inc.

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

Filed: September 14, 1983, 9 a.m.
TRD 837217

Monday, October 17, 1983 10:30 a.m. A rescheduled hearing on the merits in Docket 4942—applications of the City of Round Rock to secure a certificate of convenience and necessity to provide sewer utility service and to amend a certificate of convenience and necessity to provide water util-

ity service within Williamson and Travis Counties. The hearing was originally scheduled for October 7, 1983, as published at 8 TexReg 3193.

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

Filed: September 14, 1983, 2:03 p.m.
TRD-837238

Thursday, October 27, 1983, 10 a.m. A rescheduled prehearing conference in Docket 5259—petition to recertificate the City of Garland. The prehearing conference was originally scheduled for September 23, 1983, as published at 8 TexReg 3158.

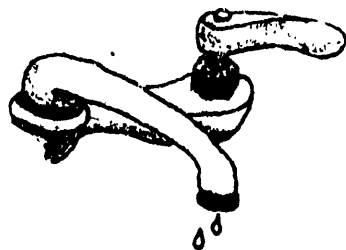
Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 14, 1983, 9 a.m.
TRD-837218

Friday, October 28, 1983, 10 a.m. A rescheduled prehearing conference in Docket 5071—application of the City of Pharr for a certificate of convenience and necessity to provide water service in Hidalgo County. The prehearing conference was originally scheduled for September 22, 1983

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

Filed: September 15, 1983, 9:45 a.m.
TRD-837256



State Commission on Standards for the Teaching Profession

Friday, September 16, 1983, 8 a.m. The Executive Committee of the State Commission on Standards for the Teaching Profession met in a rescheduled emergency session in Room 105, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee discussed plans for evaluation of staff and committee agenda items with chairmen. The emergency status was necessary because the chairmen needed to meet with the Executive Committee to discuss possible agen-

da items that might have come up after individual committees met. In error, the meeting of the Executive Committee was scheduled before various committee meetings rather than after. The meeting was originally scheduled for September 15, 1983, as published at 8 TexReg 3427.

Contact: Ed Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: September 13, 1983, 3:14 p.m.
TRD-837206

Texas Water Commission

Monday, September 19, 1983, 2 p.m. The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered an application of Browning-Ferris, Inc., for a waste disposal well, Permit WDW-171; and considered a request of citizens in protest for additional time to file exceptions to the examiner's proposal for decision. The emergency status was necessary because this application was scheduled for commission consideration on September 27, 1983, and the applicant was opposed to the request for additional time.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 13, 1983, 11:11 a.m.
TRD-837195

Friday, October 21, 1983, 9 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources.

Application of Spring Valley Estates, Inc., Route 1, Box 149C, Brownwood, Texas 76801, for proposed Permit 12777-01 to authorize a discharge of treated domestic wastewater at a volume not to exceed an average flow of 110,000 gallons per day from the Spring Valley Wastewater Treatment Plant which is to serve residents of a mobile home trailer park.

Application of Spencer Road Public Utility District, care of Philbin & Philbin, P.C., 2411 Fountain View, Suite 225, Houston, Texas 77057, for an amendment to Permit 11472-01, which authorizes a discharge at a volume not to exceed an average flow of one million gallons per day. The proposed amendment would authorize disposal by ir-

rigation of some of the effluent by irrigation of the Hearthstone County Club Golf Course. Application rates for the irrigated land shall not exceed 2.0 acre-feet per acre per year, and irrigation shall be accomplished only when the area specified is not in use. None of the wastewater will be placed in any of the water hazards at the golf course, and tailwater control facilities shall be provided to prevent the discharge of any wastewater from the irrigated land.

Contact: James R Larkins, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: September 14, 1983, 11:33 a.m.
TRD-837224, 837225

The Texas Water Commission rescheduled hearings to be conducted at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow

Tuesday, November 1, 1983, 10 a.m. In Room 618, the commission will consider Application 4365 of U S. Companies, Inc., seeking a permit to maintain two existing dams, construct three proposed dams, and impound in resulting reservoirs 45.2 acre-feet of water for recreational and irrigation purposes in Kinney County, Nueces River Basin. The hearing was originally scheduled for September 9, 1983, as published at 8 TexReg 1920.

Wednesday, November 16, 1983, 10 a.m. In Room 124A, the commission will consider Application 2584A of Mike Adams and Charles B. Ranley, doing business as Webb Hill Country Club, seeking an amendment to Permit 2348 to increase the storage capacity of a permitted reservoir by an additional 21 acre-feet of water on an unnamed tributary of South Sulphur River, Sulphur River Basin, in Hunt County. The hearing was originally scheduled for September 7, 1983, as published at 8 TexReg 2650.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 13, 1983, 11:11 a.m.
TRD-837196, 837197

Regional Agencies Meetings Filed September 13

The Austin-Travis County Mental Health and Mental Retardation, Operations and Planning Committee, met in the board room, 1430 Collier Street, Austin, on September 19, 1983, at 12:30 p.m. Information

Texas Register

may be obtained from Sharon Taylor, 1403 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Fannin County Single Appraisal District, Board of Review, will meet at 401 North Main, Peeler Building, Bonham, on September 20, 1983, at 8:30 a.m. Information may be obtained from Joe Hart, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

TRD-837201

Meetings Filed September 14

The Central Texas Council of Governments, Regional Review Committee, will meet at 302 East Central, Belton, on September 20, 1983, at 10 a.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas County Appraisal District, Appraisal Review Board, will meet in the board room, 2601 Live Oak, Dallas, on September 20, 1983, at 2 p.m. Information may be obtained from Rick Kuehler, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

The Region XI Education Service Center, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on September 27, 1983, at noon. Information may be obtained from R. P. Campbell, Jr., (817) 625-5311, ext. 102.

The Hays County Central Appraisal District, Board of Review, will meet at the Hays County Courthouse Annex, San Marcos, on September 20, 1983, at 9 a.m. Information may be obtained from Donna Mangham, Courthouse Annex, Third Floor, San Marcos, Texas 78666.

The South Texas Development Council, Regional Review Committee, will meet at the Zapata Community Center, Zapata, on September 21, 1983, at 3 p.m. Information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

TRD-837221

Meetings Filed September 15

The Capital Area Planning Council, Governor's Capital Regional Review Committee,

will meet in Suite 100, 2520 IH 35 South, Austin, on September 21, 1983, at 10 a.m. Information may be obtained from Maxine Goodman, 2520 IH 35 South, Austin, Texas 78704, (512) 398-3719.

The Comal County Appraisal District, Board of Directors, met at the Comal County Courthouse, Main Plaza, New Braunfels, on September 19, 1983, at 7 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Concho Valley Council of Governments, Regional Review Committee, will meet at 5002 Knickerbocker Road, San Angelo, on September 21, 1983, at 10 a.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666

The Dawson County Appraisal District, Appraisal Review Board, met at 1806 Lubbock Highway, Lamesa, on September 19, 1983, at 9 a.m. Information may be obtained from Mike Watson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Deep East Texas Council of Governments, Board of Directors, will meet at the Woodville Inn, Highway 69, Woodville, on September 22, 1983, at 1:30 p.m. Information may be obtained from Debbie Roberson, P.O. Drawer 1170, Jasper, Texas 75951, (409) 384-5704.

The Grayson County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Grayson County Courthouse, Sherman, on September 21, 1983, at noon. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Middle Rio Grande Development Council, A-95 Project Review Committee, will meet in the reading room, Civic Center, Uvalde, on September 21, 1983, at 1 p.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, Room 307, Del Rio, Texas 78840, (512) 774-4949.

The Panhandle Regional Planning Commission, Texas Community Development Pro-

gram Panhandle Regional Review Committee, will meet in the conference room, first floor, Briercroft Building, Eighth and Jackson Streets, Amarillo, on September 20, 1983, at 10 a.m. Information may be obtained from Linda Allen, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at Highway 80 at Sun Camp Road, Longview, on September 22, 1983, at 7:30 p.m. Information may be obtained from Ron R. Cookston, Ed.D., P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on September 21, 1983, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The Swisher County Appraisal District, Board of Review, met at 130 North Armstrong, Tulia, on September 16, 1983, at 1 p.m. Information may be obtained from Nan Davis, 130 North Armstrong, Drawer 8, Tulia, Texas 79088, (806) 995-3015.

The Texas Community Development Program, Regional Review Committee, will meet at the Holiday Inn, Highway 59, Lufkin, on September 21, 1983, at 8:30 a.m. Information may be obtained from Debbie Roberson, P.O. Drawer 1170, Jasper, Texas, (409) 384-5704

The West Central Texas Council of Governments, Regional Alcohol Abuse Advisory Committee, will meet at 1025 East North 10th Street, Abilene, on September 22, 1983, at 10 a.m. Information may be obtained from Sue Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

The West Central Texas Council of Governments, Texas Community Development Program, Regional Review Committee, will meet at 1025 East North Street at Judge Ely Boulevard, Abilene, on September 23, 1983, at 10 a.m. Information may be obtained from James K. Compton, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-837257

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Department of Agriculture Correction of Error

Two adoptions submitted by the Texas Department of Agriculture contained errors as published in the September 9, 1983, issue of the *Texas Register* (8 TexReg 3583 and 3584). The effective dates of adoption should have been September 21, 1983.

Texas Air Control Board Correction of Error

A miscellaneous document from the Texas Air Control Board published in the September 9, 1983, issue of the *Texas Register* (8 TexReg 3594) contained an error as submitted. One of the applicants for a construction permit was incorrectly listed as QIR Products & Chemicals. The correct title should have been Air Products and Chemicals.

Court Reporters Certification Board Certification of Shorthand Reporters

Following examination of applicants on August 12, 1983, the Court Reporters Certification Board has certified to the Supreme Court that the following persons are qualified in professional shorthand reporting pursuant to Texas Civil Statutes, Article 2324b, §12(e).

Louise Amado - Houston, Texas
Jacqueline Labat Bell - Little Rock, Arkansas
Rebecca Barton Bowles - Jacksonville, Texas
Patricia Kay Brandt - Dallas, Texas
Reginald Butler - Fort Worth, Texas
Claire Therese Carmona - Austin, Texas
Susan Leigh Colebrook - Beaumont, Texas

Audree W. Crutcher - Lubbock, Texas
Elizabeth Davis - Dallas, Texas
Don Fagan - Houston, Texas
Roderick Doyle Farrar - Amarillo, Texas
Susan Ray Flack - Dallas, Texas
Tressa Lynn Granger - Houston, Texas
Judith Anne Gray - San Antonio, Texas
Colleen R. Hedges - Tulsa, Oklahoma
Criselda Anne Hernandez - Corpus Christi, Texas
Alejandrina Jaime - El Paso, Texas
Terasa K. Janssen - Houston, Texas
Micki Lynn Kincaide - Alvin, Texas
Sally A. King - Austin, Texas
Karen A. Klinghamer - Dallas, Texas
Linda Jean Kruis - Houston, Texas
Glendina Dejarnatt Lipford - Hurst, Texas
Cheryl Lois Mann - Amarillo, Texas
Gloria Mendoza - Corpus Christi, Texas
Cynthia Ann Oxedine - Abilene, Texas
Gwendolyn Ann Payne - Shreveport, Louisiana
Sylvia Laura Price - Corpus Christi, Texas
Jo Ann W. Quin - Edinburg, Texas
Dina Rameriz - McAllen, Texas
Blanche Patricia Sabo - Houston, Texas
Lavonna Carol Sanderson - Amarillo, Texas
Sherri K. Santman - Austin, Texas
Lisa G. Sappington - Austin, Texas
Mickey Litton Schaefer - Nederland, Texas
Barbara A. Scruggs - Wheaton, Illinois
Tracy Denise Seago - Amarillo, Texas
Sheila Mahlow Skidmore - Alvin, Texas
Donann Harmon Smith - McAllen, Texas
Gerald Wayne Smith - McAllen, Texas
Traci Deette Smith - Dallas, Texas
Vickie Renae Spencer - Dallas, Texas
Cynthia Ann Story - San Antonio, Texas
Pamela K. Sumler - Dallas, Texas
Mary Colleen Thomas - Houston, Texas
Valeria Ann Watson - Dallas, Texas
Deborah K. Womack - Galveston, Texas

Elizabeth A. Young - Harker Heights, Texas
Dickie D. Zimmer - Houston, Texas

Issued in Austin, Texas, on July 19, 1983

TRD-837251 Jim Hutcheson
Chief Counsel
Court Reporters Certification
Board

Filed: September 12, 1983

For further information, please call (512) 475-3404.

Following examination of applicants on August 12, 1983, the Court Reporters Certification Board has certified to the Supreme Court that the following persons are qualified in professional shorthand reporting pursuant to Texas Civil Statutes, Article 2324b, §12(e).

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Mona Lisa Castillo - Austin, Texas
Ronald Owen Dunagan - Austin, Texas
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Sandra Sue Sullivan - Houston, Texas
Shelly Renee Thomas - Austin, Texas
Linda S. Towery - Webster, Texas
Kimberly Ann Twing - Houston, Texas

Issued in Austin, Texas, on September 12, 1983.

TRD-837135 Jim Hutcheson
Chief Counsel
Court Reporters Certification
Board

Filed: September 12, 1983

For further information, please call (512) 475-3404.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of an application accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to the application, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to the application must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Sun Towers, Inc., doing business as Sun Towers
Hospital, El Paso

AH82-0331-029A(090283)

CN/AMD—Request for an increase in the project cost from \$2,241,789 to \$5,568,801 in Certificate of Need AH82-0331-028, which authorized the certificate holder to renovate 66,777 square feet on the second, third, fourth, fifth, sixth, and seventh floors of the existing facility.

Dr. William J. Rea, P.A., Dallas

AH83-0907-142

NIEH—Request for a declaratory ruling that a certificate of need is not required for Dr. William J. Rea, P.A., or a to-be-formed corporation which will be controlled by Dr. Rea, to acquire by lease, with an option to purchase, Carrollton Community Hospital, an existing 75-bed medical/surgical hospital located in Carrollton, from Farmers Branch Hospital Authority.

Stonebrook Properties, Inc., a Texas corporation,
Arlington
AN83-0908-105
NIEH—Request for a declaratory ruling that a certificate of need is not required for Stonebrook Properties, Inc., a Texas corporation, to sublease Terry Haven Nursing Home, an existing 65-bed ICF nursing home located in Mount Vernon, from Care One, Inc.

Stonebrook Properties, Inc., a Texas corporation,
Arlington
AN83-0908-149
NIEH—Request for a declaratory ruling that a certificate of need is not required for Stonebrook Properties, Inc., a Texas corporation, to sublease Turner Nursing Home, an existing 60-bed ICF nursing facility located in Childress, from Care One, Inc.

Issued in Austin, Texas, on September 14, 1983.

TRD-837222 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: September 14, 1983
For further information, please call (512) 475-6940.

Texas Department of Human Resources Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) invites all interested parties to submit proposals to provide consultant services to this agency.

Description of Services. The purpose of this contract is to continue the development of the department's management assessment center to be used in the selection of first line supervisors and to initiate development of a management assessment center for program director positions.

Contact Person. Private consultants who want to make an offer should contact Jane S. Baker, Director, Management Assessment Program, Personnel Management, Texas Department of Human Resources, P.O. Box 2960, MC 430-B, Austin, Texas 78769.

Closing Date. The closing date for the receipt of offers is 5 p.m., on October 7, 1983.

Procedure for Selecting Consultant. The DHR shall award the contract for consulting services using the following procedure:

(1) All offers will be reviewed by a panel consisting of the assistant commissioner for personnel management, the personnel division director, the management assessment program director, the assistant director for assessment center operations, and (at the DHR's option) one or more regional directors for personnel and staff development.

(2) The panel will select the offer which more nearly meets the requirements of the department, considering the following criteria:

- (A) reasonableness of cost—10%
- (B) offerer's history of successful development of legally defensible assessment centers for selection and promotion—15%
- (C) compatibility of offerer's materials and processes with the DHR's procedures and policies—15%
- (D) ability of offerer to use information and data previously generated by DHR's task analysis in development of simulation exercises—20%
- (E) ability (demonstrated by previous successful performance) of the offerer to custom design simulation exercises which accurately reflect the exact tasks and responsibilities of the DHR positions and which accurately measure the demonstration of skills required by the DHR positions—20%
- (F) ability of offerer to provide continuity in development of all aspects of the assessment center including analysis of job analysis data; writing of job-related simulation exercises; assessor, administrator, and role-player training, trainer training; and cycle oversight—20%

This consulting service is a continuation of services previously performed for the DHR by Assessment Designs, Inc. of Orlando, Florida. The DHR intends to award the contract to Assessment Designs, Inc., unless an offer more closely meeting the criteria described above is submitted.

Issued in Austin, Texas, on September 14, 1983.

TRD-837219 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: September 14, 1983
For further information, please call (512) 441-3355,
ext. 2037.



Railroad Commission of Texas Correction of Error

An emergency rule submitted by the Railroad Commission of Texas contained an error as published in the September 6, 1983, issue of the *Texas Register* (8 Tex-Reg 3453). The text of 16 TAC §13.52, relating to System Component Qualification, should read:

System components shall comply with the appropriate provisions in Subchapter B of this chapter (relating to General Rules for Compressed Natural Gas (CNG) and Equipment Qualification).

Texas Rehabilitation Commission Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Rehabilitation Commission hereby furnishes this notice of contract award. The consultant proposal request appeared in the July 15, 1983, issue of the *Texas Register* (8 TexReg 2661).

The contract effort consists of personal visits to not more than 14 not-for-profit facilities of the Extended Rehabilitation Services Program that provide permanent sheltered employment for severely disabled individuals to evaluate each facility program.

The contractor is Bill Powers, P.O. Box 10998-546, Austin, Texas 78766-1998. The total value of the contract will not exceed \$20,000. The contract will begin September 1, 1983, and has an ending date of August 31, 1984.

Reports of the personal visits conducted by Mr. Powers will be submitted to the Texas Rehabilitation Commission no later than August 31, 1984.

Issued in Austin, Texas, on September 12, 1983

TRD-837202 Vernon H. Newman
 General Counsel
 Texas Rehabilitation Commission

Filed: September 13, 1983

For further information, please call (512) 445-8354.

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 September 5-9, 1983.

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) 475-2678.

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 September 5-9, 1983

Trendmaker, Inc., Houston; multi-residential subdivision; approximately 1,000 feet northeast of the intersection of Fairbanks North Houston Road and Emmott Road, approximately 5,900 feet north of the intersection of U.S. Highway 290 and Fairbanks North Houston Road in Harris County, 12791-01; new permit

Sara Bono Laney, Houston; wastewater treatment plant; approximately 3,200 feet north of Beechnut Drive and approximately 1,500 feet west of Eldridge Road in Harris County, 12793-01; new permit

Trendmaker, Inc., Houston; office and residential development; approximately 4,600 feet east-southeast of the intersection of U.S. Highway 290 and FM Road 1960 and approximately 800 feet west of Addicks-Fairbanks Road in western Harris County, 12795-01; new permit

Kelly Capital Corporation, Houston; commercial/office complex; approximately 800 feet south of IH 10 and approximately 7,000 feet east of State Highway 6 and on the east bank of Harris County Flood Control Ditch U100-00-00 in western Harris County; 12808-01; new permit

Aluminum Company of America, Palestine; primary aluminum smelting plant, approximately 1.4 miles southeast of U.S. Highway 79, approximately seven miles northeast of the City of Palestine, Anderson County; 01919; renewal

Celanese Chemical Company, Inc., Bay City; organic chemical manufacturing plant; near the termination of FM Road 3057 approximately three miles west of its intersection with FM Road 2668 in Matagorda County; 00455; renewal

Wolfe The Florist, Inc., Waco; greenhouse complex; 2901 South 12th Street approximately three miles south of the intersection of IH 35 and State Highway 6 in the City of Waco, McLennan County, 02663; new permit

Berryman Builders, Inc., Brownsville; single family residential developments, approximately 3,700 feet south of State Highway 4 and approximately 2,700 feet inland from the Gulf of Mexico; 12741-01; new permit

Darlen Company, Keller; mobile home park; approximately two miles west of State Highway 377 and the City of Keller and approximately 1/2 mile south of Hicks Road in Tarrant County, 12807-01; new permit

Howard M. Startzman, Houston; residential development; on the west bank of Buffalo Bayou approximately 1.8 miles southeast of the intersection of IH 10 and FM Road 1463 in Fort Bend County; 12800-01; new permit

Issued in Austin, Texas, on September 9, 1983

TRD-837122 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: September 12, 1983

For further information, please call (512) 475-4514.

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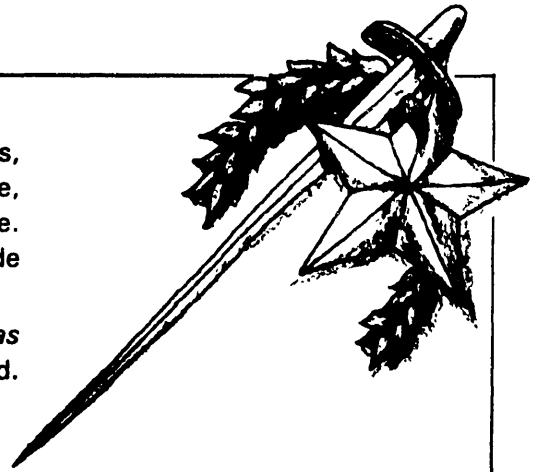
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