

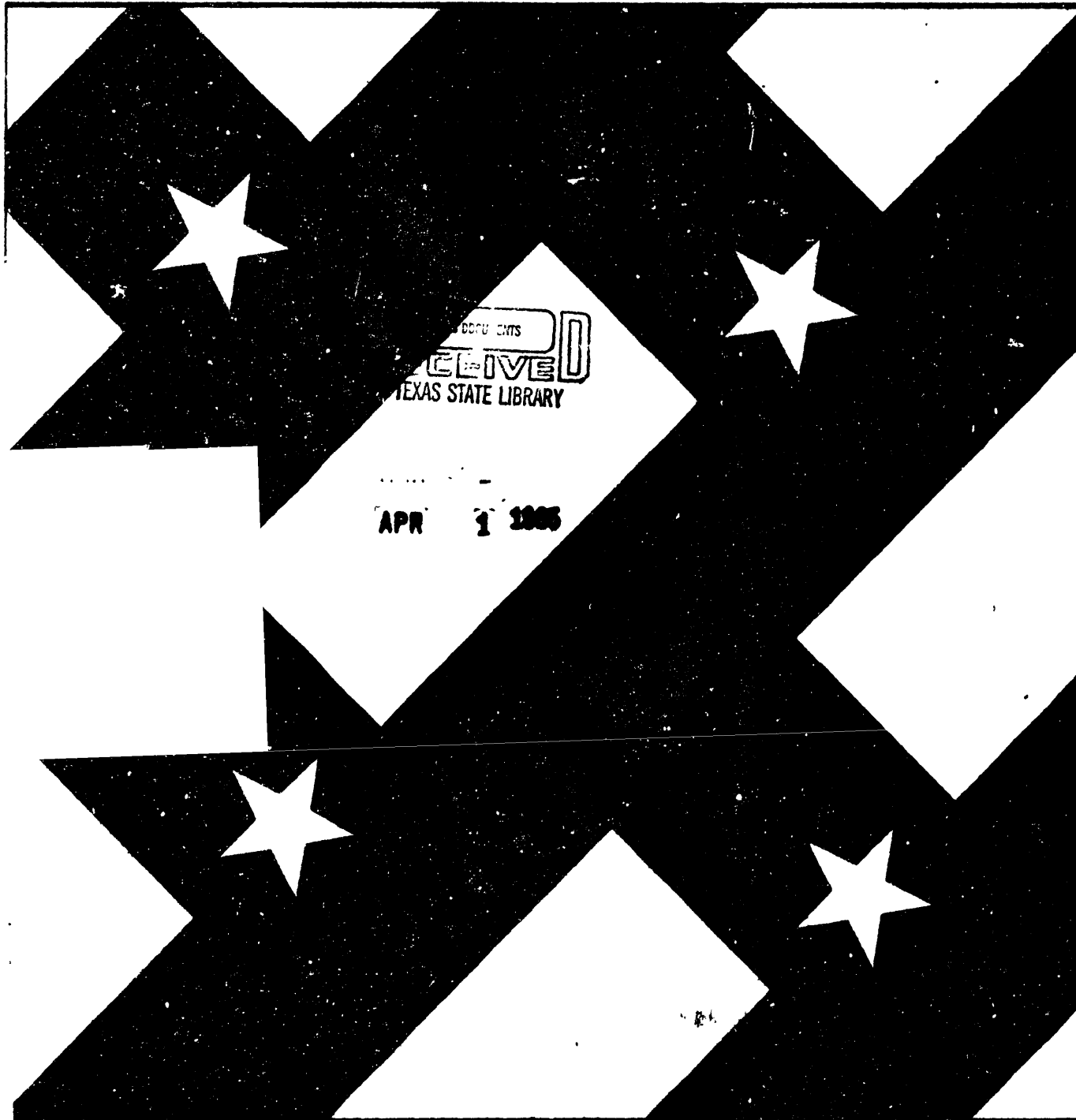
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Texas Register

Volume 10, Number 25, March 29, 1985

Pages 1047 - 1096



Highlights

The Texas Department of Labor and Standards adopts on an emergency basis amendments in a chapter concerning the Manufactured Housing Division effective date - March 22 **page 1061**

The Texas Education Agency proposes an amendment and new sections concerning discipline management Proposed date of adoption - May 11 **page 1067**

The Texas Air Control Board proposes amendments in a chapter concerning permits. Proposed date of adoption - August 30 **page 1084**

Office of
the Secretary
of State

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State

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Information Available: The 10 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
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes 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: on page 2, in the lower left-hand corner of the page, would be written "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 TexReg 3"

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

(Editor's note: The following appointment has been submitted by the governor to the Senate of the 69th Legislature, 1985, for confirmation.)

Appointment Submitted March 18

39th Judicial District

To be judge of the 39th Judicial District Court, Haskell, Kent, Stonewall, and Throckmorton Counties, until the next general election and until his successor shall be elected and duly qualified:

Charles Chapman
Route 1, Box 830
Haskell, Texas 79521

Judge Chapman is replacing Judge Joe Williams of Haskell, who is deceased.

Issued in Austin, Texas, on March 18, 1985.

TRD-852457 Mark White
Governor of Texas

★ ★ ★

Appointments Submitted March 19

Guadalupe-Blanco River Authority

To the Board of Directors for terms to expire February 1, 1991:

Joseph Pat Kelly
2103 North Wheeler
Victoria, Texas 77901

Mr. Kelly is replacing Carlisle Maxwell, Jr., of Victoria, whose term expired.

Warren Patton "Pat" Kirksey
P.O. Box 908
Lockhart, Texas 78644

Mr. Kirksey is replacing O. T. Moore of Lockhart, whose term expired.

John C. Taylor
51 Spyglass Road
McQueeney, Texas 78123

Mr. Taylor is replacing Keith H. Hutson of Seguin, whose term expired.

Issued in Austin, Texas, on March 19, 1985.

TRD-852457 Mark White
Governor of Texas

★ ★ ★

Appointments Submitted March 21

Texas Housing Agency

For terms to expire January 31, 1991:

W. E. Daniels
339 Tamerlaine
Houston, Texas 77024

Mr. Daniels is replacing Wade T. Nowlin of Fort Worth, whose term expired.

Richard Jordan
1801 Polo Road
Austin, Texas 78703

Mr. Jordan is replacing James Ritter of Nederland, whose term expired.

To the Board of Directors for a term to expire January 31, 1991:

Arthur Navarro
2214 East First Street
Austin, Texas 78702

Mr. Navarro is replacing Katherine Crumley of Shepherd, whose term expired.

Issued in Austin, Texas, on March 21, 1985.

TRD-852538 Mark White
Governor of Texas

★ ★ ★

Appointment Submitted March 22

Gulf Coast Waste Disposal Authority

For a term to expire August 31, 1986:

Rick Ferguson
P.O. Box 111
Winnie, Texas 77665

Mr. Ferguson is replacing Robert Michael Edwards of Stowell, whose term expired.

Issued in Austin, Texas, on March 22, 1985.

TRD-852538 Mark White
Governor of Texas

★ ★ ★



Attorney General

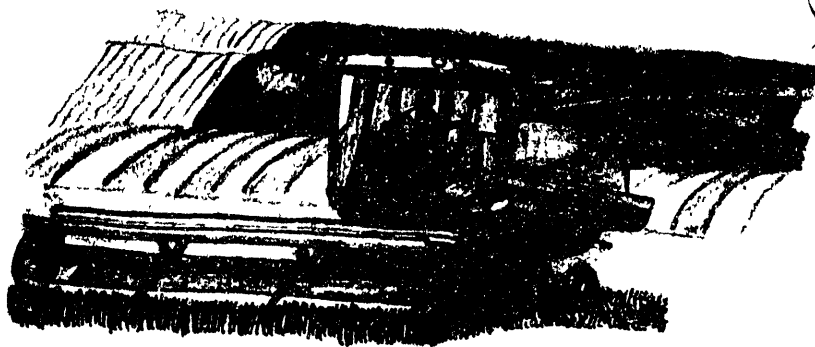
Description of attorney general submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or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

Request for Opinion

RQ-546. Request from Oscar H. Mauzy, Senate Committee on Jurisprudence, Austin, concerning whether a resident of a housing project may be a member of a housing authority board under Texas Civil Statutes, Article 988b.

TRD-852498

★ ★ ★



Emergency

Rules

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

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

TITLE 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division General Requirements ★16 TAC §69.125

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §69.125, concerning insurance coverage to be maintained by a registered manufactured housing installer and a homeowner possessing a temporary homeowner's installation permit pursuant to the registration requirements of Texas Civil Statutes, Article 5221f, §7. The insurance coverage requirements are adopted pursuant to the provisions of Texas Civil Statutes, Article 5221f, §7(d). The amendments simultaneously are proposed for permanent adoption.

The commissioner of the Texas Department of Labor and Standards, as empowered by the Act to adopt rules, finds that a need exists to adopt the amendments on an emergency basis to protect the public health, safety, and welfare.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f, §2 and §9, which provide the Texas Department of Labor and Standards with the authority to promulgate rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

§69.125. *Registration Requirements.*

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

(e) Installer registration.

(1) Every person who performs installations shall submit the required bond, complete the necessary registration forms, and any other information needed, and be issued a registration card or certificate, prior to performing an installation function. The required registration fee must accompany the application for registration. Except as may otherwise be authorized, the fee shall be submitted in the form of a cashier's check or money order made payable to the Texas Department of Labor and Standards.

[Each applicant for registration shall be required to file proof of insurance as follows: comprehensive general liability insurance including completed operations in amounts of \$100,000 for injury or death of one person, \$300,000 per occurrence of injury or death of more than one person, and \$100,000 for damage to property of others, and cargo insurance on each home being installed in the amount of \$50,000 per towing motor vehicle.]

(A) Each applicant for registration shall have public liability insurance coverage including completed operations in an amount of not less than \$300,000 for bodily injury each occurrence and property damage insurance in an amount of not less than \$100,000 each occurrence. If the applicant will be engaged in the transportation of manufactured housing incidental to the installation, the applicant must also have motor vehicle liability insurance coverage in an amount of not less than \$250,000 bodily injury each person, \$500,000 bodily injury each occurrence, \$100,000 property damage each occurrence; and cargo insurance on each home or transportation section of not less than \$25,000 per towing motor vehicle.

(B) A certificate of insurance must be filed with the department by the insurance carrier or its authorized agent certifying the kind, type, and amount of insurance coverage and which provides for at least 10 days notice of cancellation. If the applicant does not provide proof of the required motor vehicle liability insurance and the cargo coverage, the applicant must sign an affidavit that applicant will not engage in any transportation of manufactured housing.

(C) An installer, also registered as a retailer, may satisfy the insurance requirements by filing a certificate of insurance which shows that the registrant has motor vehicle-garage liability coverage, including completed operations, and has dealer's physical damage (open lot), including transit insurance coverage in amounts not less than those set forth in subparagraph (A) of this paragraph.

(D) If the required insurance coverage is canceled, and the appropriate new certificate of coverage is not received by the department prior to the effective date of cancellation, the installer's registration is automatically terminated.

(2)-(6) (No change.)

(f) Homeowner's temporary installation registration.

(1) (No change.)

(2) The application must be accompanied by a certificate of insurance issued by the insurance carrier or its authorized agent to prove insurance coverage, for the installation of the home as follows: public liability insurance coverage, including completed operations in an amount of not less than \$300,000 for bodily injury each occurrence, and property damage insurance in an amount of not less than \$100,000 each occurrence; and motor vehicle liability insurance coverage of not less than \$250,000 bodily injury each person, \$500,000 bodily injury each occurrence and \$100,000 property damage each occurrence [proof of comprehensive liability insurance in the amounts of \$100,000 for injury or death of one person, \$300,000 per occurrence for injury or death of more than one person, and \$100,000 for damage to the property of others]. A copy of the manufacturer's installation instructions or installation instructions stamped by a registered professional engineer or architect shall accompany the application.

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

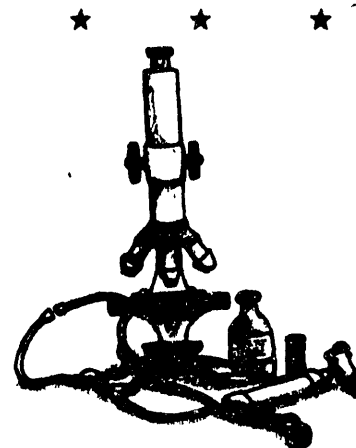
(g)-(i) (No change.)

Issued in Austin, Texas, on March 22, 1985.

TRD-852503

Robert R. Busse
Assistant Commissioner
Texas Department of
Labor and Standards

Effective date: March 22, 1985
Expiration date: July 20, 1985
For further information, please call
(512) 475-0155.



**TITLE 43.
TRANSPORTATION
Part I. State Department of
Highways and Public
Transportation**

**Chapter 21. Right of Way
Division
Right of Way Division Rules and
Regulations—Rules Relating to
Road Utility Districts**

★43 TAC §§21.171, 21.181, 21.182,
21.191, 21.201, 21.211, 21.212,
21.221-21.224, 21.231, 21.241,
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21.312

The State Department of Highways and
Public Transportation is renewing the ef-

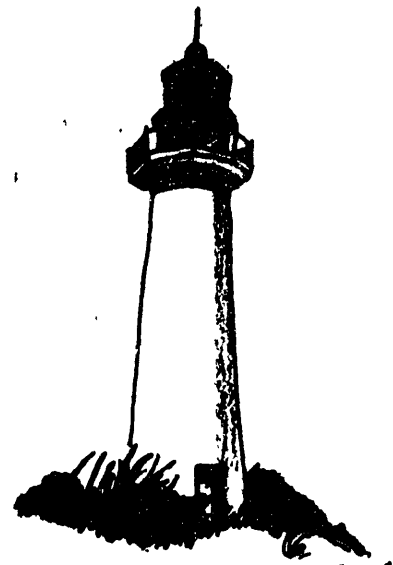
fectiveness of the emergency adoption
of new §§21.171, 21.181, 21.182,
21.191, 21.201, 21.211, 21.212,
21.221-21.224, 21.231, 21.241,
21.251, 21.261, 21.262, 21.271,
21.281-21.286, 21.301, 21.311, and
21.312 for a 60-day period effective
March 20, 1985. The text of the new
sections originally was published in the
November 30, 1984, issue of the *Texas
Register* (9 TexReg 6044).

Issued in Austin, Texas, on March 20, 1985.

TRD-852443 James D. Frasier
General Counsel
State Department of
Highways and Public
Transportation

Effective date: March 20, 1985
Expiration date: May 19, 1985
For further information, please call
(512) 475-2141.

★ ★ ★



Proposed Rules

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

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

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★ 10 TAC §9.1, §9.4

The Texas Department of Community Affairs (TDCA) proposes amendments to §9.1 and §9.4, concerning the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP). The amendments change the requirements concerning joint applications and substitution of standardized data and clarify the requirements concerning citizen participation, threshold requirements, and waivers. The amendments also add new subsection (l) to §9.1, which relates to performance threshold requirements, and establishes the standards and procedures by which the TDCA will allocate planning/capacity building funds to eligible units of general local government in Texas, beginning with the expenditure of federal fiscal year 1985 funds.

Douglas C. Brown, general counsel, 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 or small businesses as a result of enforcing or administering the rules.

Mr. Brown 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 is the equitable allocation of CDBG nonentitlement area funds to eligible units of general local government in Texas. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Douglas C. Brown, General Counsel, Texas Department of Commu-

nity Affairs, P.O. Box 13166, Austin, Texas 78711.

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

§9.1. General Provisions.

(a) (No change.)

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

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

(5) urgent need fund;

(6) statewide area revitalization fund.

(c) Types of applications.

(1) Single jurisdiction applications.

An applicant may submit one application per TCDP fund, as outlined in subsection (b) of this section, on its own behalf per funding cycle.

(2) Joint applications. Joint applications will be accepted from two or more units of general government if the application clearly demonstrates that the proposed activities will mutually benefit the residents of the communities applying for funds. However, any community participating in a joint application may not submit a single jurisdiction application under the project fund for which the joint application was submitted. One of the participating communities must be primarily accountable to the Texas Department of Community Affairs (TDCA) for financial compliance and program performance. In the case of a joint application submitted by two units of general local government, not more than 75% of the beneficiaries of the application may reside in any one applicant's jurisdiction. In the case of a joint application submitted by three local governments, not more than 50% of the beneficiaries of the application may reside in any one applicant's jurisdiction. Not less than 10% of the beneficiaries of an application may reside in any one applicant's jurisdiction in the case of a joint application submitted by more than three local governments. [A joint application may not exceed the contract amount ceilings for its project category.]

(d) (No change.)

(e) Citizen participation. Prior to submitting each application, an applicant for TCDP funding must:

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

(f) (No change.)

(g) Threshold requirements. An applicant must satisfy each of the following requirements in order to be eligible to apply for funding under the TCDP.

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

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

(j) Substitution of standardized data.

Any applicant that chooses to substitute locally generated data for standardized information available to all applicants must use the survey instrument provided by the TDCA and must follow the procedures prescribed in the instructions to the survey instrument. An applicant that intends to use a survey must notify the TDCA of its intent prior to conducting the survey. Only door-to-door surveys will be allowed. Surveys, including tabulation sheets and all responses, must be submitted to the TDCA at least 30 days prior to the date on which the application is due, for verification and spot checking. A survey instrument that lacks any information will be considered as a non-response for that family. Substitution of data for scoring community distress factors will require a 100% effort with at least an 80% response rate. [Data on low/moderate income benefits have varying acceptable sample sizes based on the population of the community and the type of activity for which funds are being sought.]

(k) Waivers. The TDCA may waive any provision of this subchapter upon its own motion, or upon an applicant's or contractor's written request for such a waiver if the TDCA finds that compelling circumstances exist outside the control of the applicant or contractor which justify the approval of such a waiver [and that permitting the waiver will contribute to the TDCA's ability to carry out the purposes of the federal community development block grant].

(l) Performance threshold requirements.

(1) Applicability. In addition to the requirements of subsection (g) of this section, this subsection applies to all contractors that have received financial assistance from the TDCA under any project fund, other than the economic development project

fund, and that are applying for additional TCDP funds.

(2) **Planning/capacity building fund contracts.** In order to be eligible to apply for additional planning/capacity building funding, an applicant must have completed all activities (with the exception of audit and closeout) under such contract.

(3) **Community development program fund and statewide area revitalization fund contracts.** In order to be eligible to apply for TCDP funding, an applicant must have completed all activities under such contracts (with the exception of audit and closeout) which were funded utilizing money from at least two program years prior to the program year in which additional TCDP funds are being requested. This subsection takes effect March 1, 1986.

(4) **Emergency fund, urgent need fund, and discretionary funding contracts.** In order to be eligible to apply for TCDP funding, an applicant must have completed all activities under such contracts (with the exception of audit and closeout) which were funded utilizing money from at least one program year prior to the program year in which additional TCDP funds are being requested. This subsection takes effect March 1, 1986.

§9.4. *Planning/Capacity Building Fund.*

(a) (No change.)

(b) **Funding cycle.** This fund is allocated on a semiannual basis to eligible units of general local government on a statewide competitive basis. Applications for funding for each cycle must be received by the Texas Community Development Program (TCDP) by 5 p.m. on the dates specified in the most recent application package for this fund. [following dates:

[(1) first semiannual competition: June 20, 1984;

[(2) second semiannual competition: December 17, 1984.]

(c) **Selection procedures.** Scoring and the recommended ranking of projects will be done by a five-member technical review committee with input from the regional review committees. The technical review committee will be designated by the executive director of the Texas Department of Community Affairs (TDCA) from within the TDCA or other appropriate state agencies (e.g., the Governor's Office of Planning and Intergovernmental Relations). The application and selection procedures consist of the following steps.

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

(3) Each regional review committee may, at its option, review and comment on a planning/capacity building proposal from a jurisdiction within its state planning region. These comments will become part of the application file and will be considered by the technical review committee provided such comments are received by the TDCA within 35 days after the application deadline.

(4) (No change.)

(5) The TDCA generates scores on selection criteria relating to community distress, benefits to low- and moderate-income persons, and minority hiring [and contracting]. Scores on the factors in these three categories are derived from standardized data from the Census Bureau, other state or federal sources, or from information provided by the applicant.

(6)-(8) (No change.)

(9) Upon the announcement of contract awards by the governor, the TDCA staff will begin working with recipients to execute the contract agreements. [While] The award will [must] be based on the information provided in the application and the TDCA will determine the amount of funding for each contract based on the matrix included in the most recent application package for this fund [may negotiate any element of the contract agreement with the recipient as long as the contract amount is not increased and the level of benefits described in the application is not decreased].

(d) **Selection criteria.** The following is an outline of the selection criteria to be used by the TDCA, the technical review committee, and the state review committee for selection of the projects under the planning/capacity building fund. Eight hundred ninety-five [One thousand seventy five] points are available.

(1) **Community distress (total—120 [200] points).** All community distress factor scores are based on the population of the applicant.

(A) Percentage of persons living in poverty—30 [50].

(B) Per capita income—30 [50].

(C) Percentage of housing units without some or all plumbing—30 [50].

(D) Unemployment rate—30 [50].

(2) **Percentage of TCDP funds that directly benefit low- and moderate-income persons (Total—200 [300] points).** This factor score is based only on those residents of the applicant that are determined to be direct beneficiaries of the applicant's proposed activities, as defined by the TDCA in the [its] current [Texas Community Development Program] application package for this fund.

(3) **Percentage of minorities presently employed by the applicant divided by the percentage of minority residents within the local community [Minority hiring and contracting] (total—100 points).** In the event less than 2.0% of the applicant's population base is composed of minority residents or the applicant does not have any permanent[, minority] employees, [or the applicant has not purchased any goods and services from a minority firm for a total dollar value of greater than \$1,000,] the applicant will be assigned the average score on this factor for all applicants [in its state planning region]. The terms used in this

paragraph are defined in the current [Texas Community Development Program] application package. [The applicable period for the purchases of goods and services is either the most recent 12-month period or the most recently completed fiscal year of the local government.

[(A) Percentage of minorities presently employed by the applicant divided by percentage of minority residents within the local community—50.

[(B) Percentage dollar awards by the applicant to minority businesses for purchases of goods and services divided by percentage of minorities in the area—50.]

(4) (No change.)

(5) **Proposed planning effort (total—300 points).**

(A) **Local commitment (total—75 points).** This factor is based on the matching of TCDP funds by the applicant. Scores will be based on hard dollars committed to the planning effort, community size, and local tax effort. Communities with a population under 2,000 are exempt from this factor and will receive the average score of all other applicants unless such communities commit hard dollars to the project.

(B) (No change.)

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

Issued in Austin, Texas, on March 22, 1985.

TRD-852562

Douglas C. Brown
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption:

April 29, 1985

For further information, please call
(512) 443-4100, ext. 210.

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TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 9. LP-Gas Division Subchapter A. General Applicability and Requirements ★ 16 TAC §9.3

The Railroad Commission of Texas proposes new §9.3, concerning the categories of licensees within the LP-Gas Division and the kind of work they are authorized to perform. The new section sets forth those categories of licensees which are enumerated in the Natural Resources Code. Their inclusion in the commission rules allows licensees ready access to this information and produces greater clarity in the regulatory scheme.

New §9.3 is proposed simultaneously with the repeal of §9.29.

Thomas D. Petru, LP-Gas Division 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 or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater clarity concerning the various categories of licensees. 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 Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Box 12967, Austin, Texas 78711-2967.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules or standards relating to the LP-gas industry in Texas.

§9.3. *Categories of Licensees.* A prospective licensee may apply to the LP-Gas Division for a license to engage in any one or more of the following categories:

(1) Category A—manufacturers and/or fabricators, which covers the manufacture, fabrication, assembly, repair, installation, subframing, and sale of LP-gas containers, including LP-gas motor fuel containers and systems, and the repair and installation of transport and transfer systems;

(2) Category B—transport outfitters, which covers the subframing and sale of LP-gas transport containers, the installation and sale of LP-gas motor fuel containers, and the installation and repair of transport and motor fuel systems;

(3) Category C—carriers, which covers the transportation of LP-gas by transport, including the loading and unloading of LP-gas, and the installation and repair of transport systems;

(4) Category D—general installers and repairmen, which covers the sale, service, and installation of containers, excluding motor fuel containers, and the service, installation, and repair of piping, certain appliances as defined by rule, and LP-gas systems, excluding motor fuel systems. The service and repair of an LP-gas appliance not required by the manufacturer to be vented to the atmosphere is exempt from Category D licensing. The installation of these unvented appliances to LP-gas systems by means of LP-gas appliance connectors is also exempt from Category D licensing;

(5) Category E—retail and wholesale dealers, which covers the storage, sale, transportation, and distribution of LP-gas at retail and wholesale, and all other activities included in this section except the manufacture, fabrication, assembly, repair, and subframing of LP-gas containers. The service and repair of an LP-gas appliance not required by the manufacturer to be vented to the atmosphere is exempt from Category E licensing. The installation of these unvented appliances to LP-gas systems by means of LP-gas appliance connectors is also exempt from Category E licensing;

(6) Category F—bottle exchangers, which covers the operation of a bottle filling and container exchange dealership, including bottle filling and the sale of LP-gas;

(7) Category G—service station, which covers the operation of an LP-gas service station filling American Society of Mechanical Engineers (AMSE) containers designed for motor or mobile fuel;

(8) Category H—bottle dealers, which covers the transportation and sale of bottled LP-gas;

(9) Category I—service station and bottle exchanges, which covers any service station and bottle activity set out in Category F and Category G of this section;

(10) Category J—service station and bottle dealerships, which covers the operation of a bottle filling and container exchange dealership, including bottle filling and the sale, transportation, installation, and connection of bottled LP-gas, and the operation of an LP-gas service station as set out in Category G;

(11) Category K—distribution system, which covers the sale and distribution of LP-gas through mains or pipes and the installation and repair of LP-gas systems;

(12) Category L—carburetion, which covers the sale and installation of LP-gas motor fuel containers, and the sale and installation of LP-gas motor fuel systems.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852526

Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:

April 29, 1985

For further information, please call
(512) 475-1301.

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★ 16 TAC §9.17

The Railroad Commission of Texas proposes amendments to §9.17, concerning the registration fees for transports as

set out in the Texas Natural Resources Code. This section already sets forth the registration requirements of the Code, and the amendments restate in the commission rules the required fees for registration.

Thomas D. Petru, LP-Gas Division 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 or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater clarity of transport fees and uniformity of LP-gas regulation. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed over what is presently required by statute.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendments are proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules or standards relating to the LP-gas industry in Texas.

§9.17. *Registration of LP-Gas [LPG] Transport [and Delivery Units].*

(a) Each transport truck, trailer, or other motor vehicle equipped with an LP-gas cargo tank and each truck used principally for transporting LP-gas in portable containers shall be registered with the commission.

(b)(a) A licensee who has purchased, leased, or obtained other rights to use [in] any unit described in subsection (a) of this section [LPG transport/delivery trailer(s) and/or motor vehicle(s)] shall register that [each such] unit in [with] the name or names under which the licensee conducts business before the transportation of LP-gas by means of that unit [LPG Gas Division in the dealership's name(s) prior to the use of such unit(s) for the licensed transport or delivery of LP-gas].

(c)(b) An ultimate consumer of LP-gas who has purchased, leased, or obtained other rights to use any unit described in subsection (a) of this section [in any LPG transport/delivery trailer(s) and/or motor vehicle(s)] shall register that [each such] unit in the person's name before transportation of LP-gas by means of that unit on public roads or highways [with the LP Gas Division in his (its) name(s) prior to the use of such unit(s) for the transport or delivery of LP-gas on public highways].

(d) The registration fee for each unit is \$150 a year for any LP-gas cargo trailer

or semitrailer and \$100 a year for any bob-tail or cylinder delivery unit. Such fee must be paid in full before any unit may be registered or reregistered.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852527 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
April 29, 1985

For further information, please call
(512) 475-1301.

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★ 16 TAC §9.29

(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 §9.29, concerning the categories of licensees within the LP-gas Division. New §9.3 is proposed simultaneously with this repeal. The new section sets forth those categories of licensees which are enumerated in the Texas Natural Resources Code.

Thomas D. Petru, LP-Gas Division 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 or small businesses as a result of the repeal.

Mr. Petru 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 is greater clarity concerning the various categories of licensees. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules or standards relating to the LP-gas industry in Texas.

§9.29. *Service, Installation, and Repair of LP-Gas Appliances.*

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852528 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
April 29, 1985

For further information, please call
(512) 475-1301.

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Subchapter B. Basic Rules

★ 16 TAC §9.31

The Railroad Commission of Texas proposes an amendment to §9.31, concerning the odorization of LP-gas as required by the Texas Natural Resources Code. Amending §9.31 by the consolidation of §9.31 and §9.32, concurrent with the repeal of §9.32, provides for a more efficient basic rule.

Thomas D. Petru, LP-Gas Division 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 or small businesses as a result of enforcing or administering the rule.

Mr. Petru also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is greater clarity concerning the odorization of LP-gas. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed over what is presently required.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendment is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules or standards relating to the LP-gas industry in Texas.

§9.31. *Odorizing Gases.*

(a)-(e) (No change.)

(f) Each person, firm, or corporation who odorizes liquefied petroleum gas is responsible for completing and filing LPG Form 17 within 30 days after the end of the calendar quarter covered by the report. This report shall show, in addition to the other information required, the specific type of odorant used or the trade name, the amount

of odorant used, and the number of gallons of gas odorized.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852529 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
April 29, 1985

For further information, please call
(512) 475-1301.

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★ 16 TAC §9.32

(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 §9.32, concerning the odorization of LP-gas as required by the Texas Natural Resources Code. The requirements of this section are being incorporated simultaneously into the proposed amendment of §9.31, so there is no actual change in the standards required in odorization.

Thomas D. Petru, LP-Gas Division 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 or small businesses as a result of the repeal.

Mr. Petru 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 is greater clarity concerning the odorization of LP-gas. There is no anticipated economic cost to individuals as a result of the repeal greater than that currently required.

Comments on the proposal may be submitted to Donn G. Miller, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967.

The repeal is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate and adopt rules or standards relating to the LP-gas industry in Texas.

§9.32. *Report of Odorization.*

This agency hereby certifies that the proposal has been reviewed by legal coun-

and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 20, 1985.

TRD-852530 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:
April 29, 1985
For further information, please call
(512) 476-1301.

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Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division General Requirements

★ 16 TAC §69.125

(Editor's note: The Texas Department of Labor and Standards proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Department of Labor and Standards proposes amendments to §69.125, concerning the insurance coverage requirements for installers of manufactured housing in Texas.

Booker T. Morris, general counsel, 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 or small businesses as a result of enforcing or administering the rule.

John P. Steele, Manufactured Housing Division director, 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 is better protection for the manufactured housing consumer in Texas in settling claims against installers of manufactured housing. Furthermore, it also may limit the claims that may be asserted against registered installers. The anticipated economic cost to individuals who are required to comply with the rule as proposed is an insurance policy costing from \$1,800-\$2,500 per registrant per year. The cost of the policy also will be dependent on any upward or downward movement of insurance rates. Currently there are 1,421 installers registered with the department and who must comply with the rule.

Comments on the proposal may be submitted to Booker T. Morris III, General Counsel, or John P. Steele, Director, Manufactured Housing Division, Texas

Department of Labor and Standards, P.O. Box 12157, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 5221f, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act.

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

Issued in Austin, Texas, on March 22, 1985.

TRD-852504 Robert R. Busse
Assistant Commissioner
Texas Department of
Labor and Standards

Earliest possible date of adoption:
April 29, 1985
For further information, please call
(512) 476-0155.

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TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 133. Pupil-School Relations Subchapter B. Discipline Management [Scholastic and Behavioral Conduct of Pupils]

★ 19 TAC §§133.21-133.25

The Texas Education Agency (TEA) proposes an amendment to §133.21 and new §§133.22-133.25, concerning discipline management

House Bill 72, 68th Legislature, 2nd Called Session, 1984, requires each school district to adopt and implement a discipline management program. Before implementation, the proposed program must be submitted to the Central Education Agency (CEA) for approval. The TEA proposes an amendment to change the title of Chapter 133, Subchapter B, to "Discipline Management" rather than "Scholastic and Behavioral Conduct of Pupils." The sections in this subchapter contain the provisions for adoption and approval of discipline management programs, content of approved programs, monitoring, and teacher training.

Section 133.21, concerning notice given of regulations, is amended to replace the word "pupils" with the word "students."

Proposed new §133.22 concerns the adoption and approval of discipline management programs and provides that the

commissioner of education shall develop sample formats to serve as models that districts may use in the development of discipline management plans. Such formats will not be required, but will be available for school districts to use if they wish. Subsection (b) describes the contents of the discipline management plans.

New §133.23, concerning recommended training program, provides that the commissioner of education shall develop criteria by which to review specific programs that are submitted by institutions of higher education to assist local school districts and shall recommend only those determined to be of sufficient quality to address the provisions of law and State Board of Education rules.

New §133.24 requires each school district to provide teacher training in discipline management, for each teacher, administrator, counselor, and librarian, and for professional and support staff of alternative education programs, including school-community guidance centers.

New §133.25, concerning implementation time lines, directs the commissioner to establish a date by which all plans must be submitted to the CEA for review. The commissioner is to advise the districts which do not submit approvable plans of the deficiencies and request revisions in a timely manner so that such plans may be approved.

Richard Bennett, associate commissioner for finance, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The anticipated effect on state government will be absorbed by the current agency budget (approximately one full-time equivalent position). There is no anticipated economic effect on local government or small businesses.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have 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 is the improved ability of school district personnel to handle discipline problems, resulting in a better learning environment for students. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 476-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not

more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendment and new sections are proposed under the Texas Education Code, §21.701, which requires each school district to implement a discipline management program approved by the CEA.

§133.21. Notice Given of Regulations. Students [Pupils] enrolled in each school district shall be given appropriate notice of rules and regulations related to scholastic and behavioral conduct. These rules and regulations must be developed in accordance with law and applicable State Board of Education policy by the school district board of trustees. (Reference Attorney General Opinion M-395.)

§133.22. Discipline Management Programs.

(a) Adoption and approval of programs. The commissioner of education shall provide for the review of school district management plans. The review shall consider the completeness of the plan and its compliance with provisions of the law and State Board of Education rules. The commissioner of education shall develop sample formats to serve as models that districts may use in the development of discipline management plans. Such formats shall not be required, but will be available for school districts to use if they wish.

(b) Content of approved programs.

(1) The board of trustees shall provide in the contents of the plan for the following:

(A) the development of the plan with administrators, teachers, parents, and students, and, if needed, with the assistance of the education service centers;

(B) the categories of the persons specified that have been designated as campus discipline persons and their job duties, including the implementation and assessment of the program on that campus and referral of appropriate students to school-community guidance centers if available;

(C) the development of a code of student conduct that, at a minimum, includes rules, regulations, and expectations related to conduct and specifies the consequences of violating the code and for which discipline, removal to an alternative educational setting, or expulsion may be imposed. The school district shall explain what it will consider to be serious and persistent misbehavior and what constitutes incorrigible conduct in its discipline management program and student code of conduct. The code of student conduct shall be published and distributed annually to administrators, teachers, parents, and students. The discipline management plan of each district shall provide for procedures to communicate the provisions of the code of student conduct to parents and all interested parties. Changes during the year in the code of stu-

dent conduct shall be published and distributed to students in a timely manner;

(D) the discipline management plan shall describe the responsibilities of teachers, administrators, parents, and students;

(E) at least two parent-teacher conferences shall be held during the school year for the parents of students who have committed one or more disciplinary infractions, and/or who have been removed to an alternative educational program at least once during the previous or current semester. This section does not require teachers to conduct two conferences with every parent (although the school district may require any teacher to do so), but the school district is required to conduct the two conferences. These conferences are encouraged to be face-to-face, but, where impractical, may be conducted by telephone;

(F) parent training workshops for home reinforcement of study skills and specific curriculum objectives shall be included in the district's plan;

(G) the district shall provide annually for signed statements by each student's parent that the parent understands and consents to the responsibilities outlined in the district's student code of conduct.

(2) The district's discipline management plan shall specify the district's standards for determining who may serve as a representative at the hearing required by the Texas Education Code, §21.301 and §21.3011, what constitutes notice, and how the district will allow the student's parent or representative to participate in the hearing.

(3) The school district's outline of its alternative educational program shall be included in its discipline management plan.

§133.23. Recommended Training Program. The commissioner of education shall develop criteria by which to review specific programs that are submitted by institutions of higher education and shall recommend only those determined to be of sufficient quality to address the provisions of law and State Board of Education rules.

§133.24. Teacher Training in Discipline Management.

(a) The board of trustees shall provide training in the discipline management plan of the district for each teacher, administrator, counselor, and librarian; for campus discipline personnel identified in the Texas Education Code, §21.702(3); and for professional and support staff of alternative education programs, including school-community guidance centers. The district may include in the training other appropriate personnel such as instructional aides and bus drivers.

(b) The discipline management plan shall include the school district procedures for teacher training under this section. The plan shall ensure that teachers are fully in-

formed regarding the contents of the school district's discipline management plan.

(c) The school district shall maintain records that document the initial discipline management training and subsequent reinforcement that each teacher receives.

§133.25. Implementation Time Lines. The commissioner shall establish a date by which all plans must be submitted to the Central Education Agency for review. The commissioner shall advise the districts which do not submit approvable plans of the deficiencies and request revisions in a timely manner in order that such plans may be approved.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852480

W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

May 11, 1985

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

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Chapter 141. Teacher Certification

Subchapter U. Alternative Teacher Certification

★19 TAC §141.481

The Texas Education Agency proposes new §141.481, concerning the provisions for the alternative certification of teachers as established by House Bill 72, 68th Legislature, 2nd Called Session, 1984. The bill directs the State Board of Education to provide for the certification as teachers of persons who are not graduates of teacher education programs.

The proposed new section provides for local school districts which have staffing needs which could be filled by persons seeking alternative certification to submit a plan to be approved by the State Board of Education prior to implementation. Persons seeking alternative certification must meet the qualifications set out in subsection (b) of this section. Such persons may be hired for a year of supervised internship, after which the local school district may recommend them to the Central Education Agency for level one teacher certification.

Alternative teacher certification through school districts with approved plans addressing all requirements of the board would become effective with the 1985-1986 school year, with certification be-

ing attainable with the availability of state-mandated certification tests by the summer of 1986.

Richard Bennett, associate commissioner for finance, 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 or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the availability of an alternate route to teacher certification which requires strong subject area preparation and actual classroom experience. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$10 each year in 1988-1991, based on the cost of an initial certificate.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 474-7077. All requests for a public hearing on the proposed new section submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §13.035, which requires the State Board of Education by rule to provide for the certification of persons who are not graduates of teacher education programs.

§141.481. Requirements for the Alternative Certification of Teachers.

(a) General provisions. Approval of alternative certification of teachers by the State Board of Education shall be based on the following requirements:

(1) that alternative certification of teachers is to be a school-directed function of Texas public school districts whereby an individual may be recommended to the Central Education Agency for teacher certification based upon satisfactory completion of specified requirements;

(2) that the implementation of this procedure for the training and certifying of teachers be precipitated only by staffing needs for which the district has actual or projected teaching positions to be filled; and

(3) that the year of supervised internship as the teacher of record shall be creditable as a year of teaching experience on probationary contract status for purposes of the teacher career ladder and that full appraisal requirements of the state and the local district be implemented as prereq-

uisite for recommendation to level one certification.

(b) Requirements for an approved plan. Effective with the 1985-1986 school year, all districts choosing to staff positions via the alternative certification process shall be required to submit a plan to be approved by the State Board of Education prior to implementation. The district plan for alternative certification must include, but need not be limited to, the following statutory and State Board of Education quality assurances:

(1) a bachelor's degree from a regionally accredited institution of higher education;

(2) appropriate semester hours in a subject which is listed in Chapter 75 of this title (relating to Curriculum) for purposes of alternative certification:

(A) grades 9-12—24 semester hours in the subject;

(B) grades six-eight—18 semester hours in the subject;

(C) grades prekindergarten-five—12 semester hours in child development, child psychology, reading, or other related areas; six of these semester hours must be in reading; or

(D) bilingual/English as a second language (ESL)—12 semester hours in a subject and 12 semester hours in language study, language acquisition, bilingual/ESL methodology, culture (concepts, patterns, contribution), and evidence of language proficiency for bilingual education assignments;

(3) possession of basic skills (math, reading, writing) as evidenced by acceptable scores on the state-mandated basic skills test or its equivalent as determined by the State Board of Education;

(4) possession, prior to assignment, of acceptable scores on the state-mandated certification test or tests for the subject or subjects that are to be taught;

(5) teaching methods and classroom management training provided during the year of classroom assignment as an intern, which includes, but need not be limited to:

(A) knowledge and skills concerning the unique needs of special learners, such as the impact of cultural, ethnic, language, and social differences upon the instructional processes as well as the characteristics, assessment, least restrictive alternatives, and admission, review, and dismissal processes for special students requiring individualized or specialized education programs;

(B) legal and ethical aspects of teaching;

(C) instructional methods and strategies that emphasize practical applications of the teaching-learning process; and

(D) curriculum organization, planning, and evaluation which focus upon the curriculum to be taught, especially the essential elements to be included; and

(6) a year of internship under the supervision of a teacher or teachers in the subject area or areas for which the intern is to be certified.

(c) Supervising teacher. The supervising teacher shall be identified on the career ladder as level two or higher and shall be provided released time during the school day to observe and evaluate the actual teaching of the intern.

(d) Procedures for approval and administration of plans.

(1) School districts choosing to staff positions by means of the alternative certification process shall submit to the Central Education Agency a district plan that specifies its means of fulfilling requirements for school district plans in accordance with subsection (b) of this section.

(2) Upon completion of the one-year internship and appropriate teacher appraisal, the school district shall recommend the teacher to the Central Education Agency for level one teacher certification. In the event that the teacher fails to perform satisfactorily in each category of appraisal, the probationary period may be extended for one additional year under the provisions set forth in the Texas Education Code, §13.306.

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

Issued in Austin, Texas, on March 21, 1985.

TRD-852496

W. N. Kirby
Interim Commissioner of
Education

Proposed date of adoption:

May 11, 1985

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

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TITLE 22. EXAMINING BOARDS

Part III. Texas Board of Chiropractic Examiners Chapter 73. Licenses and Renewals

★22 TAC §73.3

(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 Texas Board of Chiropractic Examiners, Suite C-245, 1300 East Anderson Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Board of Chiropractic Examiners proposes the repeal of §73.3,

concerning licenses and renewals. The section deals with the subject matter guidelines for sponsoring agencies to use in developing their continuing education courses. The existing section is repealed to allow for a new section that will allow only for seminars to be taught by qualified associations and chiropractic schools.

Edna A. Parsons, executive secretary, 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 or small businesses as a result of repeal.

Ms. Parsons also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the replacement of an existing rule with a new rule that will set forth very specific subject matter content guidelines used in developing continuing education courses to ensure the highest quality of continuing education courses. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Edna A. Parsons, Executive Secretary, 1300 East Anderson Lane, Suite C-245, Austin, Texas 78752.

The repeal is proposed under Senate Bill 109, 67th Legislature, 1981, Texas Civil Statutes, Article 4521b, §5, which provides the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules as they deem necessary.

§73.3. *Refresher Courses.*

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

Issued in Austin, Texas, on March 6, 1985.

TRD-852468 Edna A. Parsons
Executive Secretary
Texas Board of
Chiropractic
Examiners

Earliest possible date of adoption:
April 29, 1985
For further information, please call
(512) 835-2006.

★ ★ ★

The Texas Board of Chiropractic Examiners proposes new §73.3, concerning licenses and renewals. This section deals with the subject matter guidelines for sponsoring agencies to use in developing their continuing education courses and the subject matter to be approved.

Edna A. Parsons, executive secretary, 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 or small businesses as a result of enforcing or administering the rule.

Ms. Parsons 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 is very specific subject matter content guidelines used in developing continuing education courses, thereby ensuring that the highest quality of continuing education courses are being offered to licensees practicing in the state. 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 Edna A. Parsons, Executive Secretary, 1300 East Anderson Lane, Suite C-245, Austin, Texas 78752.

The new section is proposed under Senate Bill 109, 67th Legislature, 1981, Texas Civil Statutes, Article 4512b, §F, which provides the Texas Board of Chiropractic Examiners with the authority to promulgate procedural rules as it deems necessary.

§73.3. *Refresher Courses.* Regarding continuing education courses for license renewal:

- (1) qualification requirements;
 - (A) the board may approve those continuing education license renewal courses sponsored by state and national chiropractic associations and chiropractic colleges offering any three of the following seven categories of subject matter during a consecutive two-day course with 10 total hours of course work:
 - (i) general or spinal anatomy;
 - (ii) neuro-muscular-skeletal diagnosis;
 - (iii) radiology or radiographic and interpretation;
 - (iv) pathology;
 - (v) public health;
 - (vi) chiropractic adjusting technique;
 - (vii) chiropractic philosophy;
 - (B) speakers at such courses shall possess the training and expertise required of faculty members at chiropractic colleges approved by the board under §71.5 of this title (relating to Approved Chiropractic Schools and Colleges);
 - (2) filing with the board. The state and national associations of chiropractic colleges that desire approval of their continuing education courses shall submit annually prior to regularly scheduled board meetings their proposed curriculum, speakers, attendance rules, and registration fees to the Texas Board of Chiropractic Examiners for its consideration before it approves a proposed course;
 - (3) proof of out-of-state course work. A chiropractor who holds a Texas li-

cense but does not practice in Texas during the 12 months immediately preceding his Texas license renewal date may submit certification of attendance of 12 hours at a course or courses sponsored by a chiropractic association or chiropractic college so long as:

(A) the course work attended is approved by the licensing board of the state in which he practices; or

(B) the course work attended is approved by the Council of Chiropractic Education if the state in which the doctor practices does not have continuing education requirements; and

(C) the doctor forwards to the Texas Board of Chiropractic Examiners, prior to the license renewal date;

(i) certification of approval of the seminar by one of the agencies listed in subparagraph (A) or subparagraph (B) of this paragraph; and

(ii) certification of attendance at the seminar.

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

Issued in Austin, Texas, on March 13, 1985.

TRD-852469 Edna A. Parsons
Executive Secretary
Texas Board of
Chiropractic
Examiners

Earliest possible date of adoption:
April 29, 1985
For further information, please call
(512) 835-2006.

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Part XXIV. State Board of
Veterinary Medical
Examiners
Chapter 573. Rules of
Professional Conduct

★22 TAC §573.26

The State Board of Veterinary Medical Examiners proposes new §573.26, concerning corporate and assumed names. The new section reflects changing public policy concerning advertising by the profession.

Roger D. Shipman, executive secretary, 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 or small businesses as a result of enforcing or administering the rule.

Mr. Shipman 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 is the reflection of changing public policy concerning advertising by the profession. 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 Roger D. Shipman, Executive Secretary, State Board of Veterinary Medical Examiners, 3810 Medical Parkway, Suite 119, Austin, Texas 78756, (512) 458-1183.

The new section is proposed under Texas Civil Statutes, Article 7465a, §8(a), which provide the State Board of Veterinary Medical Examiners with the authority to adopt, alter, or amend rules of professional conduct appropriate to establish and maintain a high standard of integrity.

§573.26. Corporate and Assumed Names. A veterinarian shall not use a corporate or assumed name for his veterinary practice which would be false, deceptive, or misleading to the public.

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
February 28, 1985.

TRD-852539 Roger D. Shipman
 Executive Secretary
 State Board of
 Veterinary Medical
 Examiners

Earliest possible date of adoption:
April 29, 1985
For further information, please call
(512) 458-1183.

★ ★ ★

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 37. Maternal and Child Health Services

Family Planning Services

★25 TAC §37.191

The Texas Department of Health proposes the repeal of §37.191, concerning family planning services, and new §37.191, concerning fees for clinical health services. The department is authorized to charge fees to persons who receive public health services from the department and from local health departments which have contracts with the department.

Proposed new §37.191 incorporates provisions of existing §37.191 and establishes a schedule of fees for personal health services provided at public health clinics.

Stephen Seale, chief accountant III, has determined that there will be fiscal implications as a result of the repeal and of enforcing or administering the new rules.

The effect on state government is an estimated additional cost of \$2,925 in 1985, \$117,000 in 1986, and \$98,000 each year in 1987-1989. The estimated increase in revenue is \$3,264 in 1985 and \$130,565 each year in 1986-1989.

There is no anticipated fiscal impact on local governments which are not collecting fees for services under these programs. For those local governments which are not now collecting fees, there will undoubtedly be some additional administrative costs incurred and additional revenue collected. The net effect is not anticipated to be material.

There will be no adverse economic effect on small businesses.

Mr. Seale 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 is the reduction in cost to the State of Texas for public health services provided at public health clinics.

The anticipated economic cost to individuals who are required to comply with the rule as proposed is the fees for personal health services according to the schedule of fees in §37.191.

Comments on the proposal may be submitted to Thomas Tucker, Administrator, Bureau of Maternal and Child Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

(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 Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with the authority to charge fees to persons who receive public health services from the department.

§37.191. Fees for Family Planning Services under Title XX, Social Security Act.

This agency hereby certifies that the proposal has been reviewed by legal coun-

sel and found to be within the agency's authority to adopt.

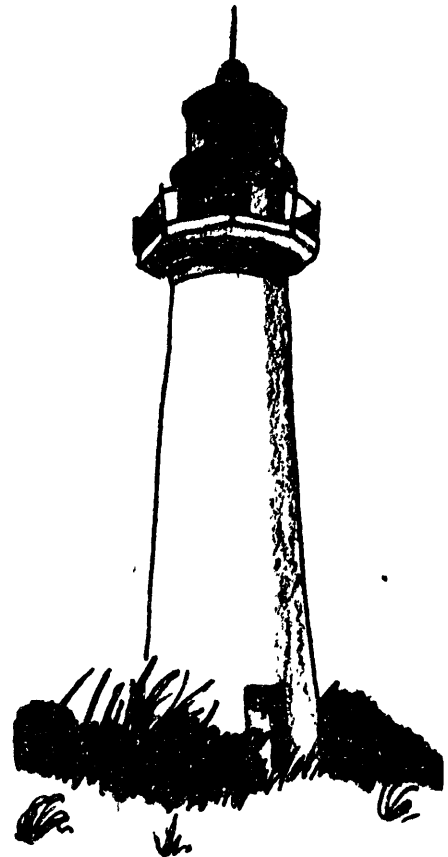
Issued in Austin, Texas, on March 21, 1985.

TRD-852481 Robert A. MacLean
 Deputy Commissioner
 Professional Services
 Texas Department of
 Health

Proposed date of adoption:
May 31, 1985

For further information, please call
(512) 458-7700.

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The new section is proposed under Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health with the authority to charge fees to persons who receive public health services from the department.

§37.191. Fees for Clinical Health Services.

(a) Introduction. The department provides personal health services directly or through contractors at public health clinics throughout Texas. This section establishes a schedule of fees covering such services.

(b) Schedule of fees.

(1) The following schedule of fees lists the fees covering personal health services provided at public health clinics. Local health department contractors may use the attached schedule or their own schedule. Public health regions will use the attached schedule.

SCHEDULE OF FEES

Family Size	0%-100% Poverty Income	101%-199% Poverty Income	200% + Poverty Income
1	\$ 4,980	\$ 5,030 - \$ 9,910	\$ 9,960
2	6,720	6,787 - 13,372	13,440
3	8,460	8,545 - 16,835	16,920
4	10,200	10,302 - 20,298	20,400
5	11,940	12,059 - 23,760	23,880
6	13,680	13,817 - 27,223	27,360
7	15,420	15,574 - 30,686	30,840
8	17,160	17,332 - 34,148	34,320
For each additional family member, add \$ 1,740			
CHARGES			
Initial or Annual Visit	\$ 0.00	\$ 4.00	\$ 10.00
Revisit	\$ 0.00	\$ 2.00	\$ 5.00

(2) The clinic will determine if a person is able to pay in accordance with the appropriate schedule; however, the clinic will not deny services because of a person's inability to pay.

(3) Patients or clients whose incomes are above the 200% + poverty level will be referred to the private sector for care unless extenuating circumstances exist. Such circumstances include unusually high medical expenses or the unavailability of specific care needed. Such exceptions may receive care at the public health clinic in accordance with the schedule of fees.

(4) A clinic may not charge a fee which exceeds the cost to the clinic of providing the service.

(5) The clinic shall make a reasonable effort to collect the fees but the clinic may waive collection if the administrative cost of collection will exceed the fee to be collected.

(6) The clinics covered by this section are those operated by public health regions and local health departments.

(7) Fees collected by local health department clinics shall be retained by those departments and be accounted for and expended under the rules relating to program income.

(8) Fees collected by public health region clinics shall be deposited in the state treasury to a special fee fund to be entitled the Texas Department of Health public health services fee fund.

(c) Modification, suspension or termination of services.

(1) The department may modify, suspend, or terminate services to a person, determined able to pay, for nonpayment of fees after notice to the person and opportunity for hearing. The criteria upon which the department will take such action is when the person fraudulently or deliberately misrepresents a material fact about his/her eligibility, ability to pay, or the application of the schedule of fees to him/her.

(2) The department will conduct the hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

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

Issued in Austin, Texas, on March 22, 1985

TRD-852482 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:
May 31, 1985

For further information, please call
(512) 458-7700.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 101. General Provisions

★ 31 TAC §101.20

(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 Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Air Control Board (TACB) proposes the repeal of §101.20, concerning compliance with U.S. Environmental Protection Agency (EPA) standards.

Simultaneously the TACB is proposing to adopt a new §101.20, concerning the same subject. The proposed new section retains the existing provisions but restructures the section and adds a paragraph to allow TACB enforcement of the prevention of significant deterioration (PSD) permits previously issued by the EPA.

Bennie Engleke, management and staff services 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 or small businesses as a result of the repeal.

Steve Spaw, P.E., Central Regulatory Operations Program director, 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 is derived from acceptance of federal permit enforcement authority which should result in a more simplified and expedited enforcement process. There is no anticipated economic cost to individuals as a result of the repeal.

A public hearing on this proposal is scheduled for 7 p.m. on April 30, 1985, at the central office of the TACB, 6330 U.S. Highway 290 East, Austin. Copies of the proposal are available from Barry Irwin at the TACB central office and at all TACB regional offices. Public comment, both oral and written, on the proposed repeal is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on May 9, 1985, at the TACB central office will be included in the hearing record and should be sent to the Regulation Development Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The repeal is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a),

which provide the Texas Air Control Board with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the board makes.

§101.20. Compliance with Environmental Protection Agency Standards.

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

Issued in Austin, Texas, on March 21, 1985.

TRD-852543 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed date of adoption:
August 30, 1985
For further information, please call
(512) 451-5711, ext. 354.

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The Texas Air Control Board (TACB) proposes new §101.20, concerning compliance with U.S. Environmental Protection Agency (EPA) standards.

Simultaneously the TACB is proposing the repeal of existing §101.20, concerning the same subject. The proposed new section retains the existing provisions but restructures the section and adds a paragraph to allow TACB enforcement of the prevention of significant deterioration (PSD) permits previously issued by the EPA.

The TACB accepted the technical and administrative review authority for the PSD Program on April 23, 1981. At the time it appeared that Congress would revise the PSD portions of the Federal Clean Air Act. Consequently, the TACB was reluctant to incorporate those requirements into state regulations and accept full delegation. It now appears that major revisions to the PSD Program are unlikely. This action, therefore, is proposed for the TACB to accept delegation of enforcement authority for the PSD Program in Texas.

Bennie Engleke, management and staff services 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 or small businesses as a result of enforcing or administering the rule.

Steve Spaw, P.E., Central Regulatory Operations Program director, has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is derived from acceptance of federal permit enforcement authority which should result in a more simplified and expedited enforcement process.

There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

A public hearing on this proposal is scheduled for 7 p.m. on April 30, 1985, at the central office of the TACB, 6330 U.S. Highway 290 East, Austin. Copies of the proposal are available from Barry Irwin at the TACB central office and at all TACB regional offices. Public comment, both oral and written, on the proposed repeal is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on May 9, 1985, at the TACB central office will be included in the hearing record and should be sent to the Regulation Development Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

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

§101.20. Compliance with Environmental Protection Agency Standards. Any person owning or operating a source of air contaminants shall comply with the following requirements:

(1) any applicable new source performance standards promulgated by the Environmental Protection Agency (EPA) pursuant to the Federal Clean Air Act, §111, as amended;

(2) any applicable emissions standards for hazardous air pollutants promulgated by the EPA pursuant to the Federal Clean Air Act, §112, as amended; and

(3) the conditions of any permit issued by the EPA pursuant to 40 Code of Federal Regulations §52.21, relating to the prevention of significant deterioration of air quality.

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

Issued in Austin, Texas, on March 21, 1985.

TRD-852544

Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed date of adoption:

August 30, 1985

For further information, please call

(512) 451-5711, ext. 354.

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Chapter 116. Permits

★31 TAC §§116.1-116.3, 116.10

The Texas Air Control Board (TACB) proposes amendments to §116.1, concerning a construction permit; §116.2, concerning responsibility for obtaining a permit or exemption; §116.3, concerning consideration for granting permits to construct or operate; and §116.10, concerning public notification and comment procedure.

The amendments to §116.1 are administrative only, in that the proposed wording guides the reader to the appropriate sections to determine whether the facility would be required to obtain a permit to construct (pursuant to §116.3(a) or §116.7) or be considered an exempt facility (pursuant to §116.6). In addition, the title of §116.1 is proposed to read "Permit Requirements" instead of "Construction Permit" since the section has a broader application than just permits to construct. Similarly, the proposed amendments to §116.2 are administrative only and simplify the existing language while retaining the same intent.

The proposed amendment to §116.3 adds a new subparagraph (13) under §116.3(a). The amendment incorporates by reference portions of the federal Prevention of Significant Deterioration of Air Quality (PSD) regulations promulgated in 40 Code of Federal Regulations §52.21 into the TACB Regulation VI for control of air pollution by permits for new construction or modification (Texas Administrative Code, Title 31, Chapter 116).

The TACB accepted the technical and administrative review authority for the PSD Program on April 23, 1981. At the time it appeared that Congress would revise the PSD portions of the Federal Clean Air Act. Consequently, the TACB was reluctant to incorporate those requirements into state regulations and accept full delegation. It now appears that major revisions to the PSD Program are unlikely. This action, therefore, is proposed to establish a consolidated permit system.

Four sections of the federal PSD regulations are to be excluded from incorporation by reference. These are as follows. 40 Code of Federal Regulations §52.21(j), concerning control technology review, is proposed for exclusion since a best available control technology (BACT) review is already performed, as required by §116.3(a)(3). 40 Code of Federal Regulations §52.21(l), concerning air quality models, is proposed for exclusion because the TACB previously has negotiated with the EPA an agreement on an acceptable dispersion modeling methodology. This agreement involves the use of the Texas episodic model and the Texas climatolog-

ical model, and their continued use is a condition upon which hinges the determination that sufficient resources are available to the TACB to accept delegation of this federal program. 40 Code of Federal Regulations §52.21(q), concerning public notification, is proposed for exclusion because public notification and comment procedures currently are addressed under §116.10, concerning public notification and comment procedure. 40 Code of Federal Regulations §52.21(r)(2), concerning voiding a permit to either an 18-month delay in commencing construction or an 18-month discontinuation of construction, is proposed for exclusion. This requirement is in conflict with condition two on the signature page of all TACB-issued construction permits, which states that "This permit is automatically void if construction is not begun within one year of the date of issuance." However, the TACB currently has no provision for voiding construction permits due to periods of discontinued construction and is requesting comments on the advisability of such a policy.

This incorporation by reference also satisfies the new source review requirements for protection of visibility in the Class I areas of Texas, Big Bend National Park, and Guadalupe Mountains National Park. Visibility protection is required by the Federal Clean Air Act, Part C, and rules for implementation plans were promulgated on December 2, 1980 (40 Code of Federal Regulations §§51.300-51.307). A settlement agreement signed April 20, 1984, establishes specific deadlines for completion of state implementation plans (SIPs) for visibility protection, and the TACB, therefore, is proceeding with development of the SIP revision. New major stationary sources and major modifications locating either in attainment areas or in nonattainment areas of the state must undergo visibility new source review, as required by 40 Code of Federal Regulations §51.307. There are no nonattainment areas near the two Class I areas in Texas. Therefore, the location of new or modified sources in nonattainment areas will not cause any adverse impact on visibility in Class I areas. Consequently, no action is proposed for visibility new source review in nonattainment areas at this time.

In the same *Federal Register* notice, the EPA also proposed visibility monitoring requirements, as required by 40 Code of Federal Regulations §51.305. The visibility monitoring requirements are designed to generate data for evaluating visibility impairment trends, to assess the effectiveness of the protection plan, and to identify contributing sources and the potential impact of new major sources and major modifications. Preapplication visibility monitoring by a permit applicant

would provide only site-specific data and would not provide any trend analysis capability.

Without sufficient trend analysis, long-term control strategy development could not be performed adequately by the TACB. Historically, the National Park Service has obtained visibility monitoring data in the state's two Class I areas. In addition, the EPA proposed a national monitoring network operated and maintained by federal land managers. For these same reasons, this proposal does not include any requirement for visibility monitoring by a permit applicant, and the TACB will not propose that the SIP incorporate such requirements. The rules to be incorporated by reference, covering the impact of a new or modified source on visibility in a Class I area, are included in 40 Code of Federal Regulations §52.21(p), promulgated on June 19, 1978.

In addition, the TACB proposes to amend §116.10(a)(1). The amendments restructure the paragraph and add a subparagraph which, if SPD requirements apply, would allow more than 30 days after receipt of a completed permit application for the TACB to make a preliminary determination whether to issue the permit. This additional time may be necessary to complete the review and atmospheric dispersion modeling required by §116.3(1)(13). A preliminary determination will be made as expeditiously as possible.

The TACB also proposes a second amendment to §116.10. This amendment changes the newspaper notice size in paragraph (4) of §116.10(a) to conform to column sizes now being used by most newspapers in Texas. A major Houston area newspaper notified the TACB in June of 1984 that the notice size currently specified in §116.10(a)(4) is no longer available for purchase in that newspaper. The Texas Press Association has indicated that approximately 90% of Texas' daily newspapers have changed column formats as part of a nationwide move to a standard advertising unit system.

In addition, an amendment is proposed to §116.10(d), concerning notification of new determinations as to BACT. The proposed change adds a requirement for public notification of new determinations of BACT made under §116.7 and revises the time frame for notification from 15 days prior to permit issuance to 30 days after permit issuance.

Bennie Engleke, management and staff services 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 or small businesses as a result of enforcing or administering the rules.

Steve Spaw, P.E., Central Regulatory Operations Program director, has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is consolidation of state and federal permitting procedures which should result in a more simplified and expedited enforcement process. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

A public hearing on the proposed amendments is scheduled for 7 p.m. on April 30, 1985, at the central office of the TACB, 6330 U.S. Highway 290 East, Austin. Copies of the proposal are available from Barry Irwin at the TACB central office and at all TACB regional offices. Public comment, both oral and written, on the proposed amendments is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on May 9, 1985, at the TACB central office will be included in the hearing record and should be sent to the Regulation Development Division, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

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

§116.1. [Construction] Permit Requirements. Any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state must obtain a permit to construct pursuant to §116.3(a) of this title (relating to Consideration for Granting Permits to Construct and Operate) or pursuant to §116.7 of this title (relating to Special Permits) or satisfy the conditions for exempt facilities pursuant to §116.6 of this title (relating to Exempted Facilities) [construction permit or an exemption from the Texas Air Control Board or satisfy the conditions for a standard exemption as published by the executive director] before any actual work is begun on the facility. If a permit to construct is issued by the board, the person in charge of the facility must apply for an operating permit pursuant to §116.3(b) of this title (relating to Consideration for Granting Permits to Construct and Operate) within 60 days after the facility has begun operation, unless this 60-day period has been extended by the executive director.

§116.2. Responsibility for Obtaining Permit or Exemption. The owner of the fa-

cility or operator of the facility authorized to act for the owner is responsible for complying with §116.1 of this title (relating to Permit Requirements) [applying for and obtaining an exemption or a permit to construct and operate or for seeing that the conditions for a standard exemption as published by the executive director are satisfied].

§116.3. Consideration for Granting Permits to Construct and Operate.

(a) Permit to construct. In order to be granted a permit to construct, the owner or operator of the proposed facility shall submit information to the Texas Air Control Board which will demonstrate that all of the following are met.

(1)-(12) (No change.)

(13) The proposed facility shall comply with the prevention of significant deterioration of air quality regulations promulgated by the Environmental Protection Agency in the Code of Federal Regulations §52.21, as amended, hereby incorporated by reference, except for the following paragraphs: 40 Code of Federal Regulations §52.21(j), concerning control technology review; 40 Code of Federal Regulations §52.21(l), concerning air quality models; 40 Code of Federal Regulations §52.21(q), concerning public notifications; and 40 Code of Federal Regulations §52.21(r)(2), concerning voiding due to delay in commencement or discontinuation of construction. The term "executive director" shall replace the word "administrator" except in 40 Code of Federal Regulations §52.21(b)(17), (f)(1)(V), (f)(3), (f)(4)(I), (G), and (T). Copies of 49 Code of Federal Regulations §52.21 are available upon request from the Texas Air Control Board, 6330 U.S. Highway 290 East, Austin, Texas 78723.

(b)-(f) (No change.)

§116.10. Public Notification and Comment Procedure.

(a) Public notification procedures.

(1) General requirements [requirement].

(A) Except for an application for a permit to construct required by §116.3(a)(13) of this title (relating to Consideration for Granting Permits to Construct and Operate), within 30 days of receipt of a completed [construction] permit application, as determined by the executive director of the Texas Air Control Board, the executive director shall mail a written notification to the permit applicant acknowledging receipt of the application, stating his preliminary determination to issue or not issue the permit, and requiring the applicant to provide public notice of the proposed construction which shall include the information specified in paragraph (3) of this subsection. The applicant shall provide such notification using each of the

methods specified in paragraphs (3) and (4) of this subsection. [The executive director may specify that additional information needed to satisfy public notice requirements of 40 Code of Federal Regulations §52.21 also be included in the notice published pursuant to paragraph (3) of this subsection.]

(B) For an application for a permit to construct required by §116.3(a)(13) of this title (relating to Consideration for Granting Permits to Construct and Operate), within 30 days of receipt of a completed permit application, as determined by the executive director of the TACB, the executive director shall mail written notification to the permit applicant acknowledging receipt of the application. When the executive director has made his preliminary determination to issue or not issue the permit, the executive director shall mail a written notification of the determination to the permit applicant and require the permit applicant to provide public notice of the proposed construction, which shall include the information specified in paragraph (3) of this subsection. The applicant shall provide such notification using each of the methods specified in paragraphs (3) and (4) of this subsection. The executive director may specify that additional information needed to satisfy public notice requirements of 40 Code of Federal Regulations §52.21 also be included in the notice published pursuant to paragraph (3) of this subsection.

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

(4) Publication elsewhere in the newspaper. Another notice with a size of at least 96.8 square centimeters (15 square inches) and whose shortest dimension is at least 7.6 centimeters (three inches) [7.5 centimeters by 12.5 centimeters (three inches by five inches)] shall be published in a prominent location elsewhere in the same issues of the newspaper and shall contain the information specified in paragraph (3)(A)-(D) of this subsection and note that additional information is contained in the notice published pursuant to paragraph (3) of this subsection in the public notice section of the same issue.

(5)-(6) (No change.)

(b)-(c) (No change.)

(d) Notification of new determinations as to best available control technology. If the requirements of any permit to construct will incorporate a new determination of best available control technology pursuant to §116.3(a)(3) [§116.3(a)(6)] of this title (relating to Consideration for Granting Permits to Construct and Operate) or §116.7(e)(3) of this title (relating to Special Permits) [which may affect a class or category of sources], the executive director shall so notify the public by publication of a notice in the *Texas Register* at least 30 days after [15 days prior to] the issuance of any such permit.

(e) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal coun-

sel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 21, 1985.

TRD-852545

Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed date of adoption:

August 30, 1985

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

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 50. Day Activity and Health Services Program Overview

★ 40 TAC §§50.901-50.904

The Texas Department of Human Resources proposes the repeal of §§50.901-50.904, 50.3901-50.3909, 50.4901, and 50.4902 and new §§50.901-50.904, 50.3901-50.3915, 50.4901, and 50.4902.

The department is proposing the new sections to clarify and reorganize policies about day activity and health services (DAHS) facility operations. There are no major changes, however, which affect the level of effort for providers. The proposed policy clarifications include the role of the nurse consultant; training of staff; location of facility records; and staffing requirements.

The proposed new sections are a restatement of the repealed rules with editorial changes throughout.

David Hawes, Office of Programs Budget and Statistics administrator, has determined that for the first five-year period the rules and repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Hawes also has determined that for each year of the first five years the rules and repeals as proposed are in effect the anticipated public benefit is clarification of DAHS policies. There is no anticipated economic cost to individuals required to comply with the rules as proposed.

Comments may be sent to Cathy Rosenberg, Administrator, Policy Development Support Division—927, Texas Department of Human Resources 153-E, P.O.

Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

For specific program-related questions, please contact Patricia Gladden at (512) 450-3156.

(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 Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

§50.901. *Legal Authority.*

§50.902. *Service Objective.*

§50.903. *Definitions.*

§50.904. *Service Descriptions.*

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

Issued in Austin, Texas, on March 22, 1985.

TRD-852505

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:

April 29, 1985

For further information, please call
(512) 450-3766.

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The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§50.901. *Legal Authority.*

(a) The standards for day activity and health services (DAHS) were developed to comply with the intent and requirements of the Human Resources Code, Title 6, Chapter 102 and Chapter 103; 45 Code of Federal Regulations Part 96, the Social Security Act, Title XX; and 42 Code of Federal Regulations §440.130(d), the Social Security Act, Title XIX. They provide for the care, treatment, health, safety, and welfare of recipients in day activity and health services facilities. These standards apply to those facilities licensed/approved as adult day health care facilities by the Texas Department of Health (TDH) and approved by the Texas Department of Human Resources (DHR) for vendor participation. These standards supplement all current licensing laws and licensing standards.

(b) The DHR pays for DAHS when provided to eligible recipients by providers approved by and under contract with DHR.

§50.902. *Service Objective.* The purpose of adult day care and adult day health care

facilities is to provide services to recipients living in the community and to prevent premature or unnecessarily prolonged placement in institutions. Services are designed to address the physical, mental, medical, and social needs of recipients through the provision of rehabilitative/restorative nursing and social services which improve or maintain a person's level of functioning. The recipient is able to remain in a family environment, thereby allowing the family a measure of normalcy for its daily activities.

§50.903. Definitions. The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise:

DAHS facility—Facility that provides services as described in §50.904 of this title (relating to Service Descriptions) to four or more adults on a daily or regular basis but not overnight.

Direct service staff—Includes the director, nurse, social services and activities coordinator, and DAHS attendants.

Licensed vocational nurse (LVN)—A person currently licensed by the Board of Vocational Nurse Examiners of Texas who works under the supervision of an RN or a physician.

Nutritionist/dietitian—A person who has at least a bachelor of science degree in home economics with a major in either nutrition or dietetics.

Personal care service—Assistance in dressing, eating, grooming, bathing, toileting, transferring/ambulation, and assistance with self-administering medication.

Recipient's designee/representative or responsible party—Anyone the recipient designates or accepts as his representative.

Registered nurse (RN)—A person currently registered by the Texas State Board of Nurse Examiners to practice professional nursing.

Unit of service—The unit of service for DAHS is one-half day. Three hours but less than six hours of covered service provided by the facility constitute one unit of service. Six hours or more of service constitute two units of service. Time spent in transportation provided by the facility is counted in the unit rate.

§50.904. Service Descriptions. The department contracts with facilities that provide day activity and health services through vendor enrollment contracts. Participating facilities must have services available for at least 10 hours each day and at least five days a week, Monday through Friday. The department does not reimburse providers for services in excess of 10 hours per day per recipient. Day activity health service (DAHS) facilities must provide, at a minimum, the following services:

(1) Nursing services.

(A) Assessing, observing, and evaluating a recipient's health condition and instituting appropriate nursing intervention

to stabilize or improve a recipient's condition or to prevent complications.

(B) Assisting the recipient in ordering, maintaining, or administering prescribed medication or treatments, as indicated by physician's orders.

(C) Counseling the recipient on his health needs and illness and involving significant others in the discussions of his immediate and long-term health goals.

(D) Providing or supervising personal care services. The goal of this assistance is to enable the recipient to restore, maintain, or improve his ability to perform personal care tasks.

(2) Physical rehabilitative services.

(A) Restorative nursing.

(B) Group and individual exercises, including range of motion exercises.

(C) Transportation to and from a facility approved to provide therapies if the recipient requires specialized services on days of attendance at the DAHS facility.

(3) Nutrition services.

(A) One hot meal served between the hours of 11 a.m. and 1 p.m. which supplies one-third of the recommended daily allowance (RDA) for adults as recommended by the U.S. Department of Agriculture.

(B) Special diets as required by the recipient's plan of care.

(C) Supplementary mid-morning and mid-afternoon snack.

(D) Dietary counseling and nutrition education for the recipient and his family.

(4) Social services and other supportive services.

(A) Social work services to recipients and their families to help with the personal, family, and adjustment problems that interfere with the effective use of treatment.

(B) Cultural enrichment, educational or recreational activities, and other social activities on site or in the community in a planned program to meet the social needs and interests of the recipients.

(5) Transportation. The DAHS facility must ensure that transportation is provided to and from the facility and to and from therapies and treatments, if needed.

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

Issued in Austin, Texas, on March 22, 1985.

TRD-852608

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:

April 29, 1985

For further information, please call
(512) 450-3766.

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Standards of Operation

★40 TAC §§50.3901-50.3909

(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 Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

§50.3901. Staffing Requirements.

§50.3902. Staff Responsibilities.

§50.3903. Staff Development and Training.

§50.3904. Recipient Records.

§50.3905. Facility Records.

§50.3906. Medication Administration.

§50.3907. Community Interaction.

§50.3908. Food Service.

§50.3909. Transportation.

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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Marlin W. Johnston
Commissioner
Texas Department of
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For further information, please call
(512) 450-3766.

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★40 TAC §§50.3901-50.3915

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§50.3901. Staff Qualifications.

(a) Director. The director of a DAHS facility must:

(1) have graduated from an accredited four-year college or university and have no less than one year of experience in working with people in a human service or medically related program. One year of experience may be substituted for one year of the required education with a maximum substitution of four years. At a minimum, the director of a DAHS facility must have a high school diploma from an accredited high school or a GED; or

(2) be a registered nurse with one year of experience in a human service or medically related program; or

(3) meet the training and experience requirements for a license as a nursing home administrator under the rules of the Texas

Board of Licensure for Nursing Home Administrators.

(b) Nurse. The facility nurse must be a registered nurse (RN) or a licensed vocational nurse (LVN). The facility nurse may also fulfill the function of facility director if he meets the qualifications for director.

(c) Social services and activities coordinator. The social services and activities coordinator must have graduated from an accredited college or university with some background in social work or behavioral sciences. One year of full-time paid experience in direct social work may be substituted for one year of the required college work with a maximum substitution of two years. The social services and activities coordinator may also fulfill the function of facility director if he meets the qualifications for director.

(d) Attendant. The attendant must be 18 years old or older and able to perform the duties prescribed. If an attendant is used as the driver, he must have a current chauffeur's license issued by the Texas Department of Public Safety. If an attendant handles food in the facility, he must meet the requirements described in TDH rules on food service sanitation.

(e) Housekeeper/driver (optional). Facilities may employ a part- or full-time housekeeper/driver to discharge his duties. This individual must have a current chauffeur's license issued by the Texas Department of Public Safety.

(f) Food service personnel (optional). If the DAHS facility prepares meals on site, the facility must have sufficient food service personnel to prepare meals and snacks. Food service personnel must meet the requirements described in TDH rules on food service sanitation.

§50.3902. Staff Responsibilities.

(a) Director. The DAHS facility director is responsible for:

(1) managing the day activity and health services facility;

(2) training and supervising DAHS staff;

(3) monitoring the facility building and grounds to ensure compliance with licensing and program standards;

(4) maintaining all financial and recipient records;

(5) developing relationships with community groups and agencies for identification and referral of recipients.

(b) Nurse. The DAHS nurse is responsible for:

(1) assessing the recipient's initial and continued stay medical needs;

(2) developing each recipient's plan of care using the appropriate DHR forms; coordinating the plan of care with the social services and activities coordinator;

(3) administering medication;

(4) providing health education;

(5) maintaining medical records;

(6) obtaining physician's orders for medication to be administered;

(7) determining whether self-administered medications have been appropriately taken, applied, or used.

(c) Social services and activities coordinator. The social services and activities coordinator is responsible for:

(1) planning and directing the daily program of activities, including physical fitness exercises or other recreational activities;

(2) providing social services, including referral to community services and discharge planning;

(3) coordinating social and other services with community agencies;

(4) recording the recipient's social history and making recommendations on social services in the plan of care, which is written jointly with the facility nurse;

(5) maintaining communications with the recipient's family members or responsible parties.

(d) Attendant. The attendant is responsible for:

(1) providing personal care services (assistance with activities of daily living);

(2) assisting the social services and activities coordinator with recreational activities;

(3) providing protective supervision (observation and monitoring);

(4) directing activities under the supervision of the social services and activities coordinator.

(e) Housekeeper/driver. The housekeeper/driver, if one is employed, is responsible for:

(1) operating the facility's vehicles in a safe manner;

(2) maintaining accurate daily mileage records and records of expenses for the purchase of gas and oil;

(3) providing housekeeping and laundry services.

(f) Food service personnel. Food service personnel, if employed, are responsible for:

(1) preparing meals and snacks;

(2) maintaining the kitchen area and utensils in a safe and sanitary condition.

(g) Nutritionist/dietitian consultant. The DAHS facility must receive consultation at least four hours each month from a nutritionist/dietitian who plans and gives signed prior approval to daily snack and luncheon menus. The nutritionist/dietitian must review menus monthly to ensure that substitutions were appropriate.

(h) Registered nurse consultant. In DAHS facilities where the facility nurse is a licensed vocational nurse, a registered nurse consultant must work with the regular facility staff as part of a team. The following types of assistance are appropriate tasks for the registered nurse consultant:

(1) reviewing plans of care and suggesting changes to them if appropriate;

(2) assessing recipients' health conditions;

(3) consulting with the LVN in solving problems involving recipient care and service planning;

(4) counseling recipients on their health needs;

(5) training, consulting, and assisting the LVN in maintaining proper medical records;

(6) inservice training for direct service staff.

§50.3903. Staff Requirements.

(a) The nurse must be present at the facility when recipients are present up to a maximum of eight hours a day. If the nurse is an LVN, an RN must be present at the facility at least four hours a week. If there are more than 60 recipients at the facility, two nurses must be present. One of the two nurses must be an RN.

(b) The social services and activities coordinator must perform the duties related to the provision of DAHS at least eight hours a day.

(c) The facility nurse, director, or social services and activities coordinator must be present when recipients are present at the facility. Staff who meet the same qualifications as the nurse and the director may be designated to fulfill this requirement. If there are no recipients in the facility, the nurse and/or director may leave the facility to perform duties related to the provision of DAHS.

(d) At least one attendant or other direct service staff must be present at the facility when a recipient is present.

(e) If recipients are at the facility for more than eight hours, they may be supervised by attendants who have been employed by the facility for at least three months and have completed all initial training requirements.

(f) The contracted agency must ensure that the overall ratio of direct service staff to recipients in the DAHS facility is at least one to eight. This ratio must be maintained during provision of all covered services except during facility-provided transportation. Private pay individuals are also counted as recipients for purposes of staffing requirements.

(g) All direct service staff must be free of communicable diseases.

§50.3904. Initial Training.

(a) The DAHS facility must provide all staff with training in the fire/disaster procedures and evacuation plan within three workdays of employment. The training must be documented in the facility records.

(b) The DAHS facility must provide each recipient with training in the fire/disaster procedures and evacuation plan within 30 days from the date of service initiation. The training must be documented in the recipient's records.

(c) The DAHS facility must provide direct service staff with a minimum of 24 hours of training during the first three

months of employment and document that training includes:

- (1) safety and emergency procedures, including the Heimlich maneuver;
- (2) orientation to community resources;
- (3) contracted agency policies, procedures, and forms;
- (4) department policies, procedures, and forms;
- (5) confidentiality as required by law;
- (6) applicable fire, health, and safety codes, ordinances, and regulations; and
- (7) orientation to health care delivery including the following components:
 - (A) basic body function and mechanics;
 - (B) personal care techniques and procedures; and
 - (C) the aging process and implications for care.
- (d) Staff employed as substitutes on an infrequent and irregular basis are not required to have 24 hours of initial training. Substitute and consultant staff must receive a minimum of three hours of orientation.
- (e) Substitutes for direct service and consultant staff who are used by a facility on a regular basis must meet all DAHS training requirements.

§50.3905. Ongoing Training. The DAHS facility must also provide a minimum of three hours of ongoing training to direct service staff during each consecutive three-month period after the first three months of employment. The DAHS facility must ensure that the ongoing training includes, but is not limited to, the following topics within a year from the employee's hire date:

- (1) first aid;
- (2) basic nutritional needs;
- (3) activity and exercise for the elderly and handicapped;
- (4) mobility;
- (5) special skin care needs;
- (6) reality orientation/remotivation;
- (7) death and dying; and
- (8) recreation needs.

§50.3906. Recipient Records.

(a) The DAHS facility must keep the records current, dated, signed, and available for review at any time by authorized agents of the Texas Department of Human Resources, the attorney general's Medicaid Fraud Control Unit, the Texas Department of Health, and/or the United States Department of Health and Human Services. The records must be maintained in compliance with all state and federal requirements regarding confidentiality including, but not limited to, 42 Code of Federal Regulations §§431.300-431.307 and the Human Resources Code, §12.003 and §21.012.

(b) The DAHS facility must ensure that each recipient's record contains at least the following information:

- (1) the initial health assessment and certification and current recertification of continued need for care;
- (2) orders for medications and treatments, signed and dated by a physician;
- (3) a daily record of all treatments;
- (4) pertinent medical records;
- (5) significant changes in the recipient's condition;
- (6) a summary of any hospital stay while enrolled;
- (7) significant complaints and results of investigation of complaints;
- (8) records of termination; and
- (9) progress notes from months earlier than the current month.

(c) Staff must maintain all other pertinent and identifying information necessary for a complete recipient health/social record. After medical services end, staff must maintain the recipient's medical records for five years as stated in the contract.

§50.3907. Notification.

(a) If a recipient becomes ill or injured at the DAHS facility, the facility director or facility nurse must notify a relative or other responsible person during the same day of the occurrence. Recipients with communicable diseases must be isolated from other recipients until suitable arrangements can be made for their care.

(b) If a recipient is absent from a regularly scheduled program without the prior knowledge of DAHS staff, the social services and activities coordinator or facility director must contact the recipient or someone knowledgeable about his condition on the same day that the absence occurs.

§50.3908. Plan of Care.

(a) The facility nurse and social services and activities coordinator must jointly develop for each recipient a plan of care (service plan) which includes information from the client intake and level-of-care assessment forms.

(b) A meeting must be conducted at least once a month by the facility director at the facility. At this meeting the program plan for the next month and all new and modified individual plans of care must be described/discussed. At least 50% of the DAHS facility direct service staff, including both the nurse and social services and activities coordinator, must attend. DHR staff may attend if appropriate.

(c) Before the effective date of the change, the DHR caseworker must approve significant changes in the plan of care which may affect eligibility or units of service.

(d) The recipient or recipient's designee must be invited to confer with the DAHS facility staff about the services received by the recipient at least once every six months from the date services are initiated.

§50.3909. Miscellaneous Records.

(a) The facility must maintain a daily record of attendance which includes the time each recipient began receiving services and the time he left the facility's care. If transportation is provided by the facility, the driver's records of transportation time may be used. Arrival and departure times must be documented for recipients not using facility-provided transportation.

(b) The facility nurse and social services and activities coordinator must enter, date, and sign monthly progress notes on medical care and social services provided. The current month's progress notes must be kept in a central file.

(c) The facility must maintain incident reports. Incidents include falls, arguments, and allegations of abuse or neglect.

§50.3910. Financial Records.

(a) In a central location in the facility, DAHS staff must maintain financial records according to recognized fiscal and accounting procedures and according to DHR procedures. These records include details on each charge and payment made on behalf of each recipient. Staff must keep these records current to clearly reveal who had been charged and who had paid. DAHS staff must ensure that financial records are available for review without notice by DHR, the Texas Department of Health, and any other authorized agency.

(b) DAHS staff must keep:

- (1) records or current duplicates according to the contract;
- (2) records that are itemized by units of service and recipients served;
- (3) records that show the date, amount, and source of each payment received;
- (4) fiscal documents and other records necessary to ensure that claims for federally matched funds meet federal requirements; and
- (5) financial records sufficient to complete cost reports as required in the contract.

(c) Staff must maintain these documents and records according to the retention requirements in the contract.

§50.3911. Personnel Records. Day activity health services staff must keep personnel records in a central location in the facility. These records include staff qualifications, performance reports, attendance records, and staff development records. Staff must maintain these documents and records according to the retention requirements in the contract.

§50.3912. Medication Administration.

(a) Recipients are allowed to administer their own medication if the attending physician has certified in writing that they are capable of doing so. Medications that are not self-administered may be given only under the supervision of the facility nurse. The same person who prepares the doses must administer the medication to

those recipients who do not self-administer their medication. All medications must be administered as ordered by the recipient's physician. The same person who prepared and administered the medication must document this in the facility's records.

(b) The DAHS facility must ensure that each recipient has an individual medication record. In the medication record, the staff who administers the medication must record the dose and the method of administration. Staff must also record the medications that are self-administered by the recipient. Staff must document when the recipient is reminded to take his medication and document what the recipient's response was when reminded. Staff must sign and date all entries.

(c) All medications must be labeled and stored according to established federal and state laws and the following requirements (except for self-administered medications which the recipient may keep).

(1) The recipient's medication must be labeled and stored in a locked medication room or cabinet in a location approved by the licensing agency. Staff must ensure that the label of each recipient's individual medication container clearly indicates:

- (A) name and address of the pharmacy,
- (B) recipient's full name,
- (C) prescribing physician's name,
- (D) date prescription was dispensed,
- (E) instructions for use, and
- (F) brand or generic name and strength of the medication.

(2) Medications for each recipient must be stored in their original containers. Transferring between containers is prohibited by law.

(3) The medication room or cabinet medication storage area must have a separate, permanently attached cabinet, box, or drawer with a lock to store drugs covered by Schedule II of the Controlled Substances Act of 1970.

(4) Medications requiring refrigeration must be stored in the medication room in a refrigerator used only for medicine storage or kept in a separate, permanently attached and locked medication storage box in a refrigerator.

(5) Poisons and medications for external use only must be locked in a medication room or cabinet and kept separate from other medication.

(6) Medications discontinued by a physician's orders must be given to the recipient's family by the facility nurse within 10 days of the date of discontinuance. The date, name of drug, and amount returned must be documented in the recipient's record and signed by the facility nurse.

(7) Medications of deceased recipients or medications which have passed the expiration date must be immediately given

to the recipient's family by the facility nurse or immediately disposed of according to federal and state laws. Records of the disposition of these medications must be kept.

(8) The recipient or responsible party may take his medication home daily. The facility, however, should plan with the recipient for medication to be available to the recipient while attending the facility.

(9) Schedule II drugs stored at the facility may not be returned to the family or responsible party but must be disposed of according to state and federal laws.

(d) The facility may keep a stock supply of nonlegend medications according to an established formulary. These medications must be stored in the same manner as required for other medications and must be administered as ordered by the recipient's physician only by authorized personnel.

(e) Medication errors and drug reactions must be immediately reported to the recipient's physician. Staff must make an entry of the incident and subsequent reporting in the recipient's record as well as complete an incident report.

§50.3913. Community Interaction. Day activity health services facility staff must operate the program to promote active participation of recipients in a variety of ways, including interaction with the community. Each facility must describe in writing how it plans to meet this requirement and the results of planned activities.

§50.3914. Food Service. Facilities must provide one hot noon meal suitable in quality and adequacy to attain and maintain nutritional requirements including those of special diets.

(1) Supplementary nourishment must include at least a nutritious mid-morning and mid-afternoon snack.

(2) A dietitian or nutritionist must approve and sign each menu, including substitutions. The dietitian or nutritionist must review menus monthly.

(3) Menus must be planned at least two weeks in advance, dated, maintained on file, and posted in the facility. Meals must be served according to approved menus.

(4) Special diet meals ordered by the recipient's physician and developed by the dietitian or nutritionist must be labeled with the recipient's name and type of diet.

(5) Recipients must receive assistance in eating their meals if necessary.

(A) Food texture modification—meats ground and vegetables mashed for recipients having trouble chewing.

(B) Food management—spoon fed, bread buttered, and milk opened for recipients with hand deformities, paralysis, or hand tremors.

§50.3915. Transportation. Since transportation is a DAHS service component and is covered in the DAHS unit rate, the DAHS facility is responsible for and must

outline the methods by which transportation is provided for recipients.

(1) The provider must make every effort to have families transport the recipient.

(2) The provider must coordinate the use of other transportation resources within the community.

(3) The provider must manage the upkeep and operation of facility vehicles including liability insurance.

(4) Facility vehicles used by the provider must be maintained in a condition to meet the vehicle inspection requirements of the Texas Department of Public Safety.

(5) There must be sufficient staff to ensure the safety of recipients being transported by facility vehicles.

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

Issued in Austin, Texas, on March 22, 1985.

TRD-852509

Marlin W. Johnston
Commissioner
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April 29, 1985

For further information, please call
(512) 450-3766.

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Recipients' Rights

★ 40 TAC §50.4901, §50.4902

(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 Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

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

§50.4901. Recipients' Rights.

§50.4902. Complaint Procedures.

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) 450-3766.

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The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§50.4901. Recipients' Rights. Services and assistance under programs administered by the Texas Department of Human Resources are provided without discrimination on the basis of race, religion, color, sex, disability, or national origin. Services to elderly recipients are also provided in compliance with the rights of the elderly as required in the Human Resources Code, Title 6, Chapter 102. Any recipient who believes he has been subjected to discrimination or abuse in a facility or who believes his rights have been violated may file a complaint with the director of the facility. If the complaint is

not resolved, the recipient may request a hearing with a DHR civil rights officer. Complaint and appeals procedures must be clearly explained to recipients and posted in the facility.

§50.4902. Complaint Procedures.

(a) The DAHS facility must inform recipients in writing about the complaint procedures within 10 calendar days of the initiation of services.

(b) The DAHS facility must register and evaluate complaints about service delivery or staff that recipients bring to its attention. All incidents must be reported to DHR, together with a report on the resolution of the incident, within three workdays of awareness of the complaint.

(c) The DHR may investigate complaints received by DHR against a DAHS

facility's policies, procedures, and practices.

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) 450-3766.

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Withdrawn

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

**TITLE 25. HEALTH
SERVICES
Part I. Texas Department of
Health
Chapter 37. Maternal and Child
Health Services
Family Planning Services**

★25 TAC §37.191

The Texas Department of Health has withdrawn from consideration for permanent adoption proposed amendments to §37.191, concerning family planning services. The text of the amended sections as proposed appeared in the December 7, 1984, issue of the *Texas Register* (9 TexReg 6163).

Issued in Austin, Texas, on March 21, 1985.

TRD-852480

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

Filed: March 21, 1985
For further information, please call
(512) 458-7236.

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Adopted Rules

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

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

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 13. Regulations for Compressed Natural Gas (CNG) Fuel Systems

Subchapter A. Scope and Definitions

★ 16 TAC §13.2

The Railroad Commission of Texas adopts amendments to §13.2, without changes to the proposed text published in the February 8, 1985, issue of the *Texas Register* (10 TexReg 452).

The amendments clarify the existing definitions and delete definitions which are no longer necessary. The amendments will not effect substantially the general public or LP-Gas Division licensees. They will, however, give greater clarity to the regulations of CNG.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Natural Resources Code, §16.012, which requires the Railroad Commission of Texas to promulgate rules governing any phase of CNG use in Texas. This clarification of definitions helps discharge that mandate.

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

Issued in Austin, Texas, on March 18, 1985.

TRD-852531 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: May 1, 1985
Proposal publication date: February 8, 1985
For further information, please call
(512) 475-1301.

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Subchapter E. Classification, Registration, and Examination

16 TAC §§13.81, 13.84, 13.86, 13.88-13.90, 13.95-13.99

The Railroad Commission of Texas adopts new §§13.81, 13.84, 13.86, 13.88-13.90, and 13.95-13.99, without changes to the proposed text published in the February 8, 1985, issue of the *Texas Register* (10 TexReg 453).

The legislature mandated that the LP-Gas Division of the Railroad Commission of Texas promulgate rules which set forth reasonable requirements for the examination, licensing, and insurance of those who perform certain CNG-related activities. These new sections set forth the first stage of that regulatory scheme by stating the types of activities to be licensed, the licensing requirements, examination requirements, and insurance requirements. Without the fulfillment of these requirements, individuals cannot be licensed and are not allowed under law to perform those activities specified.

No comments were received regarding adoption of the new sections.

There were certain typographical errors in the text of the new sections as published in the February 8, 1985. Because the new sections are adopted without changes (therefore precluding a reprinting herein), the section encourages all persons to contact the section offices in Austin for a typographically correct version of the regulations. The only substantive error in the text was the omission of the word "sell" after the word "repair" in §13.81(a)(1). An accurate copy of the regulations as adopted is on file with the Office of the Secretary of State with the CNG Section of the LP-Gas Division.

The new sections are authorized under the Texas Natural Resources Code, §116.012, which permits the Railroad Commission of Texas to develop rules and standards under which CNG activities are to be performed in Texas.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 18, 1985.

TRD-852547 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Effective date: May 31, 1985
Proposal publication date: February 8, 1985
For further information, please call
(512) 475-1301.

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TITLE 19. EDUCATION

Part II. Texas Education Agency

Agency

Chapter 129. Student Attendance

Subchapter A. Student Attendance Allowed

★ 19 TAC §129.1, §129.2

The Texas Education Agency adopts amendments to §129.1 and §129.2, without changes to the proposed text published in the January 25, 1985, issue of the *Texas Register* (10 TexReg 284).

Section 129.1 concerns free attendance in general and §129.2 concerns kindergarten attendance, both of which are amended to reflect provisions of House Bill 72, 68th Legislature, 2nd Called Session, 1984.

Section 129.1 provides that a child may be enrolled in the first grade if he or she is at least six years of age at the beginning of the scholastic year or has been enrolled in the first grade or has completed kindergarten in the public schools in another state prior to transferring to a Texas public school. A child who is not eligible to enter the first grade may be assigned to the first grade before age six; but, in a district which offers less than full year kindergarten, the attendance of

the child must be maintained in a kindergarten register.

Section 129.2 provides that all children who are at least five years old but are not eligible for enrollment in the first grade are eligible for free attendance in kindergarten for either full-day or half-day attendance for the entire school year or for full-day attendance for one-half (one semester) of the school year in the school district in which they reside. Attendance accounting figures for districts which offer full-day half-year kindergarten must be adjusted in accordance with instructions of the commissioner of education.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, § 16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program, (Texas Education Code, Chapter 16).

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852461 W. N. Kirby
Interim Commissioner of
Education

Effective date: April 10, 1985
Proposal publication date: January 25, 1985
For further information, please call
(512) 475-7077.

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Subchapter D. Student Attendance Accounting

★ 19 TAC §129.61

The Texas Education Agency adopts new §129.61, without changes to the proposed text published in the January 25, 1985, issue of the *Texas Register* (10 TexReg 285).

The new section implements the provisions of House Bill 72, 68th Legislature, 2nd Called Session, 1984, concerning student attendance, and consolidates material previously contained in §117.1, which has been repealed.

New §129.61 concerns requirements for student attendance accounting for state funding purposes. Subsection (a) requires all public schools in Texas to maintain contact hour registers for the allocation of Foundation School Program funds and other funds allocated by the Central Education Agency. Average daily attendance must be determined based on the best four weeks of eight weeks of attendance. Attendance for the fall semester must be counted with the first Monday of October. Attendance for the spring semester

must be counted for the four weeks beginning with March 4, 1985. Any district in which fewer than four school days are scheduled or held during one of the designated weeks must inform the commissioner of education, who may approve the next full week at the end of the reporting period for that district. The new section permits students to be excused for medical, dental, and psychological appointments, and for special education assessment and related services; however, such students may not be counted present for funding purposes if they are absent at the time attendance is taken. The language is permissive, leaving the final decision concerning such absences to local district discretion.

Dr. Albert M. Tate, Jr., commented that, in his view, students who were absent for medical and dental appointments should be counted present for funding purposes if they made up the work missed, since such students are present for most of the school day, although they may happen to be absent when attendance is taken.

The Texas Education Code, §21.035, does permit a local district to grant a student an excused absence for medical or dental appointments, but an excused absence is still an absence. It may be that on occasion students who are present for most of the day are absent during the one period when attendance is taken. It is also likely that in some cases students who are absent for most of the day are present when attendance is taken. A procedure which tried more closely to monitor the hourly presence or absence of students could in theory be developed, but would be extremely cumbersome to implement.

The new section is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program; and the Texas Education Code, §16.006, which directs the State Board of Education to prescribe by rule the eight weeks for attendance accounting for Foundation School Program purposes.

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

Issued in Austin, Texas, on March 20, 1985

TRD-852462 W. N. Kirby
Interim Commissioner
of Education

Effective date: April 10, 1985
Proposal publication date: January 25, 1985
For further information, please call
(512) 475-7077.

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Chapter 161. Advisory Groups

★ 19 TAC §§161.1-161.5

The Texas Education Agency adopts amendments to §§161.1-161.5, without changes to the proposed text published in the January 29, 1985, issue of the *Texas Register* (10 TexReg 322).

The sections concern official advisory committees and the procedures for their establishment, procedures for appointment, committees advisory to the commissioner of education, compensation, and a sunset rule for advisory committees.

Section 161.1 concerns general provisions for official advisory committees. Official advisory committees are approved by the State Board of Education, the commissioner of education, or as designated by specific state statute or federal law or regulation, with the general purpose of providing advice and counsel on matters of Central Education Agency responsibility. State Board of Education members are prohibited from serving on an advisory committee unless specifically required by state statute or federal law or regulation. Minutes of meetings of all official advisory groups are filed with the commissioner of education or the commissioner's designee.

Section 161.2 concerns the procedures for appointment to advisory committees. All committees established must have broad State Board of Education district representation, with only one member in a State Board of Education district, unless the composition of the committee is such that duplicate representation of one or more State Board of Education districts is desired by the State Board of Education. The section also provides that board members will be given three names from their district to consider for appointments, rather than just one.

Section 161.3 is renumbered with no change in the text portion. The section provides that the commissioner of education may establish and appoint advisory committees to advise the commissioner of the discharge of his duties. Establishment, appointment, review, and termination of such committees shall be the responsibility of the commissioner of education.

Section 161.4 is renumbered with no change in the text portion. The section concerns compensation. The only compensation paid to individual members of an official advisory committee will be reimbursement in accordance with state rules.

Section 161.5, which also is renumbered, concerns the sunset rule for advisory committees of the State Board of Education. The board will establish a sun-

set date for each advisory committee to the State Board of Education. The advisory committee will be abolished on the sunset date unless the board takes action to continue the committee. The sunset date for each committee will be based on the nature of the work of the committee with all committees scheduled for sunset review at least once every six years. Before the sunset dates for each committee, the board will review the work of the committee and make a determination concerning continuation of the committee. The commissioner of education is responsible for a sunset process for committees established by the commissioner to be advisory to the commissioner.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §11.25(g), which authorizes the State Board of Education to authorize the appointment of official commissions composed of citizens of the state; the Texas Education Code, §11.63, which directs the State Department of Education to make free and full use of advisory committees and commissions; and the Texas Education Code, §11.24(b), which authorizes the State Board of Education to make rules for carrying out the duties placed on it or on the Central Education Agency by the legislature.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852463 W. N. Kirby
Interim Commissioner of
Education

Effective date: April 10, 1985
Proposal publication date: January 29, 1985
For further information, please call
(512) 475-7077.

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★ 19 TAC §161.2

The Texas Education Agency adopts the repeal of §161.2, without changes to the proposal published in the January 29, 1985, issue of the *Texas Register* (10 TexReg 323).

The section concerns the establishment of the Public School Professional Personnel and Public School Boards of Trustees Advisory Committees. The two committees were established by the previously elected State Board of Education to provide advice and reactions concerning a wide variety of issues being addressed by the board. The current appointed State Board of Education sees no need to continue the use of two committees with so

broad a charge, therefore the section establishing the committees is repealed.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §11.25(g), which authorizes the State Board of Education to authorize the appointment of official commissions composed of citizens of the state; the Texas Education Code, §11.63, which directs the State Department of Education to make free and full use of advisory committees and commissions; and the Texas Education Code, §11.24(b), which authorizes the State Board of Education to make rules for carrying out the duties placed on it or on the Central Education Agency by the legislature.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852464 W. N. Kirby
Interim Commissioner of
Education

Effective date: April 10, 1985
Proposal publication date: January 29, 1985
For further information, please call
(512) 475-7077.

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TITLE 22. EXAMINING BOARDS Part XXIII. Texas Real Estate Commission Chapter 537. Professional Agreements and Standard Contracts

Standard Contract Forms

The Texas Real Estate Commission (TREC) adopts amendments to §§537.13, 537.20, 537.26, and 537.27, and new §§537.28 and 537.29, with changes to the proposed text published in the November 13, 1984, issue of the *Texas Register* (9 TexReg 5811). Amendments to §§537.11 and the repeal of §§537.12 and 537.14-537.17 are adopted without changes and will not be republished.

The changes accomplish the promulgation, effective August 1, 1985, of a series of six standard contract forms which will replace nine forms currently in use. The contract forms were prepared by the Texas Real Estate Broker-Lawyer Committee and have been approved by the TREC.

Comments on the proposed contract forms were received from B. L. Mangels, Russell H. Bern, Arthur Mandell, Vance Albrecht, John Utsey, Rayburn E. Long, Tim Lancaster, George T. Jackman, Jimmy Tonn, Charles J. Jacobus, Jim Shawn, John Lioné, and O. Steven Jones.

In response to comments received, language was added to forms TREC No. 9-1, No. 21-0, and No. 22-0 to indicate that a jobbroker represents the seller unless the contract specifies otherwise.

A number of typographical errors were the subject of comments.

In response to two comments, language was added to form TREC No. 9-1 clarifying the obligations of the parties of the sale with regard to an assessment of taxes based upon a change in property use or resulting from the sale itself.

The control date for each form was changed to February 1985, the month in which the forms were approved by the TREC.

In response to the concerns about the length of the earnest money contract forms and the lack of language relating the third page of forms TREC No. 9-1, TREC No. 20-0, and TREC No. 21-0 to their first pages, a space for property address was added to the third pages.

★22 TAC §§537.11, 537.13, 537.20, 537.26, 537.27

The amendments are adopted under Texas Civil Statutes, Article 6573a, §16(e), which authorize the Texas Real Estate Commission to adopt rules and regulations requiring real estate brokers and salesmen to use contract forms which have been prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

§537.13. *Standard Contract Form TREC No. 2-2.* The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 2-2 approved by the Texas Real Estate Commission in 1985. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

§537.20. *Standard Contract Form TREC No. 9-1.* The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 9-1 approved by the Texas Real Estate Commission in 1985. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

§537.26. *Standard Contract Form TREC No. 15-1.* The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 15-1 approved by the Texas Real Estate Commission in 1985. This

Section 27.203 is amended as a result of a state assessment completed by representatives of the Health Care Financing Administration (HCFA). In responding to this assessment, the department stated that it would amend its rules to eliminate the exemption of state schools and human development centers from meeting the standards of a "qualified Medicaid provider of ICF-MR service," regarding the "six bed or less rule."

Section 27.203 is amended to comply with the department's response to

HCFA. The amendment will limit the number of new beds in state institutions.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 22, 1985.

TRD-852511

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 11, 1985
Proposal publication date: January 29, 1985
For further information, please call
(512) 450-3766.

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State Board of Insurance Exempt Filings

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

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 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 by the Maryland Casualty Company proposing a premium revision to the standard waterbed liability policy. This revision reflects a premium increase from the present \$25 for \$100,000 limit of liability to \$35 for \$100,000 limit of liability.

This filing was approved to become effective May 1, 1985.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852470

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: May 1, 1985
For further information, please call
(512) 475-2950.

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Section 27.203 is amended as a result of a state assessment completed by representatives of the Health Care Financing Administration (HCFA). In responding to this assessment, the department stated that it would amend its rules to eliminate the exemption of state schools and human development centers from meeting the standards of a "qualified Medicaid provider of ICF-MR service," regarding the "six bed or less rule."

Section 27.203 is amended to comply with the department's response to

HCFA. The amendment will limit the number of new beds in state institutions.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 22, 1985.

TRD-852511

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: April 11, 1985
Proposal publication date: January 29, 1985
For further information, please call
(512) 450-3766.

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State Board of Insurance Exempt Filings

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

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 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.)

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This filing was approved to become effective May 1, 1985.

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

Issued in Austin, Texas, on March 20, 1985.

TRD-852470

James W. Norman
Chief Clerk
State Board of
Insurance

Effective date: May 1, 1985
For further information, please call
(512) 475-2950.

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Open Meetings

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

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

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

State Bar of Texas

Friday, March 29, 1985, 10 a.m. The Budget-Executive Committee of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear the president's report concerning general and committee matters, interest on lawyers trust accounts, and the state bar legislative package; consider budgetary matters; hear reports of the executive director, president-elect, immediate past president, board chairman, supreme court liaison, and general counsel; approve the final version of the minimum continuing legal education rules; hear a report on the international law section request; consider a request of the Law Student Division to lobby, a grant report, and proposed legislation considered by the Committee on Continuing Professional Competence; hear the 1985 convention report, a report of the insurance trust on a complaint matter, and a report on NITA; and discuss diskettes of forms from the *Family Law Practice Manual*.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4746.

Filed: March 21, 1985, 3:03 p.m.
TRD-852487

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Texas Department of Corrections

Sunday, March 24, 1985, 7 p.m. The board of the Texas Department of Corrections met in emergency session at 807 Brazos Street, Suite 1001, Austin. According to the agenda, the board met in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e), to consider Ruiz litigation and other pending litigation matters. The emergency status was necessary because agenda items requiring board resolution de-

veloped within the seven-day usual posting period.

Contact: R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: March 22, 1985, 9:21 a.m.
TRD-852604

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Monday, March 25, 1985, 9 a.m. The board of the Texas Department of Corrections met in emergency session in the attorney general's conference room, Supreme Court Building, 14th and Colorado Streets, Austin. The board met in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e), to consider Ruiz litigation and other pending litigation matters. The emergency status was necessary because agenda items requiring board resolution developed within the seven-day usual posting period.

Contact: R. K. Procnier, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: March 22, 1985, 9:21 a.m.
TRD-852605

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Texas School for the Deaf

Friday, March 22, 1985, 5:30 p.m. The Governing Board of the Texas School for the Deaf made emergency additions to the agenda for a meeting held in the boardroom, Administration Building, 1102 South Congress Avenue, Austin. The additions concerned a TASB leadership workshop, Region XIII elections, and an update by the School Planning Committee. The emergency status was necessary because items needed to be acted

upon prior to the next regularly scheduled meeting of June 1, 1985.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: March 22, 1985, 1:18 p.m.
TRD-852536

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Texas Diabetes Council

Tuesday, April 9, 1985, 10:30 a.m. The Texas Diabetes Council will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve the minutes of the previous meeting; hear reports from workgroup chairpersons on a Medicaid waiver and on the legislature; hear an update concerning ongoing council activities; and discuss the next meeting.

Contact: Wendell Mayes, Jr., P.O. Box 50030, Austin, Texas 78763, (512) 477-6866.

Filed: March 25, 1985, 2:24 p.m.
TRD-852586

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Texas Economic Development Commission

Wednesday, March 27, 1985, 2 p.m. The Legislative Committee of the Texas Economic Development Commission met in emergency session in Room 221, Anson Jones Building, 410 East 5th Street, Austin. According to the agenda, the committee reviewed the commission budget request and other important legislation affecting the commission. The emergency status was necessary because the committee needed to consider budget and legislation coming before

committees of the Texas House and Senate, and eventually before the entire legislature.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

Filed: March 22, 1985, 11:22 a.m.
TRD-852532

Friday, March 29, 1985, 9 a.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission will meet in Room 221, Anson Jones Building, 410 East 5th Street, Austin. According to the agenda, the corporation will act on projects submitted for inducements, public finance proposals, and bond resolutions; review a presentation by E.F. Hutton and Shearson Lehman American Express; and select a time for the next meeting.

Contact: John H. Kirkley, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

Filed: March 21, 1985, 10:11 a.m.
TRD-852473

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Texas Education Agency

Saturday, March 30, 1985, 8 a.m. The Long-Range Planning Committee of the State Board of Education of the Texas Education Agency will meet in the Panhandle Room, Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda, the committee will discuss plans for further interviews or investigation of candidates for the position of commissioner of education. In the event that time does not permit completion of the agenda, the committee will reconvene at the same location at 8:30 a.m. on Sunday, March 31, 1985. The board also will meet in executive session in accordance with the provisions of Texas Civil Statutes, Article 6252-17(g), to interview and consider candidates for the position of commissioner of education. Other State Board of Education members have been invited to attend both the open and executive session.

Contact: W. N. Kirby, 201 East 11th Street, Austin, 78701, (512) 475-3271.

Filed: March 21, 1985, 4:22 p.m.
TRD-852495

Thursday, April 11, 1985, 10 a.m. The Committee for Students of the Texas Education Agency (TEA) will meet in the boardroom, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will hold a public hearing on the proposed amendment to the Texas Administrative Code, Title 19, Chapter 75, Subchapter H, relating to promotion and alternatives to social promotion. Individuals desiring to testify at the hearing must register by 5 p.m. on Wednes-

day, April 10, 1985, by contacting Walter Rambo at (512) 475-6838. Persons testifying should bring 20 copies of their testimony to the hearing.

Contact: W. N. Kirby, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 25, 1985, 10:26 a.m.
TRD-852569

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Texas Employment Commission

Monday, March 25, 1985, 11 a.m. The Texas Employment Commission met in emergency session in Room 644, Texas Employment Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission heard an update on activities in Grayson County and conducted a public comment period. The emergency status was necessary due to developing economic conditions and pending legislation.

Contact: C. Ed Davis, Texas Employment Building, Room 660, 15th Street and Congress Avenue, Austin, Texas. (512) 397-4400.

Filed: March 21, 1985, 3:22 p.m.
TRD-852492

Tuesday, April 2, 1985, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of commission appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 14, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78701, (512) 397-4415.

Filed: March 25, 1985, 3:24 p.m.
TRD-852592

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Office of the Governor

Friday, March 29, 1985, 10:30 a.m. The Governor's Task Force on the Advancement of Labor Management Relations of the Office of the Governor will meet in emergency session in the auditorium, AFL-CIO Building, 11th and Lavaca Streets, Austin. According to the agenda, the task force will discuss its role in activities of the Texas Rapid Response Team, specific examples of coordinative labor-management relations in Texas, the Governor's Science and Technology Council, the impact of imports on labor-management relations, and also will design a brochure to recruit and

retain industries in Texas. The emergency status is necessary because of scheduling difficulties with members.

Contact: Steve Spinner, P.O. Box 13561, Austin, Texas 78711.

Filed: March 22, 1985, 1:42 a.m.
TRD-852537

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Texas Department of Health

Friday, March 22, 1985, 10 a.m. The Home Health Services Advisory Council of the Texas Department of Health met in emergency session in Room G-107, 1100 West 48th Street, Austin. According to the agenda, the council discussed proposed legislation concerning the Home Health Services Licensure Law. The emergency status was necessary because a bill has been introduced to the legislature affecting the home health industry, and the council needed to meet promptly to decide on its position regarding the legislation.

Contact: Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: March 21, 1985, 4:14 p.m.
TRD-852494

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State Department of Highways and Public Transportation

Thursday, March 21, 1985, 4 p.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation met in emergency session in Room 101A, first floor, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission considered the high occupancy vehicle (HOV) lane on LBJ Freeway in Dallas. The emergency status was necessary because the need to reconsider immediate action for authorizing the initiation of en-

gineering studies for the HOV lane on the LBJ Freeway in Dallas had been identified.

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

Filed: March 21, 1985, 1:18 p.m.
TRD-852479

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Texas Department of Human Resources

Wednesday, April 3, 1985, 9 a.m. The State Advisory Committee on Child Care Facilities of the Texas Department of Human Resources will meet in Room 4-W, John H. Winters Human Services Complex, 701 West 51st Street, Austin. According to the agenda, the committee will organize and elect officers, approve minutes, and consider a status report on minimum standards under development, the director's report, and other reports.

Contact: Doug Sanders, P.O. Box 2960, Austin, Texas 78769, (512) 450-3260.

Filed: March 25, 1985, 3:55 p.m.
TRD-852597

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Texas Commission on Human Rights

Tuesday, April 2, 1985, 2:30 p.m. The Texas Commission on Human Rights will meet in the Robertson Room, 1 a Mansion Hotel, 6505 IH 35 North, Austin. According to the agenda summary, the commission will consider legislation, the 1986-1987 biennium budget, personnel matters, a review of the survey questionnaire from the FEP/EEOC annual conference, New Horizons Opportunity Program/HUD, a performance and fund management report, computer information, an EEO conference, the EEOC budget, and unfinished business.

Contact: William M. Hale, 7215 Cameron Road, Austin, Texas 78752, (512) 459-0944.

Filed: March 22, 1985, 2:54 p.m.
TRD-852542

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State Board of Insurance

Tuesday, April 2, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will conduct a public hearing in Docket 8024—

application of Robert Larry Gardner, Plano, for a local recording agent's license.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: March 25, 1985, 11:18 a.m.
TRD-852576

Tuesday, April 2, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider joint motions for dismissal of the appeals of Sybil E. Smith and Sealy & Smith Foundation from action of the Texas Catastrophe Property Insurance Association (TCPPIA); proposals for decisions in the appeals of Samuel P. Frisby and Jasper Ray Williams from action of the TCPPIA; board orders on several different matters as itemized on the complete agenda; the fire marshal's report, including personnel matters; the commissioner's report concerning litigation, personnel, and the Traffic Safety Program; and a joint motion for dismissal of the appeal of Bankers Protective Life Insurance Company from the commissioner's decision.

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

Filed: March 25, 1985, 4:21 p.m.
TRD-852602

Tuesday, April 2, 1985, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will conduct a public hearing in Docket 7960—whether disciplinary action should be taken against Financial Guaranty Insurance Company, New York, New York, holder of a certificate of authority issued by the State Board of Insurance.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 25, 1985, 11:18 a.m.
TRD-852577

Tuesday, April 2, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a petition by the Texas Association for Partial Hospitalization for interpretation and discussion concerning insurance coverage for psychiatric day treatment facilities (Senate Bill 1287, 68th Legislature, 1983).

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

Filed: March 25, 1985, 4:22 p.m.
TRD-852601

Tuesday, April 2, 1985, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will conduct a public hearing in Docket 7961—

whether disciplinary action should be taken against Globe Life and Accident Insurance, Company, Oklahoma City, Oklahoma, holder of a certificate of authority issued by the State Board of Insurance.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 25, 1985, 11:18 a.m.
TRD-852578

Wednesday, April 3, 1985, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will conduct a public hearing in Docket 7931—whether disciplinary action should be taken against Roy Lee Fowler, Burleson, holder of a Group I legal reserve life insurance agent's license and Group II insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: March 25, 1985, 1:18 p.m.
TRD-852579

Wednesday, April 3, 1985, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a petition by Susan McMenamy for amendments to the rules to eliminate unfair competition and unfair practices based upon sex or marital status (Rules 059.21.21 .105 and .106).

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

Filed: March 25, 1985, 4:22 p.m.
TRD-852600

Thursday, April 4, 1985, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a public hearing to consider an appeal by Flag-Redfern Oil Company of an application of experience modifier.

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

Filed: March 25, 1985, 4:22 p.m.
TRD-852599

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Thursday, April 4, 1985, 1:30 p.m. In Room 342, Docket 7993—whether disciplinary action should be taken against Willie B. Hardy, San Antonio, holder of a Group I legal reserve life insurance agent's license and Group II health and accident insurance agent's license issued by the State Board of Insurance.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 25, 1985, 11:18 a.m.
TRD-852580

Friday, April 5, 1985, 1:30 p.m. In Room 342, Docket 7990—application for extension of time within which to sell real estate by Union Bankers Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 25, 1985, 11:18 a.m.
TRD-852581

Addition to the previous agenda:

Docket 7991—application for extension of time within which to sell real estate by Union Bankers Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 25, 1985, 3:23 p.m.
TRD-852593

Monday, April 8, 1985, 9 a.m. In Room 353, Docket 7953—application of Forrest Harold Gibson, Houston, for a prepaid legal services agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 25, 1985, 11:19 a.m.
TRD-852582

Monday, April 8, 1985, 1:30 p.m. In Room 353, Docket 8025—application of Frank Milam Farley, Jr., Garland, for a Group I legal reserve life insurance agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: March 25, 1985, 11:19 a.m.
TRD-852583

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Texas Department of Labor and Standards

The Manufactured Housing Division of the Texas Department of Labor and Standards will conduct informal hearings of various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f. Times and locations follow.

Tuesday, April 2, 1985, 9 a.m. The division will meet in Suite 209, 4615 North Freeway, Houston.

Monday, April 8, 1985, 9 a.m. The division will meet at 1314B Clossner, Edinburg.

Thursday and Friday, April 11 and 12, 1985, 9 a.m. daily. The division will meet in Suite 313, 5353 Maple Avenue, Dallas.

Monday, April 15, 1985, 9 a.m. The division will meet in Suite 217, 4150 Pinnacle Street, El Paso.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: March 21, 1985, 10:21 a.m.
TRD-852475, 852476, 852493,
852477, 852478

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State Board of Morticians

Thursday, March 28, 1985, 8:30 a.m. The State Board of Morticians met in emergency session via telephone conference call originating at 1513 IH 35 South, Austin. According to the agenda, the board met in executive session to have legal counsel review a case now in litigation. The emergency status was necessary due to other commitments of the board, legal counsel, and the licensee's counsel.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: March 22, 1985, 11:46 a.m.
TRD-852535

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Pan American University

Tuesday, April 2, 1985. Committees of the Board of Regents of Pan American University and the full board will meet in the board room, Administration Building, Pan American University, Edinburg. Times, committees, and agendas follow.

1 p.m. The Building and Grounds Committee will consider substantial completion acceptance of the Communication Arts and Sciences (CAS) Building, acceptance of the CAS auditorium design, and informational items.

1:15 p.m. The Finance Committee will consider budget changes, selection of a vehicle insurance carrier, selection of a vendor for washer and dryer machines in the dormitories, and informational items.

1:30 p.m. The Academic Affairs Committee will consider the role and scope of the table of programs, and information items. The committee also will meet in executive session to consider a student grade appeal and a request for a leave of absence.

1:45 p.m. The Development Committee will consider gifts and donations (Meadows Foundation) and information items.

2 p.m. The full board will hear reports of the Building and Grounds Committee, the Finance Committee, the Development Committee, the Academic Affairs Committee, and the Committee of the Whole; approve student policies, an alcohol policy, and traffic rules and regulations; elect officers; and consider the president's informational items and the date of the next meeting. The board also will meet in executive session.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: March 25, 1985, 10:32 a.m.
TRD-852570-852574

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Board of Pardons and Paroles

Monday-Friday, April 1-5, 1985, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: March 22, 1985, 11:23 a.m.
TRD-852533

Tuesday, April 2, 1985, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

Filed: March 22, 1985, 11:24 a.m.
TRD-852534

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State Pension Review Board

Wednesday, March 27, 1985, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board met in emergency session in Room G-35-B, State Capitol, Austin. According to the agenda, the committee considered legislation. The emergency status was due to the legislative schedule and the need to discuss upcoming legislation.

Contact: Benette Meadows, 18th and Brazos Streets, Austin, Texas 78701, (512) 475-8332.

Filed: March 21, 1985, 10:18 a.m.
TRD-852474

Wednesday, April 3, 1985, 8:30 a.m. The Legislative Advisory Committee of the State

Pension Review Board will meet in Room G-35-B, State Capitol, Austin. According to the agenda, the committee will discuss upcoming legislation.

Contact: Benette Meadows, 18th and Brazos Streets, Austin, Texas 78701, (512) 475-8332.

Filed: March 25, 1985, 2:30 p.m.
TRD-852587

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Texas Pork Producers Board

Friday, April 12, 1985, 5 p.m. The Texas Pork Producers Board of the Texas Department of Agriculture will meet at the Holiday Inn, 2590 North 123 Bypass, Seguin. According to the agenda, the board will hear reports from the treasurer, the Finance and Check-Off Committee, the Research Committee, the Education Committee, and the Promotion Committee.

Contact: Ken Horton, P.O. Box 10168, Austin, Texas 78766, (512) 453-0615.

Filed: March 22, 1985, 9:01 a.m.
TRD-852501

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Texas State Board of Public Accountancy

Tuesday, April 2, 1985, 10 a.m. The Executive Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will discuss appropriation, litigation, and other similar matters.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: March 22, 1985, 3:57 p.m.
TRD-852551

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Public Utility Commission of Texas

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

Wednesday, April 10, 1985, 10 a.m. A pre-hearing conference in Docket 6200—petition of Southwestern Bell Telephone Company for authority to change rates.

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

Filed: March 25, 1985, 2:23 p.m.
TRD-852588

Tuesday, April 23, 1985, 10 a.m. Docket 6180—application of Southwestern Bell Telephone Company to change its equal access transition plan tariff.

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

Filed: March 22, 1985, 2:42 p.m.
TRD-852541

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Railroad Commission of Texas

Monday, March 25, 1985, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 309, 1124 IH 35 South, Austin. The addition concerned consideration of whether to use state funds to plug the James O. Harman, M. Helweg (06526), Wells 1, 2, and 3, Urban (Miles) field, Runnels County. The emergency status was necessary because Well 1 is leaking saltwater onto the ground surface, causing pollution which could harm the public's health, safety, and welfare.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1301.

Filed: March 22, 1985, 4:45 p.m.
TRD-852555

Monday, April 1, 1985, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: March 22, 1985, 11:07 a.m.
TRD-852512

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: March 22, 1985, 11:07 a.m.
TRD-852513

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: March 22, 1985, 11:06 a.m.
TRD-852514

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: March 22, 1985, 11:07 a.m.
TRD-852517

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1232.

Filed: March 22, 1985, 11:04 a.m.
TRD-852515

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301

Filed: March 22, 1985, 11:05 a.m.
TRD-852516

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: March 22, 1985, 11:03 a.m.
TRD-852518

Addition to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: March 22, 1985, 11:03 a.m.
TRD-852519

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: March 22, 1985, 11:05 a.m.
TRD-852520

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1391.

Filed: March 22, 1985, 11:04 a.m.
TRD-852521

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: March 22, 1985, 11:05 a.m.
TRD-852522

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters and the acceptance of incremental bonds for the surface coal mining operation of the Sabine Mining Company at its South Hallsville Mine under Permit 13.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: March 22, 1985, 11:05 a.m.
TRD-852523

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78704, (512) 445-1330.

Filed: March 22, 1985, 11:06 a.m.
TRD-852524

Tuesday, April 2, 1985, 9 a.m. The Railroad Commission of Texas will meet in Room 221, 1124 IH 35 South, Austin. According to the agenda, the commissioners will discuss the natural gas marketing activities of special marketing affiliates.

Contact: Carlos W. Higgins, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: March 22, 1985, 11:02 a.m.
TRD-852525

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Texas Rehabilitation Commission

Tuesday, March 26, 1985, 9 a.m. The Executive Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission (TRC) met in a rescheduled emergency session in Room 163, 118 East Riverside Drive, Austin. Items on the agenda included discussion of committee activities and responsibilities and other committee discussion items. The emergency status was necessary to change the meeting time because not all committee members could attend. The meeting originally was scheduled for 11 a.m. on the same day.

Wednesday, April 3, 1985, 10 a.m. The Planning Committee of the Texas Planning Council for Developmental Disabilities of the TRC will meet in Room 163, 118 East Riverside Drive, Austin. Items on the agenda include development of recommendations for fiscal year 1986 developmental disabilities grant funding activities and unfinished business.

Thursday, April 4, 1985, 10 a.m. The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the TRC will meet via conference call originating from Room 163, 118 East Riverside Drive, Austin. Items on the agenda include an appropriations update, special education funding, other state legislative items, and unfinished business.

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: March 25, 1985, 3:34 p.m.
TRD-852594-852596

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Texas Savings and Loan Department

Monday, April 1, 1985, 10:30 a.m. The Texas Savings and Loan Department will meet at 1004 Lavaca, Austin. According to the agenda summary, the department will conduct a hearing to accumulate a record of evidence regarding four branch offices of Franklin Savings Association, Austin, at the southeast corner of IH 35 and Braker Lane, FM Road 1325 and Parme. Lane, Manchaca and Slaughter Lane, and U.S. Highway 290 and Patton Road, Austin, Travis County, from which record the commissioner shall determine whether to grant or deny the applications.

Contact: Russell R. Oliver, 1004 Lavaca, Austin, Texas 78701, (512) 475-7991.

Filed: March 22, 1985, 5:01 p.m.
TRD-852557

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School Land Board

Tuesday, April 2, 1985, 10 a.m. The School Land Board will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous board meeting minutes; adoption of a resolution for Jack M. Howard; opening of bids for the oil, gas, and other minerals lease sale; pooling applications; pooling agreement amendment applications; lease suspension applications; consideration of drilling restrictions on the Gulf shoreline of the Padre Island National Seashore; excess acreage applications, good faith claimant applications; coastal public lands easement and lease applications.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307.

Filed: March 25, 1985, 10:38 a.m.
TRD-852568

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Scurry County Cotton Producers Board

Tuesday, April 9, 1985, 7 p.m. The Scurry County Cotton Producers Board of the Texas Department of Agriculture will meet in the Snyder Chamber of Commerce Build-

ing, 2302 Avenue R, Snyder. According to the agenda, the board will hear the Budget Committee report and the financial report, make a determination on an accountant, and consider planning for 1985-1986.

Contact: Larry Schwarz, Route 2, Box 230A, Snyder, Texas 79549, (915) 573-8645.

Filed: March 22, 1985, 9:01 a.m.
TRD-852499

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Structural Pest Control Board

Friday, April 12, 1985, 10 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. Items on the agenda include approval of the February 11 and 12, 1985, board meeting minutes; consideration of Charles Areson's request to do bird control in Texas; appearance of Lee and Audrey Clifton at their request; appearance of James D. Mitchell, doing business as Homeowner's Pest Control, at the board's request; discussion of liability insurance problems and regulations; and the legislative update.

Contact: David A. Ivie, 1300 East Anderson Lane, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: March 25, 1985, 9:09 a.m.
TRD-852559

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Texas Tourist Development Agency

Wednesday, April 3, 1985, 9 a.m. The board of the Texas Tourist Development Agency will meet in the Stephen F. Austin Hotel, 701 Congress Avenue, Austin. According to the agenda, the board will meet in executive session to consider personnel.

Contact: Margaret Younger, 18th and Brazos Streets, Room 513, Austin, Texas 78711, (512) 475-4326.

Filed: March 22, 1985, 9:01 a.m.
TRD-852500

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Texas Water Commission

Wednesday, April 3, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider district bond issues release from escrow, use of surplus funds, appointment of directors, setting creation hearing dates, proposed water quality permits, amendments and renewals, examiner's proposals

for decision, a weather modification application, and the filing and setting of hearing dates.

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

Filed: March 21, 1985, 2:48 p.m.
TRD-852488

Wednesday, April 3, 1985, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider an application by Brookhill Corporation, Inc., for an extension of time to complete repairs to existing Beaver Lake Dam for a 36 acre-foot capacity reservoir on Meetinghouse Branch, tributary of Menard Creek, tributary of the Trinity River, Trinity River Basin, Liberty County.

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

Filed: March 21, 1985, 2:48 p.m.
TRD-852489

Addition to the previous agenda:

Hearing to determine whether Emergency Order 85-12E, granted by the TWC on March 15, 1985, to the City of San Marcos, 630 East Hopkins, should be affirmed, modified, or set aside by the TWC. The order permitted the City of San Marcos to discharge 1.5 million gallons/day of partially treated wastewater effluent from its treatment Plant 1 (Permit 10273-01) to make repairs at its treatment Plant 2 (Permit 10273-02). Treatment Plant 1 is located approximately 1.4 miles northeast of the IH 35 bridge over the San Marcos River and 900 feet east of IH 35 in San Marcos, Hays County. The partially treated sewage is discharged into the Blanco River in Segment 1809 of the Guadalupe River Basin.

Contact: Paula Hilsenbeck, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: March 22, 1985, 3:20 p.m.
TRD-852548

Thursday, April 4, 1985, 10 a.m. The Texas Water Commission (TWC) will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing to determine whether Emergency Order 85-13E, granted by the TWC on March 15, 1985, to Baylor-Parkside Lodge of Dallas-Fort Worth, a joint venture between Parkside Medical Services Corporation, affiliated with Lutheran General Hospital of Chicago, Illinois, and Baylor Health Services, RR 1, Box 223 AB, Argyle, Texas 76226, should be affirmed, modified, or set aside by the TWC. The order permitted Baylor-Parkside Lodge of Dallas-Fort Worth to commence construction of an extended aeration activated sludge wastewater facility and irrigation facilities and to dispose of treated effluent by

irrigation on 2.33 acres of pasture land owned by the applicant and located in the drainage area of Segment 0823 of the Trinity River Basin.

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

Filed: March 22, 1985, 3:20 p.m.
TRD-852549

Thursday, April 4, 1985, 10 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 an application from MGL, Incorporated, 3401 Allen Parkway, Houston, Texas 77019, to the Texas Department of Water Resources for a temporary order to authorize the construction of a new 90,000 gallons/day wastewater treatment plant and, upon completion of the proposed new facility, to cease treatment operations at its existing 50,000 gallons/day plant and to begin treatment at the proposed new plant. The new plant is to be located on the south bank of Old River, at a point approximately 1,000 feet downstream of the confluence of Cherry Point Gully and Old River in Chambers County. The effluent is to be discharged into Old River, thence to Trinity River in Segment 0801 of the Trinity River.

Contact: Scott Peterson, P.O. Box 13087, Austin, Texas 78701, (512) 475-6943.

Filed: March 21, 1985, 2:47 p.m.
TRD-852490

Tuesday, April 23, 1985, 1 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the commission will conduct a hearing on Application 4866 of Colorado River Municipal Water District for a permit to divert and use not to exceed 113,000 acre-feet of water per annum for municipal purposes, not to exceed 25,000 acre-feet per annum to be diverted and used for industrial purposes, Concho County, Colorado River Basin.

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

Filed: March 21, 1985, 2:48 p.m.
TRD-852491

Wednesday, May 1, 1985, 9 a.m. The Texas Water Commission will meet in the County Courtroom, third floor, Wise County Courthouse, Decatur. According to the agenda summary, the commission will consider an application by Ron Savitz, 3605 Autumn Drive, Fort Worth, Texas 76109, to the Texas Department of Water Resources for proposed Permit 13087-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 22,000 gallons/day from the proposed Eagles Nest Wastewater Treatment Plant which is to serve a proposed 6.1-acre residential development.

Contact: Wade Russell, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: March 22, 1985, 4:01 p.m.
TRD-852552

Addition to the previous agenda:

The commission will consider an application from Pioneer Aggregates, a division of Pioneer Concrete of Texas, 3301 Airport Freeway, Suite 326, Bedford, Texas 76021, to the Texas Department of Water Resources for an amendment to Permit 01406 to authorize an increase in the discharge from a settling pond at its limestone crushing and washing plant from a volume not to exceed an average flow of two million gallons/day. The proposed permit would also increase limitations for total suspended solids and delete limits for settleable matter.

Contact: Wade Russell, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: March 22, 1985, 4:01 p.m.
TRD-852553

Wednesday, May 1, 1985, 9 a.m. The Texas Water Commission will meet in Suite 500, Keplinger Building, 355 Timmons, Houston. According to the agenda summary, the commission will consider an amended application from George Johnson, Jr., 20333 FM Road 149, Suite 201, Houston, Texas 77070, to the Texas Department of Water Resources for proposed Permit 12892-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 75,000 gallons/day from a proposed wastewater treatment plant which is to serve a proposed mobile home park and commercial acreage.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78701, (512) 475-2711.

Filed: March 22, 1985, 4 p.m.
TRD-852554

Wednesday, May 1, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on a petition for creation of River Place Municipal Utility District, containing 948.87 acres of land.

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

Filed: March 22, 1985, 3:19 p.m.
TRD-852550

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Regional Agencies Meetings Filed March 21

The Austin-Travis County Mental Health Mental Retardation Center, Finance and Control Committee, met at 1430 Collier

Street, Austin, on March 25, 1985, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on March 28, 1985, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Panhandle Regional Planning Commission, Board of Directors, met in the conference room, first floor, Briercroft Building, Eighth and Jackson Streets, Amarillo, on March 28, 1985, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Dallas Area Rapid Transit Authority, Service Plan/Work Program Committee, met in emergency session at 601 Pacific Avenue, Dallas, on March 22, 1985, at 3:30 p.m. The Legislative Committee met at the same location on March 26, 1985, at 4 p.m. The board also met at the same location on March 26, 1985, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The San Jacinto Historical Advisory Board will meet in the Milam Room, 10th floor, Houston Club, 811 Rusk, Houston, on March 29, 1985, at 12 noon. Information may be obtained from Frank W. Calhoun, 3400 Texas Commerce Tower, Houston, Texas 77002.

The San Patricio County Appraisal District, Appraisal Review Board, met in Room 226, Courthouse Annex, Sinton, on March 27, 1985, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

The Trinity River Authority of Texas, Basin Planning Committee, met via conference call originating at 5300 South Collins Street, Arlington, on March 27, 1985, at 9:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.
TRD-852472

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Meetings Filed March 22

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in the boardroom, 1430 Collier Street, Austin, on March 28, 1985, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in the conference room, Suite 100, 2520 IH 35 South, Austin, on March 28, 1985, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2201 Post Road, Austin, Texas 78704, (512) 385-7473.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on March 25, 1985, at 4 p.m. The Legal and Special Needs Committees both met at the same location on March 26, 1985, at 8 a.m. and 4:30 p.m. respectively. The Communication and Community Involvement Committee met at the same location on March 27, at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Fannin County Appraisal District met in emergency session at the Peeler Building, 401 North Main, Bonham, on March 22, 1985, at 6 p.m. Information may be obtained from Joe Hart, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

The South Plains Health Provider Organization, Inc., Board of Directors, met at 715 Amarillo Street, Plainview, on March 25, 1985, at 8 p.m. Information may be obtained from J. Sylvia Silvas, 706 Canyon, Plainview, Texas 79072, (806) 293-8561.
TRD-852502

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Meetings Filed March 25

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on March 28, 1985, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Dallas Area Rapid Transit Authority, Real Estate Committee, met in emergency session at 601 Pacific Avenue, Dallas, on March 26, 1985, at 8 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on March 28, 1985, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Suite 707, 1701 West Highway 83, McAllen, Texas 78501, (512) 682-3481.
TRD-852575

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Meetings Filed March 26

The Alamo Area Council of Governments, Executive Committee, met in emergency session in Suite 420, 118 Broadway, San Antonio, on March 27, 1985, at 12:30 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

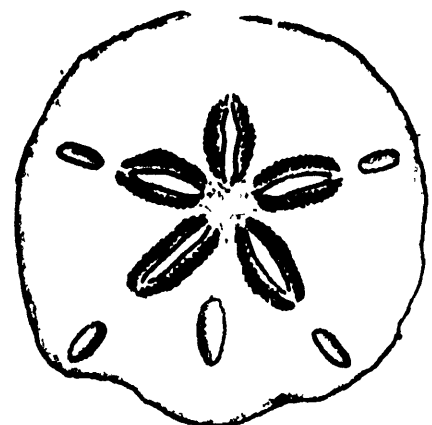
The Dallas Area Rapid Transit Authority, Legislative Committee, met in emergency session at 601 Pacific Avenue, Dallas, on March 26, 1985, at 4 p.m. The Personnel Committee met in emergency session at the same location on March 27, 1985, at 2:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Middle Rio Grande Development Council, Texas Review and Comment System, met in emergency session in the Community Room, Del Rio National Bank, 525 South Main Street, Del Rio, on March 27, 1985, at 11 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank Building, Suite 307, Del Rio, Texas 78840, (512) 774-4949.

The Mills County Appraisal District met at the Mills County Courthouse, Goldthwaite, on March 28, 1985, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844.

The West Central Texas Council of Governments, Aging Department, will meet at Duffy Auditorium, Hardin-Simmons University, 2200 Hickory, Abilene, on April 4, 1985, at 10 a.m. The Aging Department will meet at the same location on the same day at 11 a.m. Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.
TRD-852603

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The Legislature

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor during each legislative session and the status of these bills. A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon it.

Bill Signed by the Governor

March 21

SB 80 Relating to supplemental compensation of the judges of the district courts having jurisdiction in Taylor County; validating certain payments.

Effective Date: Immediately

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In Addition

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

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

Texas Air Control Board Public Hearing

Notice is given that, pursuant to the requirements of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §3.09; 40 Code of Federal Regulations §51.4 of the U.S. Environmental Protection Agency (EPA) regulations concerning state implementation plans; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and 31 TAC §103.11(4) of the procedural rules of the Texas Air Control Board (TACB), the TACB will conduct a public hearing to receive testimony concerning revisions to its rules and to the state implementation plan (SIP).

Specifically, the TACB is proposing to revise Regulation VI, concerning control of air pollution by permits for new construction or modification, to revise the TACB general rules, and to add provisions to both Regulation VI and the general rules relating to the federal prevention of significant deterioration of air quality (PSD) permitting process which will be proposed as SIP revisions. This proposal also is intended to fulfill federal requirements relating to adoption of a visibility SIP for new source review. The federal visibility requirements are designed to protect designated Class I areas, which in Texas consist of Big Bend National Park and Guadalupe Mountains National Park.

The TACB proposes to repeal 31 TAC §101.20, concerning compliance with EPA standards, and to adopt concurrently new §101.20 with the same title. The proposed new section retains the existing provision of the current section in a restructured format and adds a provision to allow the TACB enforcement of the PSD permits previously issued by the EPA.

The TACB proposes administrative revisions to 31 TAC §116.1, concerning construction permit, to guide the reader to appropriate sections to determine the permit applicant's need for a permit to construct, pursuant to §116.3(a), concerning permit to construct, or §116.7, concerning special permits, or for an exemption, pursuant to §116.6, concerning exempted facilities. In addition, the TACB proposes to retitle §116.1 to read "Permit Requirements," since the proposed section has a broader application than just construction permits.

The TACB proposes administrative revisions to 31 TAC §116.2, concerning responsibility for obtaining permit or exemption, to simplify the existing provisions of the current sections while retaining the same intent.

The TACB proposes to add a new paragraph to 31 TAC §116.3(a), concerning permit to construct, which would incorporate into Regulation VI, by reference, portions of the federal PSD regulations promulgated in 40 Code of Federal Regulations §52.21. Four sections of the federal PSD regulations concerning control technology review, air quality models, public notifications, and voiding of permits due to construction delays are proposed to be excluded from this incorporation by reference.

The TACB proposes to add a subparagraph to 31 TAC §116.10(a)(1), concerning public notification and comment procedure, which, if PSD requirements apply, would allow more than the current 30 days after receipt of a completed permit application for TACB to make a preliminary determination on permit issue. The TACB proposes to amend §116.10(a)(4), concerning publication elsewhere in the newspaper, by changing the newspaper notice size to conform to the new column sizes now being used by most newspapers in Texas. In addition, the TACB proposes to amend §116.10(d), concerning notification of new determinations as to best available control technology (BACT). The proposed change would add a requirement for public notification of new determination of BACT made under §116.7, concerning special permits, and would revise the current time period for notification.

(Editor's note: The rule revisions described in this notice are published in the Proposed Rules section of this issue at 10 TexReg 1063.)

The hearing will be held at 7 p.m. on April 30, 1985, in the auditorium, Texas Air Control Board, 6330 U.S. Highway 290 East, Austin.

Public comment, both oral and written, on the proposed amendments is invited at the public hearing. The hearing is structured for the receipt of narrative comments. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to answer questions informally immediately before and after the hearing.

Written comments not presented at the hearing may be submitted to the TACB central office in Austin up to and including May 9, 1985. Materials received by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Five copies of all written comments would be helpful to the board in making its review.

Copies of the proposed revisions are available for inspection at the central office of the TACB located at 6330 U.S. Highway 290 East, Austin, and at the regional offices of the agency. For further information, call Barry Irwin at (512) 451-5711.

Issued in Austin, Texas, on March 21, 1985.

TRD-852546 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: March 22, 1985
For further information, please call (512) 451-5711,
ext. 354.

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State Banking Board Public Hearings

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Tuesday, May 7, 1985, at 2601 North Lamar Boulevard, Austin, on the charter application for Southwest Bank of Irving, Irving.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 19, 1985.

TRD-852449 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: March 20, 1985

For further information, please call (512) 475-4451.

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The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Tuesday, May 21, 1985, at 2601 North Lamar Boulevard, Austin, on the charter application for First State Bank, Lampasas.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on March 20, 1985.

TRD-852540 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: March 22, 1985

For further information, please call (512) 475-4451.

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Texas Department of Community Affairs

Request for Proposals

The Texas Department of Community Affairs (TDCA), administering agency for the community services block grant (CSBG) in Texas for federal fiscal year 1985, announces a request for proposals (RFP) to deliver services to low-income native American Indians in Texas.

Selected offerors will be expected to deliver services in accordance with the CSBG Act, 42 United States Code 9901, *et seq.*, Public Law 97-35, §§671-683. Services and activities solicited via this RFP are categorized as follows.

Federal Fiscal Year 1985 Native American Indian State Services Project. The native American Indian state services project shall be designed to utilize CSBG funds in as many of the five major program categories as follows:

(1) to provide a range of services and activities having a measurable and potentially major impact on causes of

poverty in the community or those areas of the community where poverty is a particularly acute problem;

(2) to provide activities designed to assist low-income participants, including the elderly poor;

(A) to secure and retain meaningful employment;

(B) to attain an adequate education;

(C) to make better use of available income;

(D) to obtain and maintain adequate housing and a suitable living environment;

(E) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;

(F) to remove obstacles and solve problems which block the achievement of self-sufficiency;

(G) to achieve greater participation in the affairs of the community; and

(H) to make more effective use of other programs related to the purposes of this subtitle;

(3) to provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;

(4) to coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals; and

(5) to encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.

Service concepts must address the causes of poverty among native American Indians in Texas and assist them in improving their lifestyles and upgrading their economic well-being. Total funding available pursuant to this notice is \$93,750.

Offerors responding to this notice must have or be able to establish a working relationship for this project with various organizations in Texas that represent Indian tribes, bands, or population groups. The federal fiscal year 1985 CSBG native American Indian state services project shall be comprised of the three components listed as follows:

(1) a direct service component to assist low-income Indians residing at the Tigua Indian Reservation, the Alabama-Coushatta Indian Reservation, the borderlands occupied by the Kickapoo Indians along the Rio Grande River within the Texas boundary, and other areas with concentration of the native American Indian population in the state;

(2) a coordination/linkage component to identify area resource organizations to assist low-income Indians residing in concentrated groups in various geographic locations in Texas;

(3) a state/national resource component to compile information on assistance available to low-income native American Indians.

Offerors responding to this notice must be prepared to submit one proposal with proposed programming comprised of all three components listed previously.

The contract for the selected offeror will begin July 1, 1985, and terminate March 31, 1986, or at the option of the TDCA.

Qualifications. Offerors eligible to respond to this request are Indian tribes, tribal organizations, and non-profit social service entities with charters and/or bylaws specifically demonstrating the intent and purposes to serve

native American Indians in Texas. Offerors must be able to document their capability to accomplish the proposed services. Preference will be given to those eligible offerors that have a governing board with native American Indian representation and a past performance record demonstrating effectiveness in providing services to native American Indians in Texas. Furthermore, offerors will be requested to include documentation of their legal authority and eligibility to contract with the TDCA.

Deadline. The request for proposals period will close at 5 p.m. on April 26, 1985, except for proposals received officially postmarked on or before April 24, 1985.

Complete proposals may be mailed to the Economic Opportunity Division, Texas Department of Community Affairs, P. O. Box 13166, Austin, Texas 78711. Proposals hand-carried may be delivered to the Economic Opportunity Division at 611 South Congress Avenue, Austin, by the close of business on April 26, 1985. The CSBG is considered a covered program under the Texas Review and Comment System (TRACS). The TDCA is requesting concurrent review by the reviewing agency and the funding agency. A concurrent review means that the offeror would be required to submit proposal applications simultaneously to the appropriate review agency and the funding agency. Therefore, a copy of the proposal submitted to the TDCA on or before April 26, 1985, shall also be provided to the State Single Point of Contract, Governor's Planning Office, P.O. Box 13561, Austin, Texas 78711. The April 26, 1985, deadline applies to both submissions.

General Information. The TDCA reserves the right to accept or reject any or all proposals submitted. The TDCA is under no legal requirement to execute a contract on the basis of this notice and intends the material only as a means of identifying the various contractor alternatives. The TDCA intends to use responses as a basis for further negotiation of specific project details with potential contractors. If the TDCA selects a contractor to provide the delivery of services, it will base its choice upon the following or more criteria:

- (1) the demonstrated effectiveness of the offerors organization in providing services to native American Indians similar to those solicited under this RFP;
- (2) the offeror's effectiveness in mobilizing resources for direct assistance (food, clothing, shelter, etc.) as evidenced by their past performance;
- (3) the cost efficiency of offeror's proposal;
- (4) the capability to establish a service delivery system that meets the needs of the target population; and
- (5) the extent to which grant funds will leverage additional program resources

Selection of the organization to administer the project services is to be based on grading and scoring to be conducted by the TDCA. This request does not commit the TDCA to pay for any costs incurred prior to the execution of a contract and is subject to the availability of federal fiscal year 1985 CSBG funds from the United States Department of Health and Human Services. The TDCA specifically reserves the right to vary all provisions at any time prior to the execution of a contract(s) if the TDCA deems such variances to be in the best interest of the state, and to otherwise act as it determines in its sole discretion.

For a request for proposals packet or additional information regarding this notice, please contact Edmundo M. Zaragoza, Director, Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 475-0681 or (800) 252-9642.

Issued in Austin, Texas, on March 25, 1985.

TRD-852563 Douglas C. Brown
General Counsel
Texas Department of Community Affairs

Filed: March 25, 1985
For further information, please call (512) 443-4100, ext. 210.



Office of Consumer Credit Commissioner Rate Ceilings

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

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 04/01/85-04/07/85	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 04/01/85-04/30/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 04/01/85-06/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 04/01/85-06/30/85	16.42%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 04/01/85-06/30/85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 04/01/85-06/30/85	18.00%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/85-06/30/85	19.27%	N/A
Judgment Rate— Article 1.05, §2 04/01/85-04/30/85	10.00%	10.00%

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

Issued in Austin, Texas, on March 25, 1985.

TRD-852558 Sam Kelley
Consumer Credit
Commissioner

Filed: March 25, 1985
For further information, please call (512) 475-2111.

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Texas Commission for the Deaf Public Hearings

The Texas Commission for the Deaf announces the following five public hearings to solicit comments on commission issues pertaining to the direct services being delivered through provision of commission contracts.

Public comments may be presented at any of the following five hearings, or letters may be submitted by April 23, 1985, to the Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711, Attention: William F. Eckstein.

The five public hearings will be held at 9 a.m. on April 11, 1985, at the Goodrich Center for the Deaf, 2500 Lipscomb Street, Fort Worth; 1:30 p.m. on April 11, 1985, Deaf Action Center, 3115 Crestview, Dallas; 1:30 p.m. and 7 p.m. on April 16, 1985, St. Dominic Deaf Center, 2401 East Holcombe, Houston; 9 a.m. on April 18, 1985, commissioner's room, Texas Commission for the Deaf, 510 South Congress Avenue, Austin; and 1:30 p.m. on April 23, 1985, El Paso Center of the Deaf, Inc., 1005 East Yandell, El Paso.

Issued in Austin, Texas, on March 19, 1985.

TRD-852450 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Filed: March 20, 1985
For further information, please call (512) 475-2492.

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Texas Department of Health Cease and Desist Orders

Notice is given that Brazos Perforating, Inc., holder of Texas Radioactive Material License 6-3267, P.O. Box 434, Bryan, Texas 77806 having failed to comply with the *Texas Regulations for Control of Radiation* (TRCR) and Texas Radioactive Material License 6-3267, Condition Nine, by storing radioactive material at an unauthorized storage location, was ordered by the Bureau of Radiation Control to cease and desist from storing radioactive material at any location other than the location authorized in Condition Nine. In addition, the licensee was ordered, within 10 days of receipt of the order, to provide the agency with a list of other locations where it maintains offices and indicate at which of these facilities radioactive materials are being or have been stored, and to provide the agency with a written inventory of all sealed and unsealed sources of radiation it currently owns or which are in its posses-

sion. The licensee also was ordered to notify the agency as soon as practicable when all sources of radiation, other than those being used at temporary job sites, have been returned to the licensed storage location. A copy of the issued order is as shown as follows.

In accordance with TRCR §13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m.-5 p.m., Monday-Friday (except holidays).

ORDER TO: Brazos Perforating, Inc.
Roy R. Rutledge, Vice-President
P.O. Box 434
Bryan, Texas 77806

ORDER TO CEASE AND DESIST

WHEREAS, The Texas Radiation Control Act, Texas Civil Statutes, Article 4590f (the Act), designates the Texas Department of Health (TDH) as the Texas radiation control agency (the agency); and

WHEREAS, the Act, §4(d)(3), specifies that the agency shall for the protection of the occupational and public health and safety and the environment adopt rules which shall provide for licensing, relating to control of sources of radiation; and

WHEREAS, the *Texas Regulations for Control of Radiation* (TRCR), are duly adopted rules which provide for licensing relating to control of sources of radiation; and

WHEREAS, the TRCR, Part 41, §31(c), states that each person licensed by the agency pursuant to this part shall confine his use and possession of the material licensed to the locations and purposes authorized in the license; and

WHEREAS, Brazos Perforators, Inc., was issued radioactive materials License 6-3267, pursuant to the TRCR, Part 41; and

WHEREAS, radioactive materials License 6-3267, Condition Nine, states that radioactive material shall be stored only at the licensee's facility located two miles off the State Highway 6 bypass on State Highway 21 in Bryan; and

WHEREAS, on February 18, 1985, an agency representative performed an inspection of Brazos Perforators, Inc., on Highway 16 in Freer, and determined that radioactive material, specifically Americium-241, sealed source Serial Number 71-1-488 B, is being stored at that location and has been in storage at that location for approximately one year; and

WHEREAS, the agency finds that Brazos Perforators, Inc., has failed to comply with the rules of the agency, and the condition of radioactive materials License 6-3267; and

WHEREAS, the agency finds that an emergency exists requiring immediate action to protect the public health and safety and the environment;

NOW, THEREFORE, premises considered, and pursuant to Texas Civil Statutes, Article 4590f, §11(c), it is hereby ordered that:

(1) Brazos Perforators, Inc., immediately CEASE AND DESIST from storing radioactive material at any location other than the location authorized in radioactive materials License 6-3267, Condition Nine;

(2) Brazos Perforators, Inc., within 10 days of receipt of this ORDER, provide the agency with a list of other locations where it maintains offices, and indicate at which of these facilities radioactive materials are being or have been stored;

(3) Brazos Perforators, Inc., within 10 days of receipt of this ORDER, provide the agency with a written inventory of all sealed and unsealed sources of radiation it currently owns or which are in its possession;

(4) Brazos Perforators, Inc., notify the agency as soon as practicable, when all sources of radiation, other than those being used at temporary job sites have been returned to the licensed storage location.

The order was signed on March 4, 1985, by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health.

Issued in Austin, Texas, on March 22, 1985.

TRD-852564 Robert A. Maclean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 25, 1985

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

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Notice is given that MIDA Electric Wireline Company, P.O. Box 3371, Victoria, Texas 77093, holder of Texas Radioactive Material License 8-3145, having stored radioactive material at an unauthorized location, was ordered by the Bureau of Radiation Control to cease and desist from storing radioactive material at any location other than the location authorized in Texas Radioactive Material License 8-3145, Condition Nine. In addition, the agency ordered the licensee, within 10 days of receipt of the order, to provide the agency with a list of other locations where it maintains offices and indicate at which of these facilities radioactive materials are being or have been stored, and to provide the agency with a written inventory of all sealed and unsealed sources of radiation it currently owns or which are in its possession. The agency also ordered the licensee to notify the agency as soon as practicable, when all sources of radiation, other than those being used at temporary job sites have been returned to the licensed storage location. A copy of the issued order follows.

In accordance with the *Texas Regulations for Control of Radiation* (TRCR), §13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m.-5 p.m., Monday-Friday (except holidays).

ORDER TO: MIDA Electric Wireline Company
David Massey, President
P.O. Box 3371
Victoria, Texas 77093

ORDER TO CEASE AND DESIST

WHEREAS, the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f (the Act), designates the

Texas Department of Health (TDH) as the Texas radiation control agency (the agency); and

WHEREAS, the Act, §4(d)(3), specifies that the agency shall for the protection of the occupational and public health and safety and the environment adopt rules which shall provide for licensing, relating to control of sources of radiation; and

WHEREAS, the *Texas Regulations for Control of Radiation* (TRCR), are duly adopted rules which provide for licensing relating to control of sources of radiation; and

WHEREAS, the TRCR, Part 41, §31(c), states that each person licensed by the agency pursuant to this part shall confine his use and possession of the material licensed to the locations and purposes authorized in the license; and

WHEREAS, MIDA Electric Wireline Company was issued radioactive materials License 8-3145, pursuant to the TRCR, Part 41; and

WHEREAS, radioactive materials License 8-3145, Condition Nine, states that radioactive material shall be stored only at Best Chemical Company, located 2.7 miles north of the intersection of Spring Creek Road and U.S. Highway 87 in Victoria; and

WHEREAS, on February 18, 1985, an agency representative performed an inspection of MIDA Electric Company at 302 East Riley (U.S. Highway 59) in Freer, and determined that radioactive material, specifically Americium-241, sealed source serial Number 71-1-450 B, is being stored at that location; and

WHEREAS, the agency finds that MIDA Electric Wireline Company has failed to comply with the rules of the agency; and the conditions of Texas Radioactive Materials License Number 8-3145; and

WHEREAS, the agency finds that an emergency exists requiring immediate action to protect the public health and safety and the environment;

NOW THEREFORE, premises considered, and pursuant to Texas Civil Statutes, Article 4590f, §11(c), it is hereby ordered that:

(1) MIDA Electric Wireline Company immediately CEASE AND DESIST storing radioactive material at any location other than the location authorized in radioactive materials license Number 8-3145, Condition Nine;

(2) MIDA Electric Wireline Company, within 10 days of receipt of this ORDER, provide the agency with a list of other locations where it maintains offices, and indicate at which of these facilities radioactive materials are being or have been stored;

(3) MIDA Electric Wireline Company, within 10 days of receipt of this ORDER, provide the agency with a written inventory of all sealed and unsealed sources of radiation it currently owns or which are in its possession;

(4) MIDA Electric Wireline Company notify the agency as soon as practicable when all sources of radiation other than those being used at temporary job sites have been returned to the licensed storage location.

The order was signed on March 6, 1985, by Richard A. Ratliff, P.E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health.

Issued in Austin, Texas, on March 22, 1985.

TRD-852565 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health



Emergency Order and Hearing

Notice is given that Iso-Tex, holder of Texas Radioactive Material License 11-1937, P.O. Box 909, Friendswood, Texas 77546, having demonstrated a continuation of a pattern of violations and having failed to comply with *Texas Regulations for Control of Radiation* (TRCR), and the conditions of Texas Radioactive Material License 11-1937, was ordered to cease and desist from receiving additional radioactive wastes, except for shipments of radioactive waste that are in route to the licensee's Friendswood facility on the date of this order. The licensee also was ordered to physically inventory all radioactive waste drums or their equivalent volume and provide such inventory to the agency not later than 10 days of receipt of this order. At such time as the licensee's inventory of radioactive waste is decreased below the 4,000 drum limit, the licensee may submit written proof that shows such and request that the agency verify the licensee's compliance with the license conditions. The order will remain in effect, until such time as the agency verifies compliance in writing. The issued order follows.

Pursuant to the provisions of TRCR, §13.10(f), a public hearing on the emergency order will be held at 10 a.m. on Wednesday, April 3, 1985, in the conference room, 1212 East Anderson Lane, Austin. At this time, the hearing examiner will rule on a motion to consolidate this hearing with another hearing requested by Iso-Tex, Inc., on the agency's amendment to Radioactive Material (RAM) License 11-1937, Condition 14. The agency amendment is based on a prior emergency order and provisional order of license modification dated November 29, 1984, and published in the December 25, 1984, issue of the *Texas Register* (9 TexReg 6484). The licensee also has requested a hearing on the provisional order of license modification; this also will be included in the motion to consolidate. The questions presented are whether RAM License 11-1937 should have been amended and whether the amendment exceeds the wording in the provisional order of license modification. License Condition 14 appears after the text of the emergency order.

ORDER TO: Iso-Tex, Inc.
Thomas Maloney, President
P.O. Box 909
1511 County Road 129
Friendswood, Texas 77546

EMERGENCY ORDER

WHEREAS, Iso-Tex, Inc. (licensee), is holder of Texas Radioactive Material License 11-1937, issued by the Texas Department of Health (the agency); and

WHEREAS, License 11-1937, Condition 13, states that:

The licensee is authorized to collect prepackaged radioactive waste and transport it in U.S. Department of Transportation (DOT) approved containers to the licensee's facility for temporary storage and processing, provided such waste is subsequently transferred to an authorized radioactive waste disposal site. Waste may be repackaged if necessary and stored in 17 H steel drums or other approved DOT containers in accordance with letters dated October 29, 1979; August 26, 1981; September 22, 1981; and September 25, 1981. No more than 4,000 such drums

or their equivalent volume (7.35 cubic feet per drum) shall be stored at any one time. All such drums or their previously mentioned equipment shall be stored indoors for a period not to exceed two years. This condition shall take effect only after compliance with the Agreed Temporary Orders dated January 27, 1981, in C.N. 81-G-0073, 239th District Court, Brazoria County, Texas, or any final orders affecting this cause of action;

and

WHEREAS, agency inspectors determined during a routine inspection conducted on September 25-27, 1984, that there were over 4,700 drums, or the equivalent volume, of radioactive waste in storage at the licensee's Friendswood facility; and

WHEREAS, agency inspectors conducted additional drum counts on December 5, 1984, and January 21 and 22, 1985, and determined that there was still over 4,500 drums or the equivalent volume, of radioactive waste in storage at the licensee's Friendswood facility; and

WHEREAS, agency inspectors determined during an inspection conducted on February 20-22, 1985, that there were 5,014 drums, or the equivalent volume, of radioactive waste in storage at the licensee's Friendswood facility, in violation of License Condition 13; and

WHEREAS, agency inspectors determined during the inspection conducted on February 20-22, 1985, that there were at least 62 drums of radioactive waste in storage at the licensee's Friendswood facility that had been in storage for more than two years, in violation of License Condition 13; and

WHEREAS, agency inspectors determined during the inspection conducted on February 20-22, 1985, that the licensee had four 55-gallon drums of radioactive waste, 64 30-gallon drums of radioactive waste, and one 20-gallon drum of radioactive waste stored outdoors, in violation of License Condition 13; and

WHEREAS, the licensee has not made any shipments of radioactive waste to a licensed disposal facility to reduce its radioactive waste drum inventory since 1982; and

WHEREAS, the foregoing demonstrates the continuation of a pattern of violations that has required court action in Brazoria County in 1981, Cause 81-G-0073; an administrative hearing in 1983 that resulted in suspension of the license authorization to receive radioactive waste; and issuance of emergency orders in November 1984 due to the licensee's improper handling and disposal of radioactive waste; and the filing of a civil suit in the District Court of Travis County, Cause 373,656; and

WHEREAS, the agency finds that the licensee has failed to comply with the rules of the agency and the conditions of Texas Radioactive Material License 11-1937; and

WHEREAS, the agency finds that an emergency exists requiring immediate action to protect the public health and safety and the environment;

NOW, THEREFORE, premises considered, and pursuant to Texas Civil Statutes, Article 4590f, §11(c) and §12B, it is hereby ORDERED that:

(1) the licensee shall cease and desist from receiving additional radioactive wastes, except for shipments of radioactive waste that are in route to the licensee's Friendswood facility on the date of this ORDER. The licensee may not receive shipments placed in route after the date of this ORDER;

(2) the licensee shall physically inventory all radioactive waste drums or their equivalent volume and provide such inventory to the agency not later than 10 days of receipt

of this ORDER. This inventory shall specify the number of drums, the volume of solid radioactive waste that the licensee has compacted or processed and the volume of all liquid scintillation waste that the licensee has in storage;

(3) at such time as the licensee's inventory of radioactive waste is decreased below the 4,000 drum limit, the licensee may submit written proof that shows such and request that the agency verify the licensee's compliance with the license conditions. This ORDER will remain in effect, however, until such time as the agency verifies compliance in writing.

The order was signed on March 1, 1985, by David K. Lacker, Director, Radiation Control Program, Texas Department of Health.

License Condition 14 reads as follows.

The licensee is authorized to compact and process radioactive waste in accordance with procedures set out in the licensee's letters dated June 8, 1979, April 22, 1981, and May 5, 1981. No sealed sources or the radioactive waste from drums which are labeled with U.S. Department of Transportation Yellow III labels will be compacted. No more than three curies of radioactive waste shall be compacted into any single drum for disposal. All radioactive waste, including liquid scintillation media and animal tissue containing H-3 and/or C-14, as set out in TRCR 21 307, shall be disposed of only at licensed radioactive waste disposal sites. No waste containing any level of radioactivity shall be disposed of at municipal landfills.

Issued in Austin, Texas, on March 25, 1985.

TRD-852568 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 25, 1985

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

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Texas Health Facilities Commission

Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

Notice is hereby given by the Texas Health Facilities Commission of applications 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 or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after

the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person 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 or interested person.

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

City of Austin for Saint John's Public Health
Center, Austin

AO80-1229-061A(030185)

CN/AMD—Request for an amendment of Certificate of Need AO80-1229-061, which authorized the certificate holder to construct a 3,500-square-foot building for the purpose of consolidating the health services of three existing neighborhood health centers. The certificate holder requests an increase in the square footage of the facility from 3,500 to 4,500 square feet; an increase in the total project cost from \$559,000 to \$780,000; and an extension of the completion deadline from March 1, 1985, to December 1, 1985.

Texas Retina Associates, Dallas

AN85-0321-181

DR—Request for a declaratory ruling that a certificate of need is not required for Texas Retina Associates to obtain Medicare certification as an ambulatory surgical center to perform laser surgery and cyropexy surgery since prior to May 28, 1975. There is no cost associated with the project.

Issued in Austin, Texas, on March 25, 1985.

TRD-852560 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: March 25, 1985

For further information, please call (512) 475-6840.

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State Property Tax Board Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the State Property Tax Board furnishes this notice of contract award. The consultant proposal request appeared in the January 15, 1985, issue of the *Texas Register* (10 TexReg 188).

Description of Service. The consultant will serve as school district field reviewer in the board's 1985 property valuation study based on the 1985 tax year.

Address of Consultant. The address of the consultant is Pritchard & Abbott, 200 Seminary South Building, Fort Worth, Texas 76115.

Contract Value and Period. The total value of the contract is \$34,320. The beginning date of the contract was March 11, 1985, and the ending date is August 31, 1985.

Due Dates of Reports. Final reports prepared by the consultant under this contract shall be submitted prior to August 23, 1985.

Issued in Austin, Texas, on March 21, 1985.

TRD-852497 Ron Patterson
Executive Director
State Property Tax Board

Filed: March 21, 1985
For further information, please call (512) 834-4901.

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Public Utility Commission of Texas Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC) furnishes this notice of consultant contract awards. The request for proposals was published in the January 15, 1985, issue of the *Texas Register* (10 TexReg 190).

Contractors will provide on-site energy evaluations for state school districts, including a written audit report for each school district evaluated, and a follow-up monitoring report on actions taken.

The contractors selected to perform this service are ACR Energy Engineering, Inc.; Bache/Wolfe Engineering; Bywaters and Associates; Energy Engineering Associates, Inc.; Energy Systems; and Estes, McClure, and Associates, Inc. Each contractor is assigned a specific area of the state to service.

The total value and period of each contract are as follows:

- (1) ACR Energy Engineering, Inc.—\$84,700—March 11-July 31, 1985;
- (2) Bache/Wolfe Engineering—\$65,850—March 13-July 31, 1985;
- (3) Bywaters and Associates—\$49,150—March 18-July 31, 1985;
- (4) Energy Engineering Associates Inc.—\$105,750—March 11-July 31, 1985;
- (5) Energy Systems—\$68,125—March 7-July 31, 1985;
- (6) Estes, McClure, and Associates, Inc.—\$105,550—March 13-July 31, 1985.

Copies of all written evaluation and follow-up reports will be due on or before July 31, 1985.

Issued in Austin, Texas, on March 22, 1985.

TRD-852501 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of Texas

Filed: March 25, 1985
For further information, please call (512) 458-0100.

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Office of the Secretary of State
Texas Register Publication Schedule

Following are the deadline dates of the April, May, and June 1985 issues of the *Texas Register*. Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

Publication Schedule for the *Texas Register*

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, April 2 Friday, April 5 Tuesday, April 9 Friday, April 12 Tuesday, April 16 Friday, April 19 Tuesday, April 23 Friday, April 26 Tuesday, April 30	Wednesday, March 27 Monday, April 1 Wednesday, April 3 Monday, April 8 Wednesday, April 10 Monday, April 15 Wednesday, April 17 Monday, April 22 Wednesday, April 24	Thursday, March 28 Tuesday, April 2 Thursday, April 4 Tuesday, April 9 Thursday, April 11 Tuesday, April 16 Thursday, April 18 Tuesday, April 23 Thursday, April 25
Friday, May 3 Tuesday, May 7 Friday, May 10 Tuesday, May 14 Friday, May 17 Tuesday, May 21 Friday, May 24 Tuesday, May 28 ★ Friday, May 31	Wednesday, May 1 Monday, May 6 Wednesday, May 8 Monday, May 13 Wednesday, May 15 Monday, May 20 Wednesday, May 22 Friday, May 24	1ST QUARTERLY INDEX Thursday, May 2 Tuesday, May 7 Thursday, May 9 Tuesday, May 14 Thursday, May 16 Tuesday, May 21 Thursday, May 23 Tuesday, May 28
Tuesday, June 4 Friday, June 7 Tuesday, June 11 Friday, June 14 Tuesday, June 18 Friday, June 21 Tuesday, June 25 Friday, June 28	Wednesday, May 29 Monday, June 3 Wednesday, June 5 Monday, June 10 Wednesday, June 12 Monday, June 17 Monday, June 24	Thursday, May 30 Tuesday, June 4 Thursday, June 6 Tuesday, June 11 Thursday, June 13 Tuesday, June 18 Tuesday, June 25