

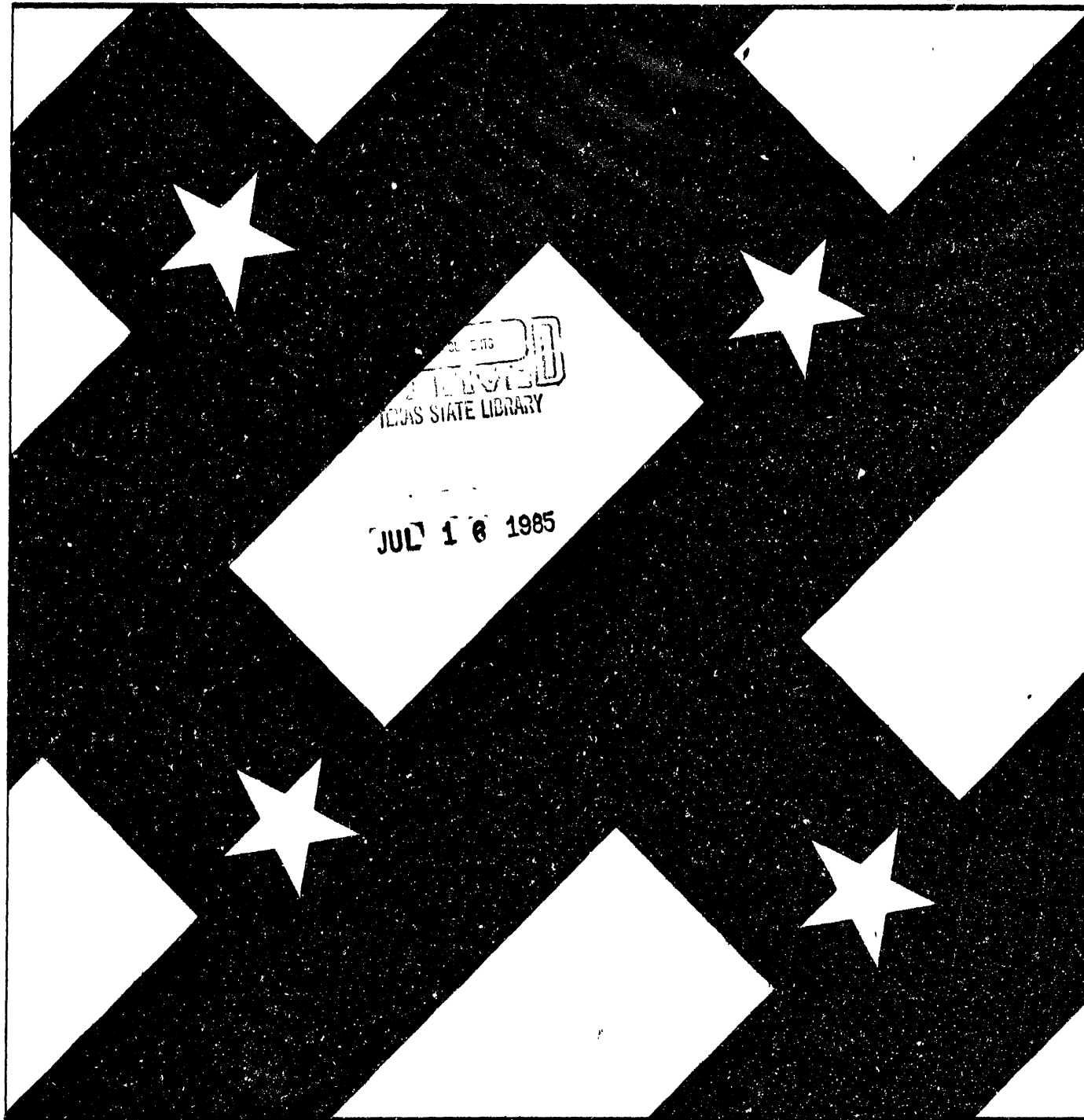
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Texas Register

Volume 10, Number 51, July 5, 1985

Pages 2179 - 2210



Highlights

The Texas Department of Mental Health and Mental Retardation proposes new sections concerning patient care. Earliest possible date of adoption - August 5. **page 2183**

The Texas Parks and Wildlife Commission

adopts new sections concerning wildlife management areas. Earliest possible date of adoption - July 22. **page 2192**

The Texas Department of Human Resources adopts new sections concerning day activity and health services. Effective date - August 2. **page 2193**

**Office of
the Secretary
of State**

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TAC Titles Affected—July

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22 TAC §217.13 2191

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TITLE 34. PUBLIC FINANCE

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34 TAC §3.544 2150

34 TAC §3.549 2150

34 TAC §3.555 2151

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

40 TAC §§50.901-50.904 2194

40 TAC §§50.3901-50.3909 2194

40 TAC §§50.3901-50.3915 2194

40 TAC §50.4901, §50.4902 2195

Part III. Texas Commission on Alcoholism

40 TAC §§153.1, 153.4-153.6, 153.32, 153.33, 153.36, 153.38, 153.41, 153.42 2187

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*.

Requests for Opinions

RQ-581. Request from William P. Hobby, lieutenant governor, Austin; Gib Lewis, speaker, House of Representatives, Austin; Grant Jones, chairman, Senate Finance Committee, Texas Senate, Austin; and Jim Rudd, House Appropriations Committee, House of Representatives, Austin; concerning whether interest on nonconstitutional funds in the state highway fund may be appropriated for general purposes.

TRD-855712

RQ-582. Request from Robert J. Provan, general counsel, Stephen F. Austin State University, Nacogdoches, concerning whether information within §3(a)(14) may be withheld under the Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(3)

TRD-855711

RQ-583. Request from Gary E. Miller, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether funds paid to a mental health/mental retardation facility for services rendered pursuant to contract are appropriated to that facility.

TRD-855710

RQ-584. Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin, concerning whether the Parks and Wildlife Commission may delegate certain permitting authority to the executive director of the department.

TRD-855709

RQ-585. Request from Keith Stretcher, first assistant city attorney, Midland, concerning whether negatives of photographs taken by policy officers at the scene of an accident are subject to disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

TRD-855708

RQ-586. Request from Neal Birmingham, Cass County district attorney, concerning whether the exception of Texas Civil Statutes, Article 6701d, §5(b), applies to pulpwood or logs being transported to a lumber mill.

TRD-855840

RQ-587. Request from Lloyd Criss, chairman, House Committee on Labor and Em-

ployment Relations, House of Representatives, Austin, concerning the authority of a city to establish a prevailing wage rate under Texas Civil Statutes, Article 5159a, and related questions.

TRD-855839

RQ-588. Request from Bob Bullock, comptroller of public accounts, Austin, concerning whether sales tax must be collected on items purchased in Texas under resale certificates and thereafter taken out of state for sale by the vendor.

TRD-855838

RQ-589. Request from Lloyd Criss, chairman, Committee on Labor and Employment Relations, House of Representatives, Austin, concerning the residency status of a student whose parent is assigned out of state by a federal agency.

TRD-855837

RQ-590. Request from William A. Ewert, Jr., Kleberg County attorney, Kingsville, concerning whether a county must comply with the public auction requirements of Texas Civil Statutes, Article 4494i, to sell a county hospital.

TRD-855836

RQ-591. Request from Terral R. Smith, chairman, Committee on Criminal Jurisprudence, House of Representatives, Austin, concerning whether an alderman of a general law city may serve as a member of that city's police reserve.

TRD-855835

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Opinions

JM-324 (RQ-456). Request from Carlos Valdez, Nueces County attorney, Corpus Christi, concerning whether a county may fund an educational campaign to discourage public litter, and related questions.

Summary of Opinion. A publicly funded contract with a private nonprofit corporation to aid Nueces County in preventing public or private litter is not prohibited so long as the contractual provisions assure receipt by the county of an adequate *quid pro quo* designed to accomplish that purpose.

TRD-855695

JM-325 (RQ-482). Request from Dale Hanna, Johnson County attorney, Cle-

burne, concerning whether a city police department dispatcher is covered by civil service protection under Texas Civil Statutes, Article 1269m.

Summary of Opinion. While current employees in the position of police department dispatcher may not have their civil service protection eliminated, the City of Cleburne may remove the position of police department dispatcher from the coverage of its civil service system for the future.

TRD-855705

JM-326 (RQ-492). Request from James A. Rasmussen, Wichita County attorney, Wichita Falls, concerning whether a commissioners court may reduce a county attorney's salary after the annual budget has been adopted.

Summary of Opinion. The commissioners court may not reduce the salary of the county attorney, or any salary set pursuant to Texas Civil Statutes, Article 3912k, §2, from the amount approved at the annual budget hearing and budget adoption proceedings. The county attorney is not estopped from claiming the amounts he is entitled to receive under Article 3912k by accepting a salary less than the sum originally approved pursuant to Article 3912k.

TRD-855706

JM-327 (RQ-566). Request from Gary Thompson, chairman, County Affairs Committee, House of Representatives, Austin, concerning whether a commissioners court may expend funds for operation of a county hospital under Texas Civil Statutes, Article 4437j-2.

Summary of Opinion. The Hospital Project Financing Act, Texas Civil Statutes, Article 4437e-2, precludes the issuer of bonds under that Act from using county funds to pay the principal of or interest on such bonds or to support the operation and maintenance of a hospital project constructed with the proceeds from the sale of such bonds, unless the funds are revenues derived from the sale of the bonds themselves or from the operation of the hospital project or revenues provided by a nonprofit corporation.

TRD-855707

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Proposed Rules

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

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

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission

Chapter 35. Brucellosis Subchapter A. Eradication of Brucellosis

★4 TAC §35.6

The Texas Animal Health Commission proposes an amendment to §35.6, concerning indemnity rates. The amendment discontinues the payment of indemnity in Texas. This action is taken so that funds provided by the US Department of Agriculture (USDA) for this purpose can be redirected to pay for increased calfhood vaccinations.

Ken Welch, director of administration, 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. Welch 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 the redirection of funds from indemnity, which provides no protection from brucellosis for the producer's herd, into vaccination, which provides the producer's herd with immunity to the disease. Increased vaccination should accelerate the progress of the brucellosis program, thereby reducing the producer's future loss from the disease. Individuals who have a brucellosis reactor which would be eligible for federal indemnity will no longer receive the \$43 per head indemnity payment. The likelihood of federal indemnity funds being available after fiscal year 1986 is indeterminate at this time.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendment is proposed under the Agriculture Code, Texas Civil Statutes, Chapter 161 and Chapter 163, which provides the commission with authority to propose rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

§35.6. *Indemnity Rates.*

- (a) (No change.)
- (b) Rates. **No indemnity will be paid effective September 1, 1985** [\$43 per head, flat rate].

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

Issued in Austin, Texas, on June 27, 1985

TRD-855737

John W. Holcombe
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption:
August 5, 1985
For further information, please call
(512) 475-4111

★ ★ ★

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners Chapter 163. Licensure

★22 TAC §§163.2, 163.3, 163.9

The Texas State Board of Medical Examiners proposes amendments to §§163.2, 163.3, and 163.9, concerning licensure for physicians. The amendments address the areas of examinations required by the board for licensure, curriculum content equivalency of medical school courses, and procedural rules to apply consistency between applicants for examination and applicants for reciprocal endorsement.

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

Ms. Davis also has determined that for each year of the first five years the rules are in effect the public benefit anticipated

as a result of enforcing the rules is the assurance of quality medical education having been received by those physicians licensed 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 Jean Davis, P.O. Box 13562, Austin, Texas 78711. Although no date has been set, it is expected that a public hearing will be held on the amendments in the latter part of August.

The amendments are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with the Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of the Act.

§163.2. *Medical Schools Approved by the Board for Licensure.*

- (a) (No change.)
- (b) In lieu of graduation from an approved medical school as defined in subsection (a) of this section, the following are required for licensure in Texas.

(1)-(5) (No change.)
(6) For an applicant who graduated from a medical school outside the United States or Canada to possess the same requisite qualifications to provide the same standard of medical care as provided by a licensed physician in this state, the applicant must have graduated from a reputable medical school which shall meet certain criteria. The school shall be an institution of higher learning designed to select and educate medical students; to provide students with the opportunity to acquire a sound basic medical education through training in basic sciences and clinical sciences; to provide advancement of knowledge through research; to develop programs of graduate medical education to produce practitioners, teachers, and researchers; and to afford opportunity for postgraduate and continuing medical education. The school must provide resources, including faculty and facilities, sufficient to support a curriculum offered in an intellectual environment that enables the program to meet these standards. The faculty of the school shall actively contribute to the development and transmission

of new knowledge. The medical school shall contribute to the advancement of knowledge and to the intellectual growth of its students and faculty through scholarly activity, including research. The medical school shall include, but not be limited to, the following characteristics:

(A)-(F) (No change.)

(G) the curriculum content shall be substantially equivalent to United States and Canadian schools and shall be designed to instill in its graduates lifelong habits of learning and dedication to service, in addition to the knowledge and skills fundamental to the practice of medicine. The curriculum shall encompass the following:

(i) the basic sciences curriculum shall include the contemporary content of those expanded disciplines that have been traditionally titled anatomy, biochemistry, physiology, microbiology and immunology, pathology, pharmacology and therapeutics, and preventive medicine; [and]
(ii) the fundamental clinical subjects, which shall be offered in the form of required patient-related clerkships, are internal medicine, obstetrics and gynecology, pediatrics, psychiatry, and surgery; and

(iii) the practice of osteopathic medicine for graduates of osteopathic medical schools.

(H)-(L) (No change.)

(c) (No change.)

§163.3. Examinations Required by the Board for Licensure.

(a) Applicants for licensure by examination must have met one of the following examination requirements.

(1) Initially, an applicant must sit for Component I of the FLEX or Component I and II of the FLEX. An applicant must have passed FLEX with a score of 75 or better on each component within seven years and must have passed the Texas medical jurisprudence examination; or

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

(b) (No change.)

§163.9. Procedural Rules for All Licensure Applicants.

(a)-(g) (No change.)

(h) A licensure [reciprocal endorsement] applicant who has not been examined for licensure in a 10-year period prior to the filing date of his or her application must pass [Day III of FLEX or, after June 1985] Component II of FLEX unless the applicant has obtained specialty certification or recertification within the preceding 10 years.

(i) (No change.)

(j) An applicant who elects to file for licensure by examination under §163.3(a) of this title (relating to Examinations Required by the Board for Licensure) cannot subsequently file for licensure by reciprocal endorsement under §163.3(b) of this title (relating to Examinations Required by the Board for Licensure).

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

Issued in Austin, Texas, on June 26, 1985

TRD-855675

G. V. Brindley, Jr.
Executive Director
Texas State Board of
Medical Examiners

Earliest possible date of adoption:

August 5, 1985

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

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**Part XX. Texas Board of
Private Investigators and
Private Security Agencies
Chapter 423. Rules of Procedure
and Seal**

**Regulation or Code of Professional
Responsibility and Conduct**

★ 22 TAC §423.1

The Texas Board of Private Investigators and Private Security Agencies proposes an amendment to §423.1, concerning standards of conduct

A new subsection (h) is added which prohibits possession of a simulated firearm by a security officer while in the course and scope of his employment as a security officer.

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

Ms. Sanders also has determined that for each year of the first five years the rule is in effect no public benefit is anticipated. 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 Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§423.1. Standards of Conduct.

(a)-(g) (No change.)

(h) No security officer shall have on or about his person a simulated firearm

while in the course and scope of his employment as a security officer.

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

Issued in Austin, Texas, on June 26, 1985.

TRD-855714

Clema D Sanders
Executive Director
Texas Board of Private
Investigators and
Private Security
Agencies

Earliest possible date of adoption:

August 5, 1985

For further information, please call
(512) 475-3044.

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**TITLE 25. HEALTH
SERVICES**

**Part II. Texas Department of
Mental Health and Mental
Retardation**

**Chapter 405. Client (Patient)
Care**

**Subchapter L. Rights of Patients
and Residents**

★ 25 TAC §§405.281-405.294

(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 Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §§405.281-405.294, concerning rights of patients and residents served by facilities of the Texas Department of Mental Health and Mental Retardation. The sections are proposed for repeal contemporaneously with the proposal of new sections governing the same matters in Chapter 405, Subchapter L, relating to rights of clients—mental health services, and Chapter 405, Subchapter Y, relating to rights of clients—mental retardation services, which were published in the July 2, 1985, issue of the *Texas Register*.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Ms. Dillard has also determined that the anticipated public benefit is the repeal and replacement of rules that have become outdated. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, PO Box 12668, Austin, Texas 78711, within 30 days of publication.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

- §405.281. Purpose.
- §405.282. Application.
- §405.283. Definitions.
- §405.284. Rights of Voluntary Patients of State Mental Hospitals.
- §405.285. Rights of All Patients of State Mental Hospitals.
- §405.286. Rights of Voluntary Residents of Mental Retardation Facilities.
- §405.287. Rights of All Residents of Mental Retardation Facilities.
- §405.288. Rights of Patients of Mental Health Facilities as to Disclosure of Information.
- §405.289. Rights of Residents of Mental Retardation Facilities as to Disclosure of Information.
- §405.290. Additional Specification of Rights.
- §405.291. Patients' and Residents' Rights Handbook.
- §405.292. References.
- §405.293. Distribution.
- §405.294. Effective Date.

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

Issued in Austin, Texas, on June 27, 1985

TRD-855717

Gary E. Miller, M.D.
Commissioner
Texas Department of
Mental Health and
Mental Retardation

Earliest possible date of adoption

August 5, 1985

For further information, please call
(512) 465-4670

★ ★ ★

Subchapter L. Rights of Clients— Mental Health Services

★ 25 TAC §§405.281-405.291

The Texas Department of Mental Health and Mental Retardation proposes new §§405.281-405.291, concerning rights of

clients served in the mental health facilities of the Texas Department of Mental Health and Mental Retardation and in community mental health and mental retardation centers. The new sections replace existing sections that are contemporaneously proposed for repeal in Chapter 405, Subchapter L, relating to rights of patients and residents. They incorporate key ideas contained in the Mental Health Code, the RAJ v Miller settlement agreement, the Joint Commission on Accreditation of Hospital's standards, and other state and federal laws.

Sue Dillard, Office of Standards and Quality Assurance 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 as proposed.

Ms. Dillard has also determined that the anticipated public benefit is rules that reflect state legislative and judicial intent and that are consistent with the standards of outside accrediting agencies. An additional benefit is the addition of clients served in community centers to those whose rights are protected under these rules. 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 Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication.

These new sections are proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

§405.281. Purpose. The purpose of this subchapter is:

(1) to specify the rights guaranteed to clients receiving mental health services from departmental facilities and community mental health and mental retardation centers;

(2) to require that these rights be made known to clients receiving mental health services, and/or the parent of a minor, legal guardian of the person, the limited guardian, or the managing conservator;

(3) to assist clients in exercising their rights in a manner which does not conflict with the rights of other persons; and

(4) to require the printing and distribution of a rights handbook to clients receiving mental health services and/or to the parent of a minor, the legal guardian of the person, the limited guardian, or the managing conservator.

§405.282. Application. This subchapter applies to all mental health facilities of the

department and to all community mental health and mental retardation centers that provide mental health services.

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

Center—A community mental health and mental retardation center organized pursuant to the Texas Mental Health and Mental Retardation Act, §3.01, as amended, Texas Civil Statutes, Articles 5547.201-5547.204, which provide mental health services.

Client—A person receiving mental health services from a facility or a center or its outpatient or outreach program.

Department—The Texas Department of Mental Health and Mental Retardation.

Inpatient services—Twenty-four hour services, including domiciliary services.

Mental health facilities—The state hospitals, Texas Research Institute of Mental Sciences, Waco Center for Youth, and state centers that provide mental health services.

§405.284. Rights of All Clients Receiving Mental Health Services. Clients receiving mental health services from mental health facilities and community centers have the following rights as required by Texas Civil Statutes, Article 5547-80 (Mental Health Code); Joint Commission on Accreditation of Hospitals standards, as applicable; and the RAJ v. Miller settlement agreement:

(1) the rights, benefits, and responsibilities and privileges guaranteed by the constitutions and laws of the United States and Texas, except where lawfully restricted. These rights include the right to register and vote; the right to acquire, use, and dispose of property; the right to sue and be sued; rights related to licenses, permits, and privileges and the law; the right to religious freedom;

(2) the right to appropriate treatment in the least restrictive appropriate setting available consistent with the protection of the client and the protection of the community;

(3) the right to give or withhold consent to treatment with psychoactive medication. Facilities should reference Chapter 405, Subchapter FF, of this title (relating to Consent to Treatment With Psychoactive Medication);

(4) the right of *habeas corpus*;

(5) the right to retain civil rights and legal capacity;

(6) the right to be free from unnecessary or excessive medication;

(7) the right to give or withhold consent to participate in research programs without compromising access to services to which the client is otherwise entitled;

(8) the right to participate in the development of an individualized treatment plan and to have this plan periodically reviewed. This includes the right to know and to meet with the professional staff members responsible for the client's care, to know their professional discipline, and to know their staff relationship;

(9) the right to have parents of a minor, guardians, and relatives participate in the development and review of the treatment plan;

(10) the right to know the nature of the care, procedures, and treatment that the client will receive; the risks, side effects, and benefits of all medications and treatment procedures used, especially those that are unusual or experimental; and the alternative treatment procedures that are available;

(11) the right to know, as appropriate, the cost (itemized when possible) of the services rendered, and the source of the facility's reimbursement, and any limitations placed on the duration of services;

(12) the right to know the reasons for any proposed change in the professional or other staff responsible for the client, or for any transfer of the client within or outside of the facility or center;

(13) the right to know the rules and regulations of the facility or center that are applicable to the client's conduct;

(14) the right to participate in the development of the discharge plan, including plans for meeting continuing mental and physical health requirements following discharge;

(15) the right to a humane treatment environment that affords reasonable protection from harm and appropriate privacy with regard to personal needs;

(16) the right to confidentiality of records. Client-identifying information shall be disclosed in accordance with Chapter 403, Subchapter K, of this title (relating to Disclosure of Client-Identifying Information Contained in the Records of Clients);

(17) the right to be free from mistreatment, abuse, neglect, and exploitation;

(18) the right to initiate a complaint and to know how to contact the facility client rights officer, the facility or center's public responsibility committee, and the Office of Client Services and Rights Protection, Central Office, phone (800) 252-8154;

(19) the right to request the opinion of a consultant at the client's expense or to request an in-house review of the individual treatment plan, as provided for in the specific procedures of the facility or center;

(20) the right to reasonable protection of personal property from theft or loss, including exploitation for personal profit or gain by facility or center employees;

(21) the right to be free of physical restraints unless prescribed by a physician and the right to have the physical restraints removed as soon as possible;

(22) the right to be informed verbally and in writing of these and any additional rights within 24 hours of admission and in simple, nontechnical terms and in the person's primary language or other appropriate method of communication to meet the needs of visually or hearing impaired clients. The same explanation is to be given to the parent of a minor client, legal guardian, limited guardian, or managing conservator.

§405.285. Rights of Clients Receiving Inpatient Mental Health Services. The following rights shall be provided to all clients receiving inpatient mental health services (see Texas Civil Statutes, Article 5547-8i (Mental Health Code) and the RAJ v. Miller settlement agreement); unless otherwise noted, these rights may be restricted by the head of the facility or center for the welfare of the client, in which case the reasons for the restriction shall be made a part of the clinical record of the client;

(1) the right to receive visitors at reasonable times and places and to receive and place telephone calls. The treatment team responsible for the client's treatment plan may propose an order imposing special restrictions when justified by psychiatric necessity or security. The written order must be reviewed during each review of the treatment plan, and if renewed, it must be renewed at least weekly in writing;

(2) the right to communicate with persons outside the facility;

(3) the right to have unrestricted visits from attorneys, private physicians, or other mental health professionals at reasonable times and places. There shall be no restriction of communication between a client and an attorney where the attorney-client relationship is established;

(4) the right to communicate by uncensored and sealed mail with others, including but not limited to legal counsel, the department, the courts, and the attorney general of the state;

(5) the right to receive appropriate treatment for any physical ailments essential to the treatment of a mental disorder and for a physical disorder arising in the course of a client's inpatient psychiatric care. The manner in which these physical disorders are treated is the decision of the physician, consistent with good professional judgment, and excludes elective procedures;

(6) the right to wear his or her own clothes and to keep and use personal possessions, except as the clothes or possessions may be determined by the admitting staff or later by the client's treatment team to be dangerous or otherwise inconsistent with the treatment plan with clinical justification reviewed weekly. Any restrictions will be noted in the client's medical record. Clients who do not have suitable clothing shall be provided clothing by the hospital in which they are being treated. Clients shall have the

opportunity to select from various types of neat, clean, and reasonable clothing;

(7) the right to have an opportunity for physical exercise at regular intervals;

(8) the right to have grounds' privileges at frequent and regular intervals unless the client's treatment team determines that such privileges are contraindicated for psychiatric or security reasons. This contraindication will be noted in the client's medical record;

(9) the right to be provided religious freedom in accordance with the principles, tenets, or teachings of any well-established church if the client so desires. No client shall be forced to attend or engage in any religious activity;

(10) the right to have opportunities for suitable interactions with members of the opposite sex under appropriate supervision;

(11) the right to be treated and addressed in a dignified manner.

§405.286. Rights of Voluntary Clients Receiving Inpatient Mental Health Services. The following rights shall be provided to all voluntary clients, including drug and alcohol abuse clients, admitted to mental health facilities or community centers for inpatient mental health services (see Texas Civil Statutes, Article 5547-25, §25 (Mental Health Code); Texas Civil Statutes, Article 5561c; Texas Civil Statutes, Article 5561c-1):

(1) the right to leave the mental health facility within 96 hours. The client or someone acting on the client's behalf must file a written request for release. The facility or center must discharge the client within 96 hours unless:

(A) written withdrawal of the request for release is filed; or

(B) an application for court-ordered mental health services or emergency detention is filed, and the client is detained pursuant to the provisions of the Mental Health Code;

(2) the right to periodic review of the client's need for continued inpatient treatment.

§405.287. Rights of Persons Apprehended for Emergency Detention for Inpatient Mental Health Services. The following rights shall be provided to persons apprehended for emergency detention for mental health services at a mental health facility or community center (see Texas Civil Statutes, Article 5547-30 (Mental Health Code)):

(1) the right to be advised of the location and reasons for detention and that detention could result in a longer period of involuntary commitment;

(2) the right and opportunity to contact an attorney;

(3) the right to be taken back to the location of apprehension, place of residence, or other suitable place if not admitted for emergency detention;

(4) the right to be released if the head of the facility or center determines that any one of the criteria for emergency detention no longer applies to the client;

(5) the right to be advised that communications to a mental health professional may be used in the proceeding for further detention.

§405.288. Rights Handbook for Clients Receiving Mental Health Services.

(a) The department will publish a client rights handbook to be entitled *Mental Health Handbook*. The department will review and revise the handbook as necessary.

(b) The handbook will be printed in both English and Spanish.

(c) The handbook will contain an interpretation, written in simple, nontechnical language, of the various rights afforded clients receiving mental health services.

(d) Only the handbook published by the department will be distributed to clients of mental health facilities. Centers must distribute the handbook published by the department or a handbook that has been approved by the department and includes all of the material found in the department's handbook.

(e) Sufficient copies of the handbook shall be purchased or produced to distribute a copy to each client on admission to mental health services.

(f) Copies of the handbook will be displayed prominently and at all times in dayrooms, recreation rooms, and other gathering places frequented by clients.

§405.289. Communication of Rights to Clients Receiving Mental Health Services.

(a) Upon admission, each new client and the parent of a minor client, guardian of the person of a client, or limited guardian of a client shall be given a copy of the rights handbook. Each new client shall also be orally informed of the rights in plain and simple language unless the client is manifestly unable to comprehend the rights.

(b) If a client is manifestly unable to comprehend the rights, a parent of a minor client or the court-appointed guardian of the person of a client, if any, must be informed of the client's rights. The method used to communicate a client's rights to a parent or guardian should be designed for effective communication and should not be limited to written correspondence. Verbal communication of client's rights shall be documented on a form bearing the date and signatures of the client and/or his or her legal guardian, as appropriate, the staff member who explained the rights, and a third-party witness. The form should be filed in the client's record.

(c) If a client, parent of a minor client, guardian of the person of a client, or limited guardian of a client is visually or hearing impaired, rights should be communicated by appropriate means. The method

used to communicate rights to the clients should be tailored to meet the client's, parent's, or guardian's ability to comprehend.

§405.290. Reference. Reference is made to the following federal and state laws and other standards:

(1) Texas Civil Statutes, Article 5547, §§25, 30, and 80-87;

(2) Texas Civil Statutes, Articles 5561, 5561c-1;

(3) Texas Civil Statutes, Article 3196c-1;

(4) 42 Code of Federal Regulations Part 2;

(5) consolidated standards for child, adolescent, and adult psychiatric, alcoholism, and drug abuse facilities, Joint Commission on the Accreditation of Hospitals, 1983;

(6) principles for accreditation of community mental health service programs, Joint Commission on the Accreditation of Hospitals, 1981;

(7) accreditation manual for hospitals, Joint Commission on the Accreditation of Hospitals, 1983.

(8) RAJ v. Miller settlement agreement.

§405.291. Distribution.

(a) This subchapter shall be distributed to all members of the Texas Board of Mental Health and Mental Retardation; deputy commissioners, assistant deputy commissioners, directors, and section chiefs of Central Office; superintendents and directors of facilities; chairpersons, boards of trustees, and executive directors of centers.

(b) The head of each facility and center will be responsible for the dissemination of the information contained in this subchapter to all appropriate staff.

(c) The head of each mental health facility or center will provide copy of this subchapter to the chairperson of the facility or center's public responsibility committee.

(d) A copy of this subchapter will be made available upon request to any client, to any attorney representing any client, to the guardian of a client, or to the family of a client.

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

Issued in Austin, Texas, on June 27, 1985.

TRD-865718

Gary E. Miller, M.D.
Commissioner
Texas Department of
Mental Health and
Mental Retardation

Earliest possible date of adoption:

August 5, 1985

For further information, please call
(512) 465-4670.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter O. Late Season

Migratory Game Bird Proclamation

★ 31 TAC §§65.331-65.334

The Texas Parks and Wildlife Department proposes amendments to §§65.331-65.334, concerning the late season migratory game bird proclamation. The proposed amendments adjust some season dates to coincide with weekends; increase the point value for mallard hens, pintails, and mottled ducks; define a legal shotgun; and modify the description of legal and illegal weapons to conform with existing federal statutes.

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

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

Jim Dickinson, finance 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.

Mr. Dickinson also 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 the taking of migratory wildlife resources consistent with their populations. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to William C. Brownlee, Migratory Game Bird Program Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112

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

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

Legal shotgun—A shotgun not larger than 10 gauge, fired from the shoulder, and incapable of holding more than three shells. (Guns capable of holding more than three shells must be plugged with a one-piece filler which is incapable of removal without disassembling the gun, so the gun's total capacity does not exceed three shells.)

§65.332 Means, [and] Methods, and Special Requirements.

(a) The following means and methods are lawful, subject to control of subsection (b) of this section, in the taking of migratory game birds.

(1) dogs, artificial decoys, manual or mouth-operated birdcalls, longbow and arrows, **legal shotguns as defined in §65.331 of this subchapter (relating to Definitions)** [shotgun not larger (in barrel diameter) than 10 gauge and incapable of holding more than three shells, which includes one in the firing chamber, fired from the shoulder], and by means of falconry.

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

(b) The following means and methods are unlawful in taking of migratory game birds:

(1) trap, snare, net, crossbow, fish hook, poison, drug, explosive, or stupefying substance [rifle, pistol, swivel gun, or machine gun];

(2) any firearm other than a legal shotgun as defined in §65.331 of this subchapter (relating to Definitions) [larger in diameter than 10 gauge, or a shotgun not permanently plugged to three shell or less capacity, including both magazine and chamber];

(3)-(9) (No change.)

(c)-(d) (No change.)

(e) **Identification requirements.**

(1) One fully feathered wing must remain attached to all migratory birds while being transported by any means from Mexico into Texas.

(2) One fully feathered wing must remain attached on dressed migratory game birds while being transported between the place where taken and one's abode or a commercial preservation facility.

§65.333. Open Seasons.

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmitt, Uvalde, and Zavala Counties, including but not limited to the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U.S. Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: October 29, 1985, [30, 1984,] through January 19, 1986, [20, 1985,] from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Other portions of the state: November 2-8, 1985, [3-11, 1984,] November 23-December 8, 1985, [19-25, 1984,] and December 14, 1985, [8, 1984,] through January 19, 1986, [20, 1985] from one-half hour before sunrise to sunset.

(C) (No change.)

(2) Geese.

(A) West of U.S. Highway 81: October 29, 1985, [30, 1984,] through January 19, 1986 [20, 1985].

(B) East of U.S. Highway 81, light goose species (snow, blue and Ross'), November 2, 1985, [3, 1984,] through January 26, 1986 [27, 1985]. Dark goose species (Canada, black-brant, and white-fronted) November 2-8, 1985, [3-11, 1984,] and November 16, 1985, [19, 1984,] through January 19, 1986 [20, 1985].

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

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

§65.334. Bag and Possession Limits.

(a) (No change.)

(b) The bag and possession limits are as follows:

(1) Ducks and coots.

(A) Ducks: the daily bag limit is from one to 10 ducks in the aggregate, the specific daily limit depending upon the sexes and species taken as determined by the following 100-point system: Canvasbacks, hen mallards, mottled ducks, and black ducks are 100 points. [Hen mallards, Mexican-like ducks, mottled ducks, black ducks,] Wood ducks, hooded mergansers, redheads, and fulvous and black-bellied whistling (tree) ducks are 70 points each. Blue-winged teal, green-winged teal, cinnamon teal, [pintail,]

gadwalls, scaups, shoveler, wigeon (bald-pate), and mergansers (except hooded) are 10 points. All other species and sexes of ducks are 20 points. The daily bag limit will be reached when the point value of any bird taken reaches or exceeds 100 points. Possession limit: possession limit shall be the maximum number of birds of species and sex which could have legally been taken in two days.

(B) (No change.)

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

(c)-(g) (No change.)

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

Issued in Austin, Texas, on July 1, 1985.

TRD-855784

Boyd Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:
August 5, 1985

For further information, please call
(512) 479-4805 or (800) 792-1112.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part III. Texas Commission on Alcoholism

Chapter 153. DWI Education Program Standards and Procedures

DWI Education Program Procedures

★40 TAC §§153.1, 153.4-153.6, 153.32, 153.33, 153.36, 153.38, 153.41, 153.42

The Texas Commission on Alcoholism proposes amendments to §§153.1, 153.4-153.6, 153.32, 153.33, 153.36, 153.38, 153.41, and 153.42, concerning revised definitions, agency name change, and statutory requirement changes resulting from the passage of Senate Bills 601, 550, and 589, program course content, admission requirements, program operation requirements, instructor/administrator training, and record keeping and reporting. All amendments are needed to clarify further the intent of standardization and uniformity in all DWI education programs.

Larry Goodman, Fiscal and Administrative Services Division administrator, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or lo-

cal government or small businesses as a result of enforcing or administering the rules.

Mr. Goodman also 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 increased standardization and uniformity in the operation of state-approved DWI education programs designed to rehabilitate persons who have driven while intoxicated. 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 Patti Kubsch, Texas Commission on Alcoholism, 1705 Guadalupe, Austin, Texas 78701.

The amendments are proposed under the Code of Criminal Procedure, Article 42.13, §6c, which provides the Texas Commission on Alcoholism with the authority to publish the rules and regulations for approved DWI education programs and the authority to coordinate and monitor the approved educational programs

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

Act—Texas Code of Criminal Procedure, Article 42.12 [42.13], [Misdemeanor] Adult Probation [and Supervision] Law, §6d [§6c].

Commission—The Texas Commission on Alcohol and Drug Abuse [Alcoholism], which will publish the jointly approved rules and regulations which apply to the DWI educational programs, process all applications for certification/recertification and waiver requests, develop and disseminate the DWI Education Program directory annually; provide ongoing updates, training, and assistance to the educational programs; and monitor and coordinate the educational programs.

DWI Certification Committee—A standing committee comprised of at least one representative of each of the four approving agencies: the Texas Commission on Alcohol and Drug Abuse (TCADA) [Alcoholism (TCA)], the Texas Department of Public Safety (DPS), the State Department of Highways and Public Transportation (SDHPT), the Texas Adult Probation Commission (TAPC), and the [Texas Commission on Alcoholism's] Statewide DWI Education Program director for the Texas Commission on Alcohol and Drug Abuse whose purposes are to approve or disapprove applications for program certification and waiver requests promulgated by the Code of Criminal Procedure, Article 42.12, §6d [42.13, §6c], and serve as a resource for recommendations on appeals to the [Commission on Alcoholism's] Governing Board of the Texas Commission on Alcohol and Drug Abuse.

Governing board—The [Texas Commission on Alcoholism's] policy-making body of the Texas Commission on Alcohol and Drug Abuse whose purpose is to make decisions on appeals made by the educational programs whose certifications are denied, revoked, or not renewed and to make decisions on appeals made by programs which are denied waivers.

§153.4. Program Certification. A certificate issued under this Act expires two years from the date of issuance. A program seeking certification must comply with the provisions of this Act and with the rules, regulations, and standards of the commission adopted under this Act. Programs seeking initial certification must establish that a need [which is not being met] exists in the proposed county or counties to be served and must provide proof of support for the program from the appropriate adjudicating court(s) and probation department(s). A certificate may be issued when the commission receives a completed prescribed application form. The certificate will become effective on the date of issuance. A program shall [may] be monitored by the commission or its designated representative prior to issuing program certification or during the two-year certification period. Certified programs will be listed as potential referral schools in the Statewide DWI Education Program directory. Non-certified programs are not eligible to receive referrals. Applications for certification are available from the commission's Statewide DWI Education Program Director, Texas Commission on Alcohol and Drug Abuse [Alcoholism], 1705 Guadalupe, Austin, Texas 78701.

§153.5. Certification Renewal. A certification issued under this Act expires two years from the date of issuance. The commission shall issue a recertification notice 30 days prior to the expiration date of the certificate. A renewal certificate may be issued upon receiving a completed application form prescribed by the commission prior to the expiration date of the certificate. A program may be monitored by the commission or its designated representative prior to renewing the program's certification. Any application received after the renewal date shall be treated as a new application for certification and shall be submitted as a new application to the commission's Statewide DWI Education Program Director, Texas Commission on Alcohol and Drug Abuse [Alcoholism], 1705 Guadalupe, Austin, Texas 78701.

§153.6. Denial or Revocation of Certification.

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

(d) If, after a hearing, the certification is denied, revoked, or not renewed, or the waiver request is denied, the commission shall send the applicant a copy of its findings and grounds for decision.

(e) (No change.)

§153.32. Program Course Content. The DWI Education Program course shall consist of the content contained in the state-approved curriculum entitled *Texas DWI Education Program* as adopted by reference by the Texas Commission on Alcohol and Drug Abuse [Alcoholism] or an equivalent curriculum approved by the commission, the Texas Department of Public Safety, the Traffic Safety Section of the Texas Department of Highways and Public Transportation, and the Texas Adult Probation Commission. The state-approved curriculum is available for review, free of charge, at the Texas Commission on Alcohol and Drug Abuse [Alcoholism] offices, 1705 Guadalupe, Austin, Texas 78701, and at the Texas Register [Division] of the Secretary of State, located on the fifth floor, Sam Houston Building, Austin, Texas 78701.

§153.33. Program Admission.

(a) Persons are eligible for admission in the program if[:]

(1) they are placed on probation for an offense under Texas Civil Statutes, Article 6701, 1-1, as amended; and are required as a condition of that probation to attend and successfully complete an approved DWI education program. [; and]

(2) they are required under the Texas Family Code, §54.042, to attend and successfully complete an approved DWI Education Program as authorized under the Code of Criminal Procedure, Article 42.13, §6c.]

(b) (No change.)

§153.36. Program Operation Requirements. All certified programs designed to rehabilitate persons who have been placed on probation for driving while intoxicated under the provisions of this Act shall:

(1) utilize the state-approved curriculum as adopted by the Texas Commission on Alcohol and Drug Abuse [Alcoholism] in §153.32 of this title (relating to Program Course Content) of an equivalent curriculum approved by the commission, the Texas Department of Public Safety, the Traffic Safety Division of the State Department of Highways and Public Transportation, and the Texas Adult Probation Commission in the instruction. The state-approved curriculum entitled the *Texas DWI Education Program* shall be presented in the manner and sequence as prescribed within;

(2) (No change.)

(3) insure that program instructors have attended and successfully completed the Administrator/Instructor DWI Education Training Program [for the education of alcohol-related traffic offenders] offered by Sam Houston State University or other approved training institutions;

(4) utilize all required films, [and] transparencies, and other required resources in instruction:

(5)-(12) (No change.)

§153.38. Program Staff. Program staff should be selected using the following criteria.

(1) Instructors.

(A) Instructors should have professional experience and training in such field as education, criminal justice, counseling, psychology, or social work. The instructor should be knowledgeable in the areas of traffic safety, alcohol abuse and addiction, and have successfully completed the Administrator/Instructor DWI Education Training Program [for the education of alcohol-related traffic offenders] offered by Sam Houston State University or other approved training institutions.

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

(D) The instructor(s) performance requirements shall be set by the program administrator [chief probation officer and/or the agency, organization, or individual providing the training for the probation department].

(B) Prior to the initial certification and recertification of the program by the commission, each program shall have at least one trained instructor who has successfully completed the Administrator/Instructor DWI Education Training Program [for the education of alcohol-related traffic offenders] offered by Sam Houston State University or other approved training institutions.

(F)-(G) (No change.)

(2) Administrators.

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

(D) The administrator shall successfully complete the Administrator/Instructor DWI Education Training Program [for the education of alcohol-related traffic offenders] offered by Sam Houston State University or other approved training institutions.

§153.41. Record Keeping and Reporting.

(a) (No change.)

(b) The following items shall be reported to the commission annually and shall be used for statistical purposes only:

(1) driver's license number of each participant completing the program;

(2)-(8) (No change.)

§153.42. Program Monitoring and Evaluation. All certified programs shall be monitored in accordance with §§153.31-153.41 of this title (relating to DWI Education Program Standards) [prior to certification and recertification].

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

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

Issued in Austin, Texas, on June 28, 1985.

TRD-855767

Ross Newby
Executive Director
Texas Commission on
Alcoholism

Proposed date of adoption:

September 1, 1985

For further information, please call
(512) 475-2577.

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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 II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter L. Rights of Patients and Residents

★ 25 TAC §§405.281, 405.283, 405.288, 405.290-405.293

The Texas Department of Mental Health and Mental Retardation has withdrawn from consideration for permanent adoption the proposed amendments to §405.281, concerning purpose; §405.283, concerning definitions; §405.288, concerning rights of patients of mental health facilities as to disclosure of information; §405.290, concerning additional specification of rights; §405.291, concerning pa-

tients' and residents' rights handbooks; §405.292, concerning references; and §405.293, concerning distribution. The text of the amendments as proposed appeared in the November 13, 1979, issue of the *Texas Register* (4 TexReg 4168).

Issued in Austin, Texas, on June 27, 1985

TRD-855716

Gary E. Miller, M.D.
Commissioner
Texas Department of
Mental Health
and Mental
Retardation

Filed: June 27, 1985
For further information, please call
(512) 465-4670.

★ ★ ★

★ 25 TAC §§405.286, 405.287, 405.289

The Texas Department of Mental Health and Mental Retardation has withdrawn

from consideration for permanent adoption the proposed repeal of §405.286, concerning rights of voluntary residents of mental retardation facilities; §405.287, concerning rights of all residents of mental retardation facilities; and §405.289, concerning rights of residents of mental retardation facilities as to disclosure of information. The repeal as proposed appeared in the November 13, 1979, issue of the *Texas Register* (4 TexReg 4168).

Issued in Austin, Texas, on June 27, 1985.

TRD-855715

Gary E. Miller, M.D.
Commissioner
Texas Department of
Mental Health
and Mental
Retardation

Filed: June 27, 1985
For further information, please call
(512) 465-4670.

★ ★ ★

Adopted

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

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

TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 77. Comprehensive Instruction

Subchapter R. Bilingual Education and Other Special Language Programs

★ 19 TAC §77.358, §77.359

The Texas Education Agency adopts amendments to §77.359, with changes to the proposed text published in the April 30, 1985, issue of the *Texas Register* (10 TexReg 1349). A new subsection (e) is added to clarify that in districts where, because of movement of students into or within the district, one class on a campus exceeds the maximum student-teacher ratio, the district need not request a waiver, provided the class in question does not exceed 24 students and provided not more than one class on a campus is affected. Section 77.358 is adopted without changes and will not be republished.

The sections are amended in accordance with the provisions of House Bill 72, 68th Legislature, 2nd Called Session, 1984, to ensure that not more than 22 students are enrolled in bilingual education or special language classes.

Section 77.358 concerns the participation of nonlimited English proficiency students. The amended section adds the requirement for a maximum class size of 22 in bilingual education and English as a second language classes in accordance with §77.359.

Section 77.359 concerns facilities and classes. In grades prekindergarten-grade two in the 1985-1986 school year and grades three and four in the 1988-1989 school year, districts shall not enroll more than 22 students in a bilingual education or special language class, or other bilingual education and special language program instructional settings. This requirement does not apply during the last 12 weeks of any school year.

On application of a school district, the commissioner of education may exempt a district from the maximum class size limitation if the district is unable to find enough qualified and certified teachers or to provide adequate facilities to accommodate the maximum class size requirements. Such exemption shall be granted by the commissioner on a semester by semester basis. In districts where, because of movement of students into or within the district, one class on a campus exceeds the maximum student-teacher ratio, the district need not request a waiver, provided the class in question does not exceed 24 students and provided not more than one class on a campus is affected.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §21.456, which directs the State Board of Education to set the maximum student-teacher ratio for students enrolled in bilingual education and other special language programs.

§77.359. Facilities; Classes.

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

(c) In grades prekindergarten-grade two in the 1985-1986 school year and grades three and four in the 1988-1989 school year, districts shall not enroll more than 22 students in a bilingual education or special language class, or other bilingual education and special language program instructional settings. It is recognized that students in these programs need as low a teacher-pupil ratio as possible. This requirement shall not apply during the last 12 weeks of any school year.

(d) On application of a school district, the commissioner of education may exempt a district from the maximum class size limitation if the district is unable to find enough qualified and certified teachers or to provide adequate facilities to accommodate the maximum class size requirements. Such exemption shall be granted by the commissioner on a semester by semester basis in accordance with §105.392 of this title (relating to Student/Teacher Ratios).

(e) On occasion, movement of students within or into the district may cause

an individual class on a campus to exceed the maximum class size permitted by law. Districts in which such a situation occurs need not request a waiver, provided the class in question does not exceed 24 students and provided no more than one class at a grade level on any campus is affected.

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

Issued in Austin, Texas, on June 26, 1985.

TRD-855879

W. N. Kirby
Commissioner of
Education

Effective date: July 17, 1985

Proposal publication date: April 30, 1985

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

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TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 217. Licensure and Practice

★ 22 TAC §217.13

The Board of Nurse Examiners adopts amendments to §217.13, with changes to the proposed text published in the May 28, 1985, issue of the *Texas Register* (10 TexReg 1716)

The amendments clarify the definition of "unprofessional conduct." The amendments make the definition more inclusive by clarifying and adding new language so that the nurse and the public will have a better understanding of the board's interpretation of Texas Civil Statutes, Article 4524(a)(9).

Written comments were received from three individuals regarding adoption of the amendments. Two suggestions were

the result of a typographical error that was corrected. Two suggested changes in the wording were considered and adopted.

Terri Goodman, R.N., of Houston; Sally Evans, vice-president of Wichita General Hospital; and Genevieve Meadow, R.N., of Knapp Memorial Methodist Hospital, commented in favor of the amendments.

The agency did not disagree with the comments.

The amendments are adopted under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of the law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether an act constitutes the practice of professional nursing, not inconsistent with the Act. Such rules and regulations shall not be inconsistent with the provisions of the law.

§217.13. *Unprofessional Conduct.* The term "unprofessional conduct that is likely to injure the public" means any act, practice, or omission that fails to conform to the accepted standards of the nursing profession and which results from conscious disregard for the health and welfare of the public and of the patient/client under the nurse's care and includes, but is not limited to, the conduct listed as follows.

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

(7) Failing to take all precautionary measures necessary to prevent the loss of or unauthorized appropriation of medication(s).

(8) Passing or attempting to pass a forged, altered, or falsified prescription.

(9) Performing or attempting to perform nursing techniques or procedures or both in which the nurse is untrained by experience or education.

(10) Violating the confidentiality of information or knowledge concerning the patient/client, except where required by law.

(11) To cause, suffer, permit, or allow physical or emotional injury to the patient/client, or failing to report same in accordance with the incident reporting procedure in effect where the nurse is employed or working.

(12) Leaving a nurse assignment without notifying appropriate personnel.

(13) Failing to report to the board or the appropriate authority in the organization in which the nurse is working, within a reasonable time of the occurrence, any violation or attempted violation of the Texas Nurse Practice Act or duly promulgated rules, regulations, or orders.

(14) Expressly delegating nursing care functions or responsibilities to a person who lacks the ability or knowledge to perform the function or responsibility in question.

(15) Providing any information that is false, deceptive, or misleading in connection with one's own application for employment or work assignment as a health care provider or failing to disclose any information that could affect the decision to employ or assign any task as a health care provider.

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

Issued in Austin, Texas, on June 28, 1985.

TRD-855769

Margaret L. Rowland
Executive Secretary
Board of Nurse
Examiners

Effective date: July 29, 1985

Proposal publication date: May 28, 1985

For further information, please call
(512) 835-4880.

★ ★ ★

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter H. Wildlife Management Areas Hunting, Fishing, and Trapping

★ 31 TAC §§65.190-65.203,
65.208-65.212, 65.215, 65.216,
65.218-65.220, 65.222-65.227,
65.229, 65.230

The Texas Parks and Wildlife Department adopts new §§65.190-65.203, 65.208-65.212, 65.215, 65.216, 65.218-65.220, 65.222-65.227, 65.229, and 65.230, without changes to the proposed text published in the May 17, 1985, issue of the *Texas Register* (10 TexReg 1570). The sections constitute the wildlife management areas hunting, fishing, and trapping proclamation.

Fluctuations of wildlife resource populations, additional areas, additional species, and reorganization and clarification of the text required the Texas Parks and Wildlife Commission to adopt new regulations for the 1985-1986 seasons. The adopted sections provide harvest of wildlife resources consistent with recognized wildlife management principles.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas.

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 July 1, 1985.

TRD-855782

Boyd M. Johnson
Legal Counselor
Texas Parks and Wildlife
Department

Effective date: July 22, 1985

Proposal publication date: May 17, 1985

For further information, please call
(512) 479-4805 or (800) 792-1112.

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★ 31 TAC §§65.191, 65.193-65.224

The Texas Parks and Wildlife Department adopts the repeal of §§65.191 and 65.193-65.224, without changes to the proposed text published in the May 17, 1985, issue of the *Texas Register* (10 TexReg 1576).

The adopted repeal reduces duplication of text. The repeal allows new sections to be adopted that are simpler and organized into a more logical sequence.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas.

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 July 1, 1985.

TRD-855783

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: July 22, 1985

Proposal publication date: May 17, 1985

For further information, please call
(512) 479-4805 or (800) 792-1112.

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Subchapter P. Alligators

★ 31 TAC §§65.354, 65.356, 65.358, 65.359, 65.361, 65.368

The Texas Parks and Wildlife Commission adopts amendments to §65.368, with changes to the proposed text published in the May 17, 1985, issue of the *Texas Register* (10 TexReg 1577). Sections 65.354, 65.356, 65.358, 65.359, and 65.361 are adopted without changes and will not be republished.

The words "legally taken" were added to §65.368(e) to specifically limit the exception to legal alligator products. The amendments provide for the natural evolution of the alligator program within the framework of the statewide alligator management plan published in October 1984. The amendments are consistent with federal requirements to qualify alligators and alligator parts from Texas for international export under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Alligators in Texas are not endangered, but their similarity in appearance to other crocodylian species that are endangered requires certain controls on commerce to minimize illegal marketing.

These sections are necessary to improve administration and enforcement of a statewide alligator management program that provides a sustained-yield harvest consistent with conservation of the species as a natural resource by changing the name of the import/export permit to import permit; limiting hunter orientation requirements to first-time licensees only; eliminating the double-tagging (verification tag) requirement, but retaining requirements for department examination prior to sale of hides or carcasses; clarifying the language concerning legal transactions by persons holding several types of alligator related licenses; establishing distinct dates for report deadlines rather than deadlines that vary with the season dates; allowing the department to designate the J. D. Murphree wildlife management area for use of firearms to take free-swimming alligators; and eliminating import permit and report requirements for wholesale and retail activities involving finished jewelry and leather products derived from legal alligator parts.

Comments by the public concerning the adopted sections were presented to the Texas Parks and Wildlife Commission as a summary of two letters and one telephone call. No comments were received in response to publication of the sections in the *Texas Register*.

One person commented via telephone and follow-up letter that the proposal to authorize limited use of firearms to take free-swimming alligators was potentially wasteful, because people are not gen-

erally capable of retrieving alligators taken in that manner. Another individual submitted a letter favoring the proposal to authorize the limited use of firearms.

Documents pertaining to written and verbal comments are available for public review at the Texas Parks and Wildlife Commission, 4200 Smith School Road, Austin.

Written and verbal comments on the proposed amendments were received from L. S. Robinson and J. E. Callaway. No comments were received from the public during the hearing on June 13, 1985.

The Texas Parks and Wildlife Commission did not disagree with public comments but found that the limited comments on the use of firearms reflected divergent views, and the regulation as adopted would allow for data collection to better address the issue.

These amendments are adopted under the Texas Parks and Wildlife Code, Chapter 65, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations for the taking, possession, propagation, transportation, exportation, importation, sale, and offering for sale of alligators or parts of alligators as considered necessary to manage the species.

§65.368. Exceptions.

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

(d) The department may authorize the use of firearms to take free-swimming alligators on J. D. Murphree wildlife management area.

(e) This subchapter does not require an import permit of persons who import finished leather products (other than tanned hides) or finished jewelry derived from legally taken alligators.

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 July 1, 1985.

TRD-855785

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Commission

Effective date: August 1, 1985
Proposal publication date: May 17, 1985
For further information, please call
(512) 479-4772 or (800) 792-1112.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

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

The Texas Department of Human Resources adopts the repeal of §§50.901-50.904, 50.3901-50.3909, 50.4901, and 50.4902, and new §§50.901, 50.902, 50.904, 50.3903-50.3913, 50.3915, 50.4901, and 50.4902, without changes to the proposed text published in the March 29, 1985, issue of the *Texas Register* (10 TexReg 1066). New §§50.903, 50.3901, 50.3902, and 50.3914 are adopted with changes.

The new sections clarify and reorganize policies about day activity and health services (DAHS) facility operations. The clarifications include the role of the nurse consultant; training of staff; location of facility records; staffing requirements. Adoption of the new sections is justified because the clarifications should improve provider understanding of the program standards. The department anticipates that better understanding of the program standards will result in more consistent application of the standards which should improve patient care. The adopted rules will function as standards of operation for DAHS facilities.

Two written comments were received: one from a representative of the Texas State Board of Examiners of Dietitians and one from a representative of the Texas Dietetic Association. Both comments concerned the definition and use of the DAHS dietitian consultant. The following is a summary of comments and the department's response to each comment.

Regarding §50.903, concerning definitions, the department received two comments suggesting the definition of nutritionist/dietitian be changed to recognize the 68th Legislature's creation of the Texas State Board of Examiners of Dietitians. Although the proposed rule did not represent a change from the current section, the department agrees with these comments and is changing the definition of dietitian consultant to include a reference to "licensed dietitians."

Regarding §50.3902(g), concerning staff responsibilities, to be consistent with the change to §50.903, the department is changing this rule to read "dietitian" rather than dietitian/nutritionist. The department disagrees, however, with the recommendation to increase the number of hours of consultation required for larger DAHS facilities. Most DAHS facilities do not prepare meals on site. They contract for meals to be delivered from hospitals or community kitchens which

already employ dietitians. Additionally, a DAHS facility is responsible for only one meal and two snacks, five days each week. The current requirement is adequate to ensure quality food service for these facilities.

Regarding §50.3914(2) and (4), concerning food service, in keeping with the preceding recommendations, the department is changing this rule to read "dietitian." Concerning paragraph (5), one commenter questioned who was responsible for assisting recipients with eating. Since assistance with eating is considered a personal care service, it is performed by direct service staff, such as the facility nurse or social services and activities coordinator, or by attendant personnel under the supervision of the facility nurse.

Regarding §50.3901(d) and (e), concerning staff qualifications, the department initiated a change to this section because the Texas Department of Public Safety no longer issues a chauffeur's license. This section is being changed to read "must have a current operator's license, issued by the Texas Department of Public Safety, which is appropriate for the class of vehicle used to transport recipients."

Program Overview

★ 40 TAC §§50.901-50.904

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, 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 June 27, 1985.

TRD-855685 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: August 2, 1985
Proposal publication date: March 29, 1985
For further information, please call
(512) 450-3766.

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

§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.

Dietitian consultant—A person who:

- (A) is a registered dietitian;
- (B) is licensed by the Texas State Board of Examiners of Dietitians; or
- (C) has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management.

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.

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 half a 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.

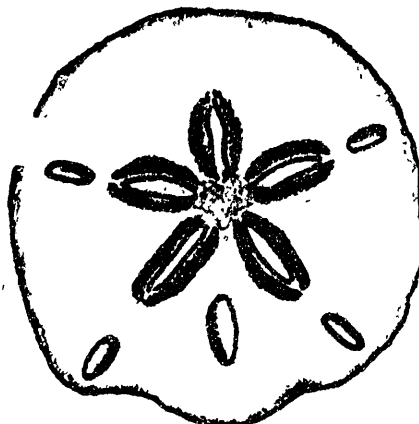
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 27, 1985.

TRD-855688 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: August 2, 1985
Proposal publication date: March 29, 1985
For further information, please call
(512) 450-3766.

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Standards of Operation

★ 40 TAC §§50.3901-50.3909

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, 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 June 27, 1985.

TRD-855686 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: August 2, 1985
Proposal publication date: March 29, 1985
For further information, please call
(512) 450-3766.

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★ 40 TAC §§50.3901-50.3915

The new sections are adopted 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;

(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 operator's license, issued by the Texas Department of Public Safety, which is appropriate for the class of vehicle used to transport recipients. 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 operator's license, issued by the Texas Department of Public Safety, which is appropriate for the class of vehicle used to transport recipients.

(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) Dietitian consultant. The DAHS facility must receive consultation at least four hours each month from a dietitian who plans and gives signed prior approval to daily snack and luncheon menus. The 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.

§50.3914. 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 must approve and sign each menu, including substitutions. The dietitian 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 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.

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

Issued in Austin, Texas, on June 27, 1985.

TRD-855689

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: August 2, 1985

Proposal publication date: March 29, 1985

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

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Recipients' Rights

★ 40 TAC §50.4901, §50.4902

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, 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 June 27, 1985.

TRD-855687

Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: August 2, 1985

Proposal publication date: March 29, 1985

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

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The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, 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 June 27, 1985.

TRD-855690

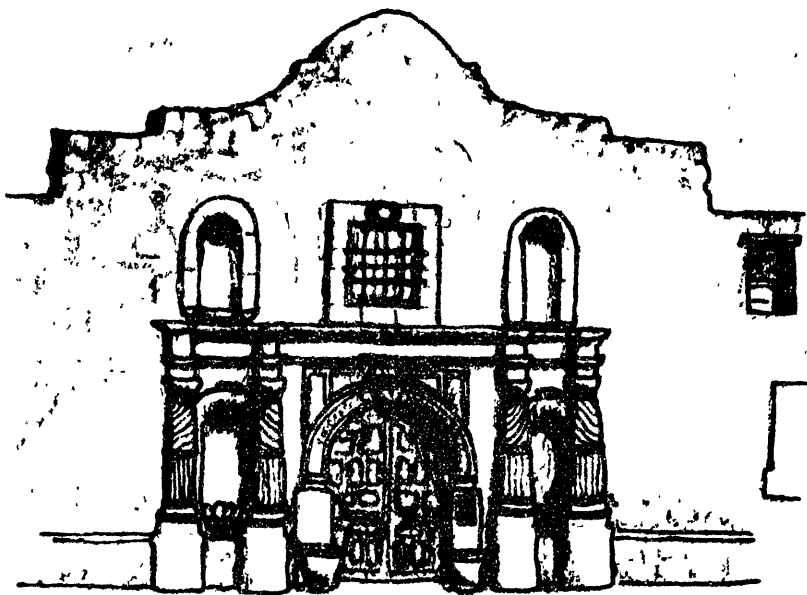
Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Effective date: August 2, 1985

Proposal publication date: March 29, 1985

For further information, please call
(512) 450-3768.

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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*.

Texas Antiquities Committee

Friday, July 12, 1985, 9:30 a.m. The Texas Antiquities Committee will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda summary include approval of Minutes 81; nominations for state archeological landmarks; designation of state archeological landmarks; discussion of proposals for curation of the Platoro/Kenon/Purvis collection; a resolution of support for House Bill 25/Senate Bill 676, the Abandoned Shipwreck Act of 1985; and discussion of the committee's scope of involvement in the designation and overview of historic structures. The committee also will meet in executive session to discuss personnel matters.

Contact: Bob Mabry, P.O. Box 12276, Austin, Texas 78711, (512) 475-4242.

Filed: June 27, 1985, 10:39 a.m.
TRD-855704

Addition to the previous agenda:

The committee also will consider a staff report.

Contact: Bob Mabry, P.O. Box 12276, Austin, Texas 78711, (512) 475-4242.

Filed: June 28, 1985, 4:37 p.m.
TRD-855779

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Automated Information Systems Advisory Council

Wednesday, July 31, 1985, 9 a.m. The Board of the Automated Information Systems Advisory Council will meet in the commissioners' conference room, basement, 510 South Congress, Austin. Items on the agenda include approval of the June 14, 1985, minutes and procurement proposals.

The board also will meet in executive session to consider personnel policies.

Contact: Charlotte D. Craig, P.O. Box 13564, Austin, Texas 78711, (512) 475-2362 or TEXAN 822-2362.

Filed: June 29, 1985, 9:30 a.m.
TRD-855742

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State Commission for the Blind

Monday, July 8, 1985, 10 a.m. The Board of the State Commission for the Blind will meet at the Criss Coie Rehabilitation Center, 4800 North Lamar Boulevard, Austin. Items on the agenda include approval of the May 10, 1985, minutes; a statement by the executive director on the meeting of May 10; and discussion and action on capital purchases, endowment fund usage, a resolution of appreciation to Pioneers of America, the fiscal year 1986 budget, Senate Bill 195, and a proposed resolution regarding rules governing executive sessions. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(g) and (e), to discuss personnel and pending legal matters.

Contact: Jean Wakefield, 314 West 11th Street, Suite 400, Austin, Texas, (512) 475-6810.

Filed: June 27, 1985, 4:06 p.m.
TRD-855735

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Texas School for the Blind

Friday, July 12, 1985, 10 a.m. The Board of Trustees of the Texas School for the

Blind will meet at 1100 West 45th Street, Austin. Items on the agenda include approval of minutes, presentation of business requiring local board approval, including school policies, consultant contracts, school calendars, the operating budget for fiscal year 1986, and the legacy budget for fiscal year 1986; business for informational purposes, including a legislative report and summer school; a report of special committees; audiences with individuals; and reports of discussion from board members.

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

Filed: June 28, 1985, 3:33 p.m.
TRD-855772

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Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Thursday, July 11, 1985, 10 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet in Suite 400, 314 West 11th Street, Austin. Items on the agenda include acceptance of minutes, new products and services, TIBH complaint procedures, and new business.

Contact: Terry Murphy, P.O. Box 12866, Austin, Texas 78711, (512) 475-1781.

Filed: June 27, 1985, 3:30 p.m.
TRD-855726

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Coordinating Board, Texas College and University System

Thursday, July 18, 1985. Committees of the Coordinating Board, Texas College and University System and the full board will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Times, committees, and agenda summaries follow.

9:30 a.m. The Financial Planning Committee will consider matters relating to administration and finance.

10:30 a.m. The Student Services Committee will consider matters relating to student services.

11 a.m. The Community Junior Colleges Committee will consider emergency adoption of proposed amendments to the Texas Administrative Code, Chapter 9, Subchapter A and Subchapter B, relating to public junior colleges, to implement legislation delegating additional authority to the board.

11:30 a.m. The Legislative Liaison Committee will discuss legislative matters with the board.

2 p.m. The Health Affairs Committee will consider matters relating to health affairs.

2:45 p.m. The Campus Planning Committee will consider matters relating to facilities and campus planning.

3:15 p.m. The Senior College and University Committee will consider matters relating to nonexempt private degree-granting institutions operating in Texas and matters relating to senior colleges and universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: June 27, 1985, 3:33 p.m.
TRD-855727-855732, 855734

Friday, July 19, 1985, 9 a.m. The Coordinating Board, Texas College and University System will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Items on the agenda summary include matters relating to the Committee on Financial Planning and Administration, the Committee on Health Affairs, the Committee on Community Junior Colleges, the Committee on Student Services, the Committee on Facilities and Campus Planning, nonexempt private degree-granting institutions operating in Texas, and the Committee on Senior Colleges and Universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: June 27, 1985, 3:36 p.m.
TRD-855736

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Texas Department of Corrections

Monday, July 8, 1985. Board subcommittees and the full board of the Texas Department of Corrections will meet in the Administration Building, 815 Eleventh Street, Huntsville. Days, times, rooms, subcommittees, and agenda summaries follow.

9 a.m. In Room 106, the Health Services Subcommittee will consider Medical Division items including monthly clinic statistics, emergency medical costs, a professional contract proposal, deaths, pending autopsies, and other items.

9 a.m. In Room 104, the Finance Subcommittee will consider Finance Division items including agriculture, business, construction, industries, and other items.

9 a.m. In Room 100, the Operations Subcommittee will consider Operations Division items including the activity summary for inmate affairs concerning chaplaincy, agency reports, and release programs; inmate activity reports concerning discipline, inmate strength, and received-released; escapes; the Furlough Program; the food services report; and other items.

10 a.m. In Room 103, the full board will consider operations, inmate affairs, medical, finance, agriculture, business, construction, industries, director's items, and the Windham School System. The board also will meet in executive session.

Contact: O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: June 27, 1985, 10:51 a.m.
TRD-855698-855701

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Texas Cosmetology Commission

Monday, July 1, 1985, 9:30 a.m. The Texas Cosmetology met in emergency session in the Embassy Suites, 5901 IH 35 North, Austin. According to the agenda, the commission considered proposed rule changes and called for old or new business. The commission also met in executive session. The emergency status was necessary because conflicting schedules made July 1, 1985, the only date on which the commission could meet.

Contact: Champ R. Kerr, 1111 Rio Grande, Austin, Texas 78701, (512) 475-5460.

Filed: June 27, 1985, 10:44 a.m.
TRD-855702

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Texas Employment Commission

Tuesday, July 9, 1985, 8:30 a.m. The Texas Employment Commission will meet in

Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider the prior meeting minutes; consider internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on commission Docket 28; and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, 15th and Congress Avenue, Austin, Texas, (512) 463-2226.

Filed: July 1, 1985, 2:08 p.m.
TRD-855801

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Texas State Board of Registration for Professional Engineers

Thursday and Friday, July 18 and 19, 1985, 8:30 a.m. daily. The Texas State Board of Registration for Professional Engineers will meet at the Holiday Inn Crowne Plaza, 4099 Valley View Lane, Dallas. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; read communications; and consider any other business before the board.

Contact: Kenneth J. Bartosh, P.E., 1917 IH 35 South, Austin, Texas 78741, (512) 475-3141.

Filed: July 1, 1985, 2:21 p.m.
TRD-855811

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Commission on Fire Protection Personnel Standards and Education

Wednesday, July 10, 1985, 10:30 a.m. The Commission on Fire Prevention of the Commission on Fire Protection Personnel Standards and Education will meet in Suite 406, 510 South Congress Avenue, Austin. According to the agenda, the committee will consider proposing new standards for a fire fighter inspector certification category.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: July 1, 1985, 10:51 a.m.
TRD-855792

Wednesday, July 10, 1985, 1:30 p.m. The Board of the Commission on Fire Protection Personnel Standards and Education will meet in Room 406, 510 South Congress Avenue, Austin. According to the agenda summary, the board will approve the April meeting minutes; consider legislation passed

in the 69th Legislature that relates to the commission; consider the operating budget for 1986-1987; consider the executive director's report; and consider old and new business.

Contact: Ray L. Goad, 510 South Congress, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: July 1, 1985, 10:51 p.m.
TRD-855793

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Office of the Governor

Friday, July 19, 1985, 3 p.m. The Texas Commission on Child Support of the Office of the Governor will meet at Town Hall, 118 East Tyler, Harlingen. According to the agenda, the commission will conduct a public hearing to accept testimony on the subjects of the development of guidelines and standards for determining the child support award; the establishment and enforcement of interstate child support orders; visitation and custody; the availability and cost of child support enforcement services on the state and local level; and automatic wage assignment.

Contact: Michael Kent, P.O. Box 12548, Austin, Texas 78711, (512) 475-5051.

Filed: July 1, 1985, 3:17 p.m.
TRD-855817

Friday, July 26, 1985, 3 p.m. The Texas Commission on Child Support of the Office of the Governor will meet at the Hilton Center, University of Houston, 4800 Calhoun, Houston. According to the agenda, the commission will conduct a public hearing to accept testimony on the subjects of the development of guidelines and standards for determining the child support award; the establishment and enforcement of interstate child support orders; visitation and custody; the availability and cost of child support enforcement services on the state and local level; and automatic wage assignment.

Contact: Michael Kent, P.O. Box 12548, Austin, Texas 78711, (512) 475-5051.

Filed: July 1, 1985, 3:16 p.m.
TRD-855816

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Texas Department of Health

Thursday, July 18, 1985, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room G-107, 1100 West 49th

Street, Austin. Items on the agenda summary include the approval of the minutes; discussion/information items on recent developments in Nutrition Services, the receipt of dietary orders from physicians, amending plans of corrections, and the definition of closets in facilities; subcommittee architectural reports; a legislative update; and discussion of the next scheduled meeting.

Contact: Howard C. Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: July 2, 1985, 9:14 a.m.
TRD-855833

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Texas Statewide Health Coordinating Council

Thursday, July 11, 1985, 9:30 a.m. The Regional Health Planning Coordination Committee (RHPCC) of the Texas Statewide Health Coordinating Council (TSHCC) will meet in Big Bend Salons D and E, Hyatt Regency Hotel, 208 Barton Springs Road, Austin. According to the agenda summary, the committee will receive a report of the TSHCC chairs meeting; receive an RHPCC status report; consider health planning in the regional councils and future directions; and discuss the next meeting date.

Contact: Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: July 1, 1985, 2:20 p.m.
TRD-855810

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Texas Department of Human Resources

Wednesday, July 10, 1985, 10 a.m. Chairpersons of the Advisory Committee of the Texas Department of Human Resources will meet in Conference Room 6-W, 701 West 51st Street, Austin. Items on the agenda summary include a budget update, a legislative update, a future policy alternatives initiative, the strategic plan for 1986-1991, and plans for the 1988-1989 legislative appropriations request.

Contact: Mary Polk, P.O. Box 2960, Austin, Texas 78769, (512) 450-3037.

Filed: June 28, 1985, 2:56 p.m.
TRD-855763

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State Board of Insurance

Tuesday, July 2, 1985, 10 a.m. The State Board of Insurance submitted an emergency revised agenda for a meeting to be held in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider whether the deputy commissioner for casualty may consider a filing relating to a mortgage guaranty pool housing bond issue on a consent-to-rate basis pursuant to summary procedures rules. Such filing or filings will be made on a mortgage guaranty pool policy with an advance claim payments endorsements. The emergency status was necessary because the Texas Housing Agency has been authorized to make a bond issue of approximately \$310,000 on or about July 11, 1985. Bids for mortgage guaranty coverage under the currently filed and approved rates have produced no bidders as the filed rate is too low for the potential hazard. There is time to handle the matter under the five-day summary procedures posting rule by July 11, but not adequate time to meet that deadline for a complete new rate filing.

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

Filed: June 1, 1985, 2:42 p.m.
TRD-855808

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

Tuesday, July 9, 1985, 9 a.m. In Room 342, a public hearing in Docket 9002—application of Joe Lewis Hardaway, Houston, for a Group II life, health, and accident insurance agent's license.

Contact: Staci Copelin, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: July 1, 1985, 10:55 a.m.
TRD-855794

Tuesday, July 9, 1985, 1:30 p.m. In Room 342, a public hearing in Docket 9011—application for amendment to the articles of incorporation of Mission Life Insurance Company, Houston.

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

Filed: July 1, 1985, 10:55 a.m.
TRD-855795

Wednesday, July 10, 1985, 9 a.m. In Room 353, a public hearing in Docket 8092—whether disciplinary action should be taken against Maurice Devere Coats, Austin, holder of a Group I legal reserve life insurance agent's license.

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

Filed: July 1, 1985, 10:55 a.m.
TRD-855796

The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Wednesday, August 7, 1985, 9 a.m. A public hearing to consider the appeal of Lloyd C. Jones, M.D., from action of the Texas Catastrophe Property Insurance Association.

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

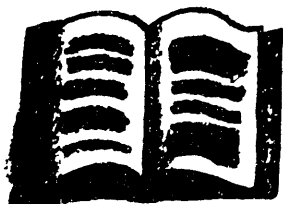
Filed: July 2, 1985, 9:11 a.m.
TRD-855831

Wednesday, August 14, 1985, 9 a.m. A public hearing to consider the appeal of Allstate Insurance Company from action of the Texas Catastrophe Property Insurance Association.

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

Filed: July 2, 1985, 9:11 a.m.
TRD-855832

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Texas Advisory Commission on Intergovernmental Relations

Friday, July 12, 1985. Committees of the Texas Advisory Commission on Intergovernmental Relations and the full commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times, room, committees, and agendas follow.

8:30 a.m. In Room 119, the Special Committee on Operations and Funding will review the status of fiscal year 1985 finances, potential new grants and contracts, and the preliminary budget for fiscal year 1986.

9:30 a.m. In Room 119, the New Federalism Committee will consider a report on population estimates and the date management program, and progress reports on other projects.

9:30 a.m. In Room 118, the State-Local Issues Committee will review a report on the investment of idle funds by local governments and progress reports on other projects.

10:30 a.m. In Room 118, the full commission will consider the executive director's report, the Operations and Funding Committee's report, the New Federalism Com-

mittee's report, and the State-Local Issues Committee's report; a report on investment of idle funds by local governments; a review of 1985 legislative actions affecting state-local relations; and new business.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 475-3728.

Filed: June 1, 1985, 4:21 p.m.
TRD-855821-855824

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Library Systems Act Advisory Board

Thursday, July 18, 1985, 10 a.m. The Library Systems Act Advisory Board will meet in Room 202, Lorenzo de Zavaia Archives and Library Building, 12th and Brazos Street, Austin. Items on the agenda include membership accreditation appeals; discussion of draft criteria for system membership for school, public, and academic libraries; discussion of the 1988-1989 biennial budget for the Statewide Library Development Program; and discussion of the resource sharing plan.

Contact: Patricia Smith, P.O. Box 12967, Austin, Texas 78711, (512) 475-4119.

Filed: June 27, 1985, 10:44 a.m.
TRD-855703

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State Board of Morticians

Tuesday and Wednesday, July 9 and 10, 1985, 8:30 a.m. daily. The State Board of Morticians will meet at 1513 IH 35 South, Austin. Items on the agenda summary include the consideration of applicants for reinstatement of licenses and apprenticeships; a discussion by the agency accountant concerning the board's budget; a review of reciprocal interviews and recommendations; a request from an apprentice to take the oral examination; a review of the newsletter for the next printing; and an update on the board office moving; committee and executive secretary reports; a formal hearing on action of a licensee; the appearance of an attorney in conjunction with Pat H. Foley Funerai Homes; and complaints to be reviewed.

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

Filed: June 28, 1985, 3:25 p.m.
TRD-855766

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Board of Pardons and Paroles

Monday-Friday, July 8-12, 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 and inmates and administrative releasees 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: June 28, 1985, 10:39 a.m.
TRD-855745

Tuesday, July 9, 1985, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will consider and act on the review of minutes, a halfway house request for proposal, the ways and means of increasing case pull, the review of early releases to mandatory supervision policy, the review of pre-parole transfer policy, initial review status letter, the executive director report, and new legislation; and consider the notification of victim, the supervision fee, automatic revocation, and summons hearing, review revocation policies; and consider Texas Department of Corrections policy regarding parole.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: July 1, 1985, 4:27 p.m.
TRD-855825

Tuesday, July 9, 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 and 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: June 28, 1985, 10:39 a.m.
TRD-855746

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Texas Peanut Producers Board

Wednesday, July 10, 1985, 10:15 a.m. The Texas Peanut Producers Board of the Texas Department of Agriculture will meet in the Cortex Room, El Tropicana Hotel, Lexington and St. Mary's Streets, San Antonio.

Items on the agenda include the election of officers, discussion of promotion activities, and general business.

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: July 1, 1985, 3:37 p.m.
TRD-855818

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Texas State Board of Pharmacy

Wednesday-Friday, July 10-12, 1985, 1 p.m. Wednesday, 8:30 a.m. daily Thursday and Friday. The Texas State Board of Pharmacy submitted an addition to the agenda of a meeting to be held at the El Paso Marriott Hotel, 1600 Airways Boulevard, El Paso. The addition concerns the discussion of the memorandum of understanding between the Texas State Board of Pharmacy and the Texas State Board of Medical Examiners.

Contact: Fred S. Brinkley, Jr., R.Ph., 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: July 1, 1985, 3:44 p.m.
TRD-855819

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Texas State Board of Physical Therapy Examiners

Friday, July 19, 1985, 8 p.m. All board committees of the Texas State Board of Physical Therapy Examiners have rescheduled a meeting to be held at the Austin Hilton Inn, 6000 Middle Fiskville Road, Austin. According to the agenda, the committees will consider activity in process by committees concerning education, budget, investigation, rules, legislative affairs, and administrative and personnel. The meeting originally was scheduled for July 12, 1985.

Saturday, July 20, 1985, 9 a.m. The Texas State Board of Physical Therapy Examiners has rescheduled a meeting to be held in Suite 260, Building C, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider committee reports, the second examination take in Texas, the Texas Tech University Physical Therapist Program, the fall TPTA conference, special requests to the board, and other miscellaneous board business. The meeting originally was scheduled for July 13, 1985.

Contact: Lois Smith, Suite 260, 1300 East Anderson Lane, Building C, Austin, Texas 78752, (512) 835-1846.

Filed: June 27, 1985, 11:07 a.m.
TRD-855696, 855697

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Texas State Board of Public Accountancy

Wednesday, July 10, 1985, 10 a.m. The Entry and Reentry Screening Committee of the Texas State Board of Public Accountancy will meet in Suite 1700, 2121 San Jacinto Street, Dallas. Items on the agenda summary include the consideration of applications for reinstatement of CPA certificates; ratification of previously approved applications and nonroutine applications under the Public Accountancy Act of 1979, §§12-14, as amended; hearings for individuals requesting an appearance before the committee; review of convictions reported by licensees; review of information relating to criminal background investigation reports; discussion of the 1986 license renewal form; review of CPA licensing statistics; review of plans for the November 1985 swearing-in ceremony; and other matters coming before the board.

Tuesday, July 16, 1985, 10 a.m. The Examination Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the committee will review information relating to the May 1985 uniform CPA examination; review information relating to the November 1985 uniform CPA examination; and review other pertinent information relating to the examination process.

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

Filed: July 1, 1985, 4:38 p.m.
TRD-855827, 855826

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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.

Monday, July 8, 1985, 10 a.m. A prehearing conference in Docket 6340—application of Texas-New Mexico Power Company for a declaratory order regarding the manner of disbursement of a fuel overrecovery from Houston Lighting and Power Company.

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

Filed: June 27, 1985, 3:09 p.m.
TRD-855720

Tuesday, July 9, 1985, 1:30 p.m. A prehearing conference in Docket 6309—application of General Telephone Company of the Southwest for customer-owned coin operated telephone service.

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

Filed: June 27, 1985, 3:09 p.m.
TRD-855721

Wednesday, July 10, 1985, 1:30 p.m. A prehearing conference in Docket 6338—application of Guadalupe Valley Electric Cooperative, Inc., for authority to change rates.

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

Filed: June 28, 1985, 2:58 p.m.
TRD-855764

Thursday, July 11, 1985, 1:30 p.m. A prehearing conference in Docket 6339—complaint of Texas American Bank against Southwestern Bell Telephone Company.

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

Filed: July 1, 1985, 2:48 p.m.
TRD-855813

Tuesday, July 16, 1985, 10 a.m. A prehearing conference in Docket 6350—application of El Paso Electric Company for authority to change rates.

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

Filed: June 27, 1985, 3:10 p.m.
TRD-855722

Monday, July 22, 1985, 10 a.m. A hearing on the merits in Docket 5742—application of the City of Cibolo for a certificate of convenience and necessity within Guadalupe County and Comal County.

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

Filed: July 1, 1985, 2:47 p.m.
TRD-855814

Thursday, July 25, 1985, 10 a.m. A rescheduled hearing on the merits in Docket 6049—application of Fawn Lake Estates Water System for a certificate of convenience and necessity within Brazos County and the application of Wixon Water Supply Corporation to amend a certificate of convenience and necessity within Brazos County. The hearing originally was scheduled for July 1, 1985, as published at 10 TexReg 1798.

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

Filed: July 1, 1985, 2:46 p.m.
TRD-855815

Wednesday, August 28, 1985, 9 a.m. A hearing on the merits in Docket 5949—ap-

plication of H & J Water Company for a rate increase within Harris County and Montgomery County.

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

Filed: June 27, 1985, 3:10 p.m.
TRD-855723

Wednesday, September 11, 1985, 10 a.m. A hearing on the merits in Docket 6143—application of Southwest Rural Electric Association for authority to change rates.

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

Filed: June 28, 1985, 2:59 p.m.
TRD-855765

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State Purchasing and General Services Commission

Monday, July 8, 1985, 10 a.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. Items on the agenda include the status of the 1986 operating budget preparation; a discussion of the computer acquisition plan; an update on the Honeywell Delta 5200 heating, ventilating, and air conditioning system; an update on the Texas Department of Corrections construction program; and setting the date and time for the next meeting of the commission. The commission also will meet in executive session to discuss personnel matters.

Contact: Lias B. "Bubba" Steen, P.O. Box 13047, Austin, Texas 78711, (512) 463-3446.

Filed: June 28, 1985, 4:05 p.m.
TRD-855778

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Railroad Commission of Texas

Monday, July 1, 1985, 9 a.m. Divisions of the Railroad Commission of Texas submitted emergency revised agendas for a meeting held in Room 309, 1124 IH 35 South, Austin. Divisions and revised agendas follow.

Consideration of a request to the Oil and Gas Division for an additional \$200,000-\$250,000 in state funds to plug the Texacal Drilling Co., Cleo Lease, Well 1-A, Giddings (Austin Chalk) field, Fayette County. The emergency status was necessary because the well was leaking oil and gas, had pressure building up on it, and had no effective control equipment.

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

Filed: June 28, 1985, 11:37 a.m.
TRD-855747

Consideration of Transportation Division Docket 013158A1N—application of Williams Insulation Company for a new contract carrier permit, and Dockets 05.146A1AR, 05.315A2AR, and 05.422A1AR—tariffs and schedules, approval of agreements between carriers concerning group representation, and general and special rules of practice and procedures. The emergency status was necessary because these matters were properly noticed for conference on June 24, 1985, and were passed.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: June 28, 1985, 11:38 a.m.
TRD-855748

Monday, July 8, 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: June 28, 1985, 11:38 a.m.
TRD-855749

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: June 28, 1985, 11:38 a.m.
TRD-855750

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: June 28, 1985, 11:38 a.m.
TRD-855751

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: June 28, 1985, 11:38 a.m.
TRD-855752

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) 445-1231.

Filed: June 28, 1985, 11:39 a.m.
TRD-855753

The LP-Gas Division director's report on division administration, budget, proce-

dures, and personnel matters; the signing of final orders in Docket 372—Hamilton Service Company, Docket 373—Galloway Bottle Rig, Docket 378—Russell Penick Equipment, Docket 379—Bowen Motor Company, and Docket 381—Jack Hamilton and Sou Tire Company; and the adoption of new 16 TAC §9.191, concerning identification labels.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: June 28, 1985, 11:39 a.m.
TRD-855754

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1283.

Filed: June 28, 1985, 11:39 a.m.
TRD-855755

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: June 28, 1985, 11:40 a.m.
TRD-855757

Consideration of casing perforation practices and applicable rules and laws and possible enforcement action.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: June 28, 1985, 11:40 a.m.
TRD-855756

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: June 28, 1985, 11:40 a.m.
TRD-855758

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: June 28, 1985, 11:40 a.m.
TRD-855759

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: June 28, 1985, 11:41 a.m.
TRD-855761

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: June 28, 1985, 11:41 a.m.
TRD-855760

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: June 28, 1985, 11:41 a.m.
TRD-855762



State Securities Board

Monday, July 8, 1985, 10 a.m. The securities commissioner of the State Securities Board submitted an emergency revised agenda for a rescheduled meeting to be held at 1800 San Jacinto Street, Austin. According to the revised agenda summary, the commissioner will conduct a hearing to determine whether the registration of Leader Oil, Inc., and William Vernon Steele as securities dealers should be revoked or suspended; and whether a cease and desist order should be issued prohibiting the sale of securities by Leader Oil, Inc., William Vernon Steele, and Edward Lowell Dux. The meeting originally was scheduled for June 26, 1985, as published at 10 TexReg 1935. The emergency status is necessary because of additional issues to be addressed.

Contact: Sue Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: July 1, 1985, 9:26 a.m.
TRD-855787

Monday, July 8, 1985, 10 a.m. The securities commissioner of the State Securities Board submitted an emergency revised agenda for a rescheduled meeting to be held at 1800 San Jacinto Street, Austin. According to the revised agenda summary, the commissioner will conduct a hearing to determine whether the registration of Leader Oil, Inc., and William Vernon Steele as securities dealers should be revoked or suspended; and whether a cease and desist order should be issued prohibiting the sale of securities by Leader Oil, Inc., William Vernon Steele, and Edward Lowell Dux. The meeting originally was scheduled for

June 26, 1985, as published at 10 TexReg 2134. The emergency status is necessary because of additional issues to be addressed.

Contact: Sue Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: July 1, 1985, 4:12 a.m.
TRD-855820

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University System of South Texas

Committees and the Board of Directors of the University of System of South Texas will meet in the Founder's Room, Lewis Hall, Texas A&I University, Kingsville. Days, times, committees, and agendas follow.

Tuesday, July 9, 1985, 10:30 a.m. The Board of Directors will interview candidates for the presidency of Texas A&I University. The board also will meet in executive session.

Wednesday, July 10, 1985, 8 a.m. The Building Committee of the Board of Directors will consider the employment of an architect to prepare a preliminary study on the proposed renovation of the Student Union Building at Texas A&I University; approve the guidelines for the allocation of Proposition 2 monies; consider the proposed amendment to Article VII, §13.1, of the board policy increasing amounts of contracts from \$25,000 to \$50,000 for chancellor approval and \$50,000 to \$100,000 for board approval; approve maintenance contracts in excess of \$50,000 at Texas A&I University; review bids and award a contract for the construction of the greenhouse complex at Texas A&I University; and review the property management agreement between Laredo State University and Laredo Junior College.

Wednesday, July 10, 1985, 8:30 a.m. The Finance Committee of the Board of Directors will consider the budgets for the system and institutions for the 1985-1986 fiscal year.

Wednesday, July 10, 1985, 10 a.m. The Board of Directors will approve the April 11, 1985, meeting minutes; consider gifts; donations; budget changes; small classes; the lease of facilities for Laredo State University; the purchase of computer services for Laredo State University; the scholarship plan for institutions within the system; fee changes at Texas A&I University; the tuition fee for thesis or dissertation credit; proposed rules and guidelines for an emergency tuition and fees loan program; requests to the University System of South Texas Foundation, Inc.; operating budgets for the system for 1985-1986 fiscal year; routine personnel changes; signature changes; authorization of persons to approve in-state and out-of-state travel; discussion of personnel matters; and board action relative to

the presidency at Texas A&I University. The board also will meet in executive session to consider personnel matters, acquisition of real estate, and legal matters.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: July 1, 1985, 9:27 a.m.
TRD-855788-855791

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Boards for Lease of State-Owned Lands

Wednesday, July 10, 1985, 3 p.m. The Board for Lease of Texas Department of Mental Health and Mental Retardation of the Boards for Lease of State-Owned Lands will meet in Room 833, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previous board meeting minutes, and consider the nominations, terms, conditions, and procedures for the October 1, 1985, oil, gas, and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 837, Austin, Texas 78701, (512) 475-0505.

Filed: July 2, 1985, 9:19 a.m.
TRD-855830

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Structural Pest Control Board

The Structural Pest Control Board will meet at the Texas A&M Research Center, Route 2, Corpus Christi. Days, times, and agendas follow.

Wednesday, July 17, 1985, 8:30 a.m. The board will approve the April 26, 1985, meeting minutes, the executive director's report, hear a report from the Termite Standards Committee, discuss possible changes in law or regulations, and consider other miscellaneous items.

Thursday, July 18, 1985, 8 a.m. The board will conduct the rehearing of a board case including an appearance by James D. Mitchell, doing business as Homeowner's Pest Control, and take up unfinished business items from the July 17, 1985, board meeting. The board also will meet in executive session with the Legal Council.

Contact: David A. Ivie, Suite 250, Building C, 1300 Anderson Lane, Austin, Texas 78752, (512) 835-4066.

Filed: June 28, 1985, 9:33 a.m.
TRD-855740, 855741

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Texas Sesquicentennial Commission

Thursday, July 11, 1985, 10 a.m. The Executive Committee of the Texas Sesquicentennial Commission will meet in the boardroom, ground floor, Texas Commission for the Deaf, 510 South Congress Avenue, Austin. According to the agenda, the committee will consider policy and rule recommendations concerning the Sponsorship Program, the Industrial/Corporate Products Program, and promotional program/commemorative products, and consider the auditor's recommendations.

Contact: Randy M. Lee, P.O. Box 1986, Austin, Texas 78767.

Filed: July 1, 1985, 2:28 p.m.
TRD-855812

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Texas Water Commission

Monday, July 1, 1985, 2 p.m. The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered a request by the City of Falls City for an emergency order to discharge 2.7 million gallons of partially treated wastewater via pipeline to Marcellinas Creek, thence to the San Antonio River in Segment 1901 of the San Antonio River Basin from its municipal wastewater treatment plant located approximately 600 feet north of the intersection of Panna Maria Street and Maverick Street in the City of Falls City in Karnes County. The emergency status was necessary because the applicant's stabilization ponds were full due to excess wastewater flows to the plant as a result of heavy rains, and the applicant was unable to irrigate.

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

Filed: July 1, 1985, 11:25 a.m.
TRD-855799

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Tuesday, July 9, 1985, 10 a.m. In Room 118, the commission will consider water district bond issues, release from escrow, use of surplus funds, water quality amendments, renewals and proposed permits, water use permits, approval of plans, amendment to a certificate of adjudication, and the filing and setting of hearing dates.

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

Filed: June 27, 1985, 1:44 p.m.
TRD-855842

Addition to the previous agenda:

The commission will consider water district matters and the setting of a hearing date.

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

Filed: June 28, 1985, 3:24 p.m.
TRD-855773

Tuesday, July 9, 1985, 3 p.m. In Room 118, the commission will conduct a hearing to determine whether Emergency Order 85-26E, granted by the Texas Water Commission on June 25, 1985, to the City of San Antonio, P.O. Box 9066, San Antonio, Texas 78285, should be affirmed, modified, or set aside by the Texas Water Commission. The order permitted the City of San Antonio an extension of Temporary Order 85-25E which expires on June 27, 1985, and authorizes the disposal of injection of waste activated sludge from three regional wastewater treatment systems identified as Permits 10137-02, 10137-03, and 10137-08. The commission found there was an immediate need for authorization for the continuance of disposal by injection of sludge from the Salado Creek Sewage Treatment Plant, Permit 10137-08, on city-owned land, located adjacent to the Salado Creek Sewage Treatment Plant in Bexar County, as identified in Permit 10137-08.

Contact: Ken Peterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: June 27, 1985, 3:33 p.m.
TRD-855725

Wednesday, July 10, 1985, 11 a.m. In Room 118, the commission will consider the adjudication of claims of water rights in the Lower Trinity River segment of the Trinity River Basin and adjudication of claims of water rights in the Middle Trinity River segment of the Trinity River Basin and western portion of the Neches-Trinity Coastal Basin.

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

Filed: July 1, 1985, 11:25 a.m.
TRD-855798

Tuesday, August 6, 1985, 10 a.m. The Texas Water Commission will meet in the Conference Room, City Hall Annex, 900 Bagby, Houston. According to the agenda summary, the commission will consider the application of Camfield Municipal Utility District, in care of Schwartz and Hickey, 200 West Loop South, Suite 1600, Houston, Texas 77027, to the Texas Department of Water Resources for an amendment to Permit 12304-01 to expand the treatment capacity and discharge volume for its three-phase regional sewage treatment plant. The proposed initial, intermediate, and final phases are 200,000 gallons per day, 600,000 gallons per day, and 1.5 million gallons per day average respectively. The existing permit authorizes a final discharge of 400,000

gallons per day average and was issued April 19, 1982. The proposed service areas are the Camfield Municipal Utility District and the Chimney Hill Municipal Utility District.

Contact: Mary Speirer, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 27, 1985, 1:45 p.m.
TRD-855843

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Texas. Days, times, rooms, and agendas follow.

Tuesday, August 6, 1985, 2 p.m. In Room 118, the commission will consider the application by Baynard M. Smith for proposed Permits 13071-01 and 13082-01, Trinity River Basin, Van Zandt County; and the application by United States Steel Corporation and N. M. Uranium, Inc., Texas Uranium Operations, for a permit proposed Permit 02753, Nueces River Basin, Live Oak County.

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

Filed: June 28, 1985, 3:27 p.m.
TRD-855774

Wednesday, August 7, 1985, 10 a.m. The commission will conduct a hearing on the assessments of costs for Rio Grande watermaster operation by the Texas Water Commission.

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

Filed: June 28, 1985, 3:24 p.m.
TRD-855775

Thursday, August 8, 1985, 9 a.m. The Texas Water Commission will meet in Room 305, City Hall, 509 East Seventh Avenue, Amarillo. According to the agenda summary, the commission will consider the application of Booker Custom Packing Company, Inc., P.O. Box 290, Booker, Texas 79005, to the Texas Department of Water Resources, for a permit proposed Permit 02757 to authorize the disposal of treated process wastewater from a slaughterhouse/meat packing plant by irrigation at a volume not to exceed a maximum discharge of 120,000 gallons per day or an annual average of 4.2 acre-feet per acre per year. Process washwater, kill floor clean-up water, and holding pen wastewater is to be collected and routed to a treatment system (screening and flotation-clarifier system). The treated effluent will then enter a pump pit to be commingled with domestic sewage and used to irrigate 16 acres of land. Byproducts, such as blood, bones, hides, and paunch manure are to be transported to off-site disposal areas and/or rendering plants. No discharge of pollutants into the waters of the state is authorized by this permit.

Contact: William F. Newchurch, P.O. Box 12087, Austin, Texas 78711, (512) 463-7875.

Filed: June 27, 1985, 1:44 p.m.
TRD-855844

Wednesday, August 14, 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 the petition for creation of Northtown Municipal Utility District, containing 1224.64 acres of land.

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

Filed: June 28, 1985, 3:26 p.m.
TRD-855776

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Texas Youth Commission

Tuesday, July 9, 1985, 10 a.m. The Board Budget Committee of the Texas Youth Commission will meet in Suite 322, 8900 Shoal Creek Boulevard, Austin. According to the agenda, Ed White will present an overview, Chuck Jeffords will present population projections/bed space, and John Franks will present the 1986 operating budget.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766, (512) 452-8111.

Filed: July 1, 1985, 11:02 a.m.
TRD-855797

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Regional Agencies

Meetings Filed June 27

The Atascosa County Appraisal District, Appraisal Review Board, will meet at 1010 Zanderson, Jourdanton, on July 8, 1985, at 9 a.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Houston-Galveston Area Council, Project Review Committee, met in the fourth floor conference room, Suite 500, 3555 Timmons Lane, Houston, on July 2, 1985, at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200.

The Scurry County Appraisal District, Board of Directors, met at 2612 College Avenue, Snyder, on July 2, 1985, at 8 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Tarrant County Appraisal District, Appraisal Review Board, will meet in Suite 505, 1701 River Run, Fort Worth, on July 8, 1985, at 8 a.m. Information may be obtained from Dick Curry, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

TRD-855845

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Meetings Filed June 28

The Brazos Valley Development Council, Executive Committee, will meet at 3006 East 29th Street, Bryan, on July 10, 1985, at 1:30 p.m. Information may be obtained from R. J. Holmgreen, P.O. Drawer 4128, Bryan, Texas 77801, (713) 822-7421.

The Comal Appraisal District, Board of Directors, met at 644 North Loop 337, New Braunfels, on July 2, 1985, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Concho Valley Council of Governments, Regional Review Committee, will meet at 5014 Knickerbocker Road, San Angelo, on July 10, 1985, at 2 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on July 1, 1985, at 4 p.m. The Service Plan/Work Program Committee met at the same location on July 2, 1985, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Fisher County Appraisal District, Board of Review, will meet in the commissioners courtroom, Fisher County Courthouse, on July 8, 1985, at 10 a.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543. The board also will meet at the Fisher County tax office on July 9, 1985, at 7:30 p.m. Information may be obtained from Clay Fowler, Rt. 1, Box D-38-B, Rotan, Texas 79546.

The Hansford County Appraisal District, Board, will meet at 709 West Seventh, Spearman, on July 10, 1985, at 9 a.m. Information may be obtained from Alice Pedy, Box 567, Spearman, Texas 79081, (806) 659-5575.

The Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main, Hallettsville, on July 8, 1985, at 4 p.m. Information may be obtained

from Joe Pat Davis, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Texas Municipal League, Board of Trustees, met at the Wyndham Southpark Hotel, IH 35 South at Ben White, Austin, on July 2, 1985, at 2 p.m. Information may be obtained from William I. Martin, Jr., 5511 Parkcrest, Suite 106, Austin, Texas 78731, (512) 454-2565.

The West Texas Municipal Power Agency, Board of Directors, revised the agenda for a meeting held in the emergency operations center, Municipal Square, Lubbock, on July 1, 1985, at 2 p.m. Information may be obtained from R. Michael Simmons, 8240 Mopac Expressway, Suite 298, Austin, Texas 78759, (512) 346-4011.

TRD-855744

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Meetings Filed July 1

The Archer County Appraisal District, Board of Directors, will meet at 108 West Main Street, Archer City, on July 10, 1985, at 5 p.m. Information may be obtained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Bell County Appraisal District, Appraisal Review Board, will meet in the commissioners courtroom, second floor, Bell County Courthouse, Belton, on July 9, 1985, at 9 a.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

The Border Area Nutrition Council, Board of Directors, will meet in the Falcon Room, Zapata National Bank, Zapata, on July 9, 1985, at 11 a.m. Information may be obtained from Alberto Rivera, Jr., P.O. Box 2187, Laredo, Texas 78044.

The Brown County Appraisal District, Board of Review, will meet at 403 Fisk Avenue, Brownwood, on July 8, 1985, at 1 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas, (915) 643-5676.

The Canadian River Municipal Water Authority, Board of Directors, will meet at the Sanford Dam, one mile west of Sanford, on July 10, 1985, at 11 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078.

The Carson County Appraisal District, Board of Directors, will meet at 102 Main Street, Panhandle, on July 10, 1985, at 8:30 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068.

The Region VII Education Service Center, Board of Directors, will meet at the Holiday Inn, Highway 259 South, Henderson, on July 12, 1985, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (214) 984-3071.

The Hays County Central Appraisal District, Board of Review, will meet at the Hays County Courthouse Annex, San Marcos, on July 5, 1985, at 9 a.m. Information may be obtained from Lynnell Sedlar, P.O. Box 1287, San Marcos, Texas 78666, (512) 396-4777.

The Hickory Underground Water Conservation District I, board and advisors, will meet in the council chambers, 115 East Main Street, Brady, on July 9, 1985, at 7 p.m. Information may be obtained from Terry R. Norman, 101 East First Street, Brady, Texas 76825, (915) 597-0334.

The High Plains Underground Water District I, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on July 9, 1985, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The Hockley County Appraisal District, Appraisal Review Board, will meet at 913 Austin Street, Levelland, on July 10, 1985, at 11 a.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Lee County Appraisal District, Board of Review, will meet at 218 East Richmond Street, Giddings, on July 10 and 11, 1985, at 2 p.m. and 9 a.m. respectively. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The San Patricio County Appraisal District, Board of Directors, will meet at the courthouse annex, Sinton, on July 11, 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 Swisher Appraisal District, Board of Directors, will meet at the Conestoga Restaurant, Tulia, on July 10, 1985, at 7 a.m. Information may be obtained from Rose Lee Powell, 130 North Armstrong, Tulia, Texas 79088, (806) 995-4118.
TRD-855786

Meetings Filed July 2

The Copano Bay Soil and Water Conservation District 329 will meet at the Shay Plaza, 106 South Alamao, Refugio, on July 10, 1985, at 8:30 a.m. Information may be obtained from James Wales, P.O. Drawer 340, Refugio, Texas 78377, (512) 526-2334.

The Edwards Underground Water District, Board of Directors, will meet at 1615 North St. Mary's, San Antonio, on July 9, 1985, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78212, (512) 222-2204.

The San Jacinto River Authority, Board of Directors, met in the conference room, Lake Conroe Office Building, Highway 105 West, Conroe, on July 3, 1985, at 11 a.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, (409) 588-1111.

TRD-855829



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.

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) 07/08/85-07/14/85	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 07/01/85-07/31/85	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/85-09/30/85	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 07/01/85-09/30/85	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 07/01/85-09/30/85	16.50%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 07/01/85-09/30/85	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 07/01/85-09/30/85	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 06/01/85-09/30/85	18.42%	N/A
Judgment Rate— Article 1.05, §2 07/01/85-07/31/85	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 July 1, 1985.

TRD-855780 Sam Kelley
Consumer Credit
Commissioner

Filed: July 1, 1985

For further information, please call (512) 479-1280.



Office of Court Administration Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Office of Court Administration invites offers of consulting services to develop case management and caseload management systems for the trial courts of the state for implementation of House Bill 1658, 69th Legislature, 1985.

Proposals are due by 5 p.m. on July 31, 1985. Selection criteria will include the consultant's reputation with previous customers for similar work, the ability to perform within the time required, experience and qualifications in similar work, and projected cost.

For further information, contact C. Raymond Justice, Administrative Director, Office of Court Administration, 1414 Colorado Street, Suite 602, Austin, Texas 78701, (512) 475-2421.

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

TRD-855739 Jim Hutcheson
General Counsel
Office of Court Administration

Filed: June 28, 1985

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



Texas Education Agency Public Meetings

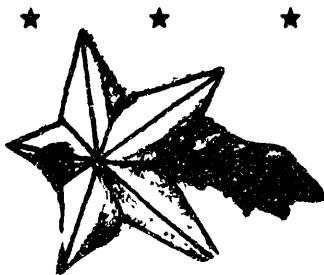
The State Board of Education is in the process of developing a long-range plan for public education in Texas, as mandated in House Bill 72. Members of the state board and staff of the Texas Education Agency will conduct public meetings to receive citizens' and educators' inputs and suggestions regarding a draft of proposed goals and objectives for the long-range plan. Citizens and educators wishing to make comments will be asked to do so both orally and in writing. The meetings will be held at 4 p.m. on Wednesday, July 3, 1985, at the Region III Education Service Center, 1905 Leary Lane, Victoria; at 10 a.m. on Monday, July 8, 1985, at the Region XIV Education Service Center, 1850 State Highway 351, Abilene; at 7:30 p.m. on Monday, July 8, 1985, at T. G. Field Auditorium, Second and Magrill Streets, Longview; at 7 p.m. on Tuesday, July 9, 1985, at the Region I Education Ser-

vice Center, 1900 West Schunior, Edinburg; at 7:30 p.m. on Tuesday, July 9, 1985, at the Region XVI Education Service Center, 1601 South Cleveland, Amarillo; at 7:30 p.m. on Wednesday, July 10, 1985, at the Region XVII Education Service Center, 4000 22nd Place, Lubbock; at 7:30 p.m. on Thursday, July 18, 1985, at the Region XVIII Education Service Center, 2811 LaForce Boulevard (Air Terminal), Midland; at 7 p.m. on Thursday, July 18, 1985, at the Region IV Education Service Center, 2295 Delaware Street, Beaumont; at 7 p.m. on Friday, July 19, 1985, in Room A, Region XX Education Service Center, 1314 Hines Avenue, San Antonio; at 8:30 a.m. on Friday, July 19, 1985, at the Region IV Education Service Center, 7200 West Tidwell, Houston; at 7 p.m. on Monday, July 22, 1985, at the Region XII Education Service Center, 401 Franklin Avenue, Waco; at 7 p.m. on Thursday, July 25, 1985, at the Ysleta Independent School District Administration and Cultural Arts Center, 9600 Sims, El Paso; and at 2 p.m. on Friday, July 26, 1985, in Room 101, Texas Education Agency North Building, 1200 East Anderson Lane, Austin.

Issued in Austin, Texas, on July 1, 1985.

TRD-855781 W. N. Kirby
Commissioner of Education

Filed: July 1, 1985
For further information, please call (512) 475-7077.



Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) announces a contract award for consulting services. The request for proposals was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4603).

Specific activities to be performed by the consultant are psychological evaluation and treatment for abused and neglected children. These services are provided as a part of the complete service plan for families to both remediate the effects of abuse and neglect and to prevent further harm.

The consultant selected is Parenting Services, Inc., 1006 S. Jackson, Amarillo, Texas 79101.

The total value of the contract is \$16,000. The contract period is July 1, 1985-August 31, 1986. Reports are due within time frames as stated in the contract.

Issued in Austin, Texas, on June 28, 1985.

TRD-855738 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Filed: June 28, 1985
For further information, please call (512) 450-3766.

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for admission to do business in Texas of Westworld Community Healthplans, Inc., a foreign health maintenance organization. The home office is in Lake Forest, California.

(2) Application for incorporation of American Employee Benefit Life Insurance Company, to be a domestic life insurance company. The home office is in Austin.

(3) Application for a name change by Underwriters Life Insurance Company, a domestic life insurance company. The home office is in Dallas.

(4) Application for a name change by Western Surety Life Insurance Company, a foreign life insurance company. The proposed new name is Underwriters Life Insurance Company. The home office is in Sioux Falls, South Dakota.

(5) Application for admission to do business in Texas of Germantown Life Insurance Company, a foreign life insurance company. The home office is in Philadelphia, Pennsylvania.

Issued in Austin, Texas, on June 25, 1985.

TRD-855884 James W. Norman
Chief Clerk
State Board of Insurance

Filed: June 27, 1985
For further information, please call (512) 475-2950.

Texas Department of Mental Health and Mental Retardation Consultant Contract Award

This award of consulting services is being filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

The consultant is to assist, direct and advise the pharmacy staff of the Texas Department of Mental Health and Mental Retardation (TDMHMR) on a computerized system for dispensing drugs more effectively and consult with staff on pharmacy policies and procedures.

The central office of the TDMHMR gives notice that it contracted with George L. Jenkin to provide the previously described services from December 1, 1984-August 31, 1985. Mr. Jenkin's address is 1720 Timber Ridge Drive, Austin, Texas 78760. The total value of the contract is \$12,540, and Mr. Jenkin will provide reports upon the completion of assigned services.

Issued in Austin, Texas, on June 28, 1985.

TRD-855743 Gary Miller, M.D.
Commissioner
Texas Department of Mental Health
and Mental Retardation

Filed: June 28, 1985
For further information, please call (512) 465-4591.

Texas Department of Public Safety Consultant Contract Award

The contract award for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the April 19, 1985, issue of the *Texas Register* (10 TexReg 1278).

On May 23, 1985, a consultant contract was awarded to Mike Lacey Productions, P.O. Box 5160, Austin, Texas 78763. The company was contracted to provide a suitable poster program to be distributed by 36 safety education personnel. The consultant will provide 30,000 11-inch-by-17-inch posters printed on #60, coated white paper stock. Posters are to be printed and bleed on all sides with four color process from a color photograph. The contractor shall furnish the photograph, color separations, layout, design, paper, and printing.

The total value of the contract is \$6,204. The contract began on May 23, 1985, and will end on September 30, 1985.

The posters are to be completed, duplicated, and delivered to the Texas Department of Public Safety by 5 p.m. on September 30, 1985. For further information, please call Tonna Polk at (512) 465-2101.

Issued in Austin, Texas, on June 24, 1985.

TRD-855674 James B. Adams
Director
Texas Department of Public Safety

Filed: June 26, 1985
For further information, please call (512) 465-2000.

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Texas Rehabilitation Commission Request for Proposals

Joellen Simmons, executive director of the Texas Developmental Disabilities Program, has announced the availability of funds for grant projects to be awarded through the Texas Rehabilitation Commission, on behalf of the Texas Planning Council for Developmental Disabilities, for fiscal year 1986. Notices of grant awards for projects will be announced in January 1986 for budget periods to begin March 1, 1986.

The project activities to be funded are as follows:

(1) Alternative community living arrangement services:

(a) training for parents/family members and providers involved in providing services to persons with developmental disabilities—a training project to produce a resource manual and provide training for families and providers of clients in need of or currently receiving services from the Texas Department of Mental Health and Mental Retardation and/or the public education system;

(b) incentive program for providers participating in the Texas Department of Mental Health and Mental Retardation's (TDMHMR) model placements for persons with severe and multiple disabling conditions—one service provider will be awarded grant funds for a pilot project to supplement TDMHMR funds for community services for persons with severe and multiple disabling conditions;

(c) curriculum development for students in special education with severe developmental disabilities—to produce, pilot test, evaluate, and disseminate a comprehensive educational curriculum for students, ages 0-22, in special education;

(d) independent evaluation of the development of the Texas community services system—an impact, process and cost-effectiveness evaluation of community services received by clients in the Texas mental retardation system who are entering community-based residential and nonresidential programs; and

(f) training and services on behalf of adult offenders and probationers with developmental disabilities—a project to train providers and to replicate, expand, and evaluate services to adult offenders and probationers with developmental disabilities in Texas.

(2) planning for employment-related activities. Employment-related activities planning study—to produce a plan to incorporate the new developmental disabilities mandate of employment-related activities into the system of prevocational, vocational, and employment services programs in Texas and to regionally coordinate a system of services which enhance transitional services needed for employment of persons with developmental disabilities.

Public agencies, private, nonprofit organizations, and institutions of higher education are eligible to apply for projects. Projects must focus on issues involving persons with developmental disabilities, as defined by Public Law 98-527.

Persons interested in submitting proposals must write or call (512) 445-8820 at the Texas Planning Council for Developmental Disabilities to request application kits and requests for proposals. Requests should be forwarded to Robbie Davis, Planner, 118 East Riverside Drive, Austin, Texas 78704. All proposals must address the activities previously outlined. Unsolicited proposals for other activity areas will not be accepted for the fiscal year 1986. Continuation projects currently receiving developmental disabilities funds do not submit plans for continuation budget periods at this time.

Hand delivered proposals must be received at the Developmental Disabilities Program office by 5 p.m. on September 13, 1985, in Room 163, 118 East Riverside Drive, Austin. Proposals submitted by mail must be postmarked no later than September 13, 1985. In accordance with state regulations, applicants are required to submit completed proposals to the appropriate Texas review and comment system agency by August 1, 1985.

Issued in Austin, Texas, on June 26, 1985

TRD-855841 Vernon H. Newman
Assistant Commissioner for Legal
Services
Texas Rehabilitation Commission

Filed: June 27, 1985
For further information, please call (512) 445-8126.

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Texas State Treasury Department Amendment to Consultant Proposal Request

The treasury department is extending the date on which bids are due for developing computer software made necessary by changes to the state's unclaimed property statutes made by the 69th Legislature. The original notice for request for these consulting services appeared in the *Texas Register* at 10 TexReg 2046. The deadline for proposals is extended from 4 p.m. on June 26, 1985, to 4 p.m. on July 17, 1985. Information may be obtained from Paula Smith, Director of Unclaimed Property, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711, (512) 463-6000.

Issued in Austin, Texas, on June 28, 1985.

TRD-855768 J. Stephen Ravel
General Counsel
Texas State Treasury Department

Filed: July 5, 1985

For further information, please call (512) 463-5071.

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Texas Department of Water Resources Correction of Error

Proposed sections submitted by the Texas Water Development Board contained several errors as published in the June 7 and 11, 1985, issues of the *Texas Register*.

In the June 7, 1985, issue on page 1858, §335.157(d)(2) should read:

(2) He must immediately notify the department according to procedures set out in [§.007 of] the State of Texas oil and hazardous substances spill contingency plan [, Revised April 1978]. The report must include:

In the June 11, 1985, issue on page 1901, the reference to Subchapter O in §335.2(c) should be "Waste Piles".

Section 335.6(d) should read:

(d) Any person who transports Class I waste shall notify the executive director of such activity on forms furnished or approved by the executive director. Persons operating transfer facilities in accordance with §335.94 of this title (relating to Transfer Facility Requirements) shall notify the executive director of such activity.

On page 1905, §335.193(c)(1) should read:

(1) the degree of processing the material has undergone and the degree of further processing that is required.

Section 335.21(2) should read:

(2) The executive director will evaluate the application and issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The executive director will accept comment on the tentative decision for 30 days, and may also hold a public hearing upon request or at his discretion. The executive director will issue a final decision after receipt of comments and after the hearing (if any), and this decision may not be appealed.

On page 1906, the reference to Subchapter G in §335.24(c) should be "Contingency Plan and Emergency Proceedings."

In subsection (g), the reference to §335.650(b)(3) should also include a reference to subsection (b)(4). The reference to §335.13 should be "Record-Keeping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste."

On page 1909, the definition of designated facility in §335.42 should read:

a Class I or hazardous waste storage, processing, or disposal facility which has received an Environmental Protection Agency (EPA) permit (or facility with interim status) in accordance with the requirements of 40 Code of Federal Regulations Parts 270 [122] and 124, [or] a permit from a state authorized in accordance with 40 Code of Federal Regulations Part 271 [123] (in the case of hazardous waste); a permit issued pursuant to §335.2 of this title (relating to Permit Required) (in the case of a nonhazardous waste); or that is regulated under §335.24(f) or §335.24(g) of this title (relating to Requirements for Recyclable Materials) or §335.680 of this title (relating to Recyclable Materials Utilized for Precious Metal Recovery—Applicability and Requirements) and that has been designated on the manifest by the generator pursuant to §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Class I Industrial Solid Waste).

The definition of hazardous industrial waste should not be in bold print, as it is not new language.

On page 1910, the reference to Subchapters E-T in §335.43(b)(2) should read "of this chapter."

On page 1912, §335.61(c)(7)(ii) should read:

(ii) in interim status under 40 Code of Federal Regulations Parts 270 [122] and 265;

On page 1913, §335.193(c)-(e) should read: (No change.)

On page 1915, the reference to §335.12 in §335.452 should be "Shipping Requirements Applicable to Owners or Operators of Storage, Processing, or Disposal Facilities."