

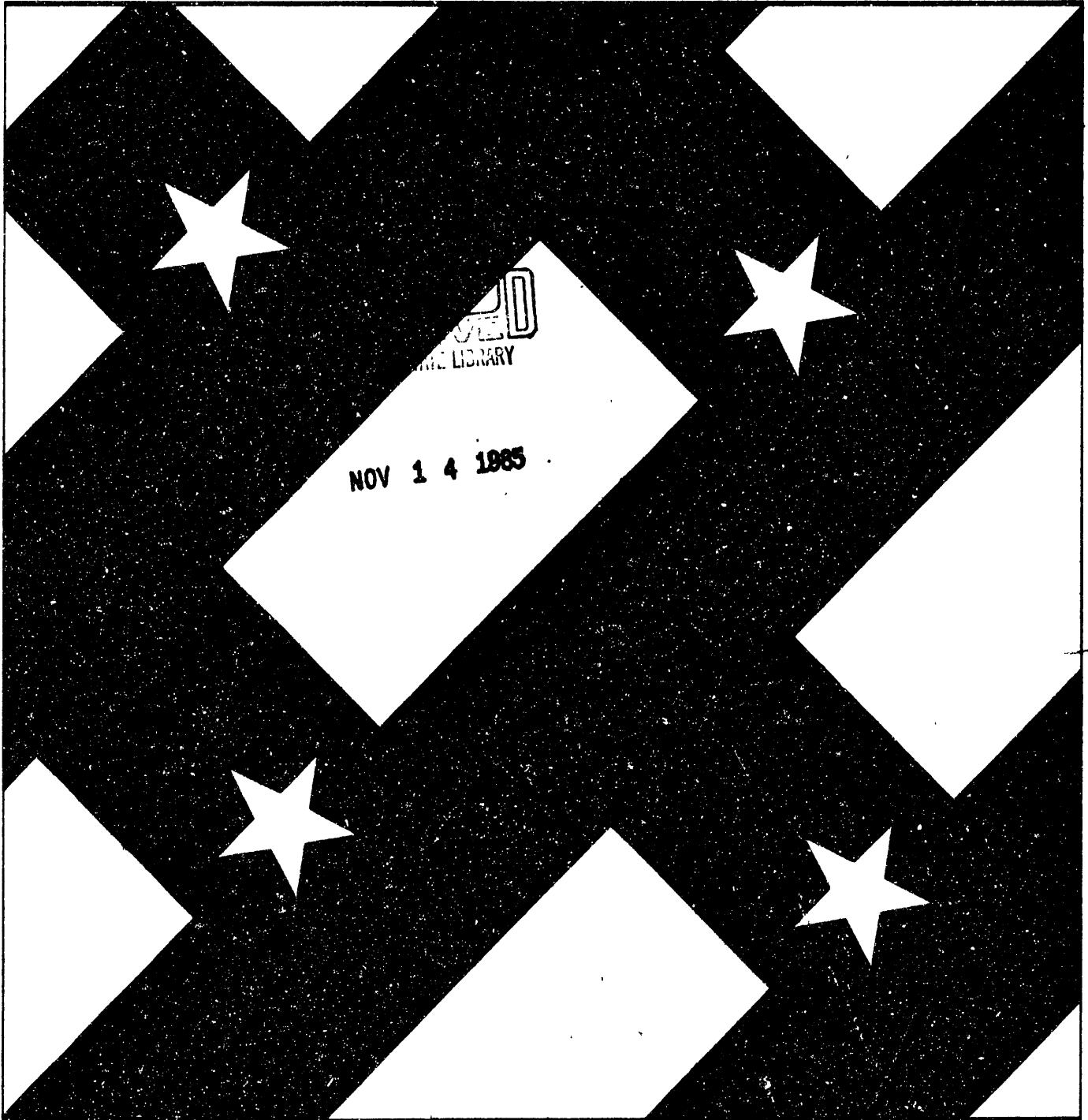
30.6
.63
P3

FILE COPY

Texas Register

Volume 10, Number 83, November 8, 1985

Pages 4317 - 4340



Highlights

The **Texas Economic Development Commission** adopts an emergency new section concerning allocation of private activity bonds. Effective date - October 31... **page 4320**

The **Texas Cosmetology Commission** proposes an amendment concerning pro-

cedures for submitting examination applications. Earliest possible date of adoption - December 9..... **page 4321**

The **Texas State Board of Medical Examiners** proposes an amendment concerning institutional permits. Earliest possible date of adoption - December 9..... **page 4322**

**Office of
the Secretary
of State**

Texas Register

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

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

POSTMASTER: Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

Information Available: The 11 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 TexReg 3."

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

Texas Administrative Code

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

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

- 1 indicates the title under which the agency appears in the *Texas Administrative Code*;
- TAC stands for the *Texas Administrative Code*;
- 27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Myra A. McDaniel
Secretary of State

Director
Dave Harrell

Documents Section Coordinator
Jane Hooks

Document Editors
Cynthia Cooke,
Cynthia Y. Rodriguez-Perin,
Molly Gardner

Open Meetings Specialist
Judy Brewster

Production Section Coordinator
Sue Bumpous

Production Editors
Jody Allen, Lisa Bauer

Typographer
Dawn VanCleave

Circulation Section Coordinator
Dae Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editors
William Craig Howell
Hollis Glaser

Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

Table of Contents

The Governor

Appointment Made October 29
4319— Texas Commission on Public Safety

Appointments Made October 30
4319— Texas Commission on Alcohol and
Drug Abuse
4319— Texas Youth Commission

Appointment Made October 31
4319— Public Utility Commission of Texas

Emergency Rules

Texas Economic Development Commission
4320— Allocation of Private Activity Bonds

Proposed Rules

Texas Cosmetology Commission
4321— General Provisions
Texas State Board of Medical Examiners
4321— Institutional Permits

Texas State Board of Examiners of
Psychologists
4322— General Rulings

Texas Department of Human Services
4322— Quality Control
4323— Family Self-Support Services
4327— ICF/SNF
4327— CCAD

State Department of Highways and Public
Transportation
4328— Construction Division
4328— Design Division

Withdrawn Rules

State Purchasing and General Services
Commission
4330— Building and Property Services Division

Adopted Rules

Texas State Library and Archives Commission
4331— Library Development

Open Meetings

4332— Texas Commission on the Arts
4332— Texas Department of Corrections
4332— State Finance Commission
4332— Texas Department of Health
4332— Texas Department of Human Services
4332— State Board of Insurance
4333— Texas Department of Labor and
Standards

4333— Board of Pardons and Paroles
4333— Texas State Board of Public
Accountancy
4333— Public Utility Commission of Texas
4334— Railroad Commission of Texas
4334— Texas Rehabilitation Commission
4334— School Land Board
4334— Texas State Technical Institute
4334— Advisory Council for Technical-
Vocational Education in Texas
4334— Texas Water Commission
4336— Regional Agencies

In Addition

Texas Department of Corrections
4337— Request for Proposals
Texas Economic Development Commission
4337— Private Activity Bond Allocation Report
State Department of Highways and Public
Transportation
4338— Public Hearings
Railroad Commission of Texas
4339— Extension of Time to File Comments
Texas Tourist Development Agency
4339— Consultant Contract Award

TAC Titles Affected

TAC Titles Affected—November

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

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services
Commission
1 TAC §115.354330

Part VI. Texas Surplus Property Agency
1 TAC §143.14279

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Economic Development Commission
10 TAC §§102.2, 102.4-102.64320

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives - Commission
13 TAC §1.214331

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas
16 TAC §3.564279
16 TAC §5.414258
16 TAC §9.24275
16 TAC §9.144275
16 TAC §9.484275
16 TAC §9.554275
16 TAC §9.584275
16 TAC §9.594275
16 TAC §9.644275
16 TAC §§9.65-9.704275
16 TAC §9.100, §9.1134276
16 TAC §§9.106, 9.108, 9.1114276
16 TAC §9.1214276
16 TAC §§9.124-9.126, 9.131, 9.134, 9.1354276
16 TAC §9.1474276
16 TAC §§9.156, 9.160, 9.167, 9.1684276
16 TAC §9.159, §9.1624276
16 TAC §9.1644276
16 TAC §9.1904277
16 TAC §9.203, §9.2044277
16 TAC §9.2364277
16 TAC §§9.264, 9.272-9.2744277
16 TAC §9.2654277
16 TAC §9.271, §9.2754277
16 TAC §9.2854277
16 TAC §9.301, §9.3034277
Part II. Public Utility Commission of Texas
16 TAC §23.684281

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System
19 TAC §§5.211-5.216, 5.220, 5.2224282
19 TAC §69.1-9.44282
19 TAC §9.44283
19 TAC §9.21-9.242, 9.26, 9.274283
19 TAC §§9.29-9.314283
19 TAC §9.131-9.1374258
19 TAC §§21.55-21.57, 21.654284
19 TAC §§21.171, 21.173, 21.174, 21.1774284
19 TAC §§21.251-21.2634259
19 TAC §§21.281-21.2894260
Part II. Texas Education Agency
19 TAC §§69.125, 69.127, 69.1284284
19 TAC §85.1844285

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission
22 TAC §89.304321
Part VI. Texas State Board of Registration for Professional Engineers
22 TAC §131.184261
22 TAC §131.1374262
22 TAC §171.74262
Part IX. Texas State Board of Medical Examiners
22 TAC §171.14321
Part XXI. Texas State Board of Examiners of Psychologists
22 TAC §46.14322

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health
25 TAC §115.144278
25 TAC §115.744286
25 TAC §133.214263
25 TAC §135.14278, 4286
25 TAC §137.14278, 4286
25 TAC §139.14278, 4287
25 TAC §145.83, §145.844252, 4283
25 TAC §337.1814267
25 TAC §337.1824287
25 TAC §337.182, §337.1874267
25 TAC §503.13, §503.154278

TITLE 28. INSURANCE

Part I. State Board of Insurance
Noncodified 059.03.68.0014278

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department
31 TAC §57.5004287

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts
34 TAC §3.5584264
Part IV. Employees Retirement System of Texas
34 TAC §71.154288

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety
37 TAC §3.8, §3.94264
37 TAC §23.914265
Part VIII. Commission on Fire Protection Personnel Standards and Education
37 TAC §233.314288
37 TAC §233.334255, 4267
37 TAC §233.354268
37 TAC §233.1414256, 4268
37 TAC §§233.151-233.1564256, 4268

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services
40 TAC §55.1-5.34323
40 TAC §55.11-5.244323
40 TAC §55.314323
40 TAC §510.2501-10.25064323
40 TAC §510.2507-10.25234324
40 TAC §510.2507-10.25264324
40 TAC §16.15034269
40 TAC §16.39034269
40 TAC §16.61184269
40 TAC §16.71034327
40 TAC §35.6014290
40 TAC §35.7044290
40 TAC §35.7104290
40 TAC §48.29024327
40 TAC §§79.1601, 79.1603-79.1607, 79.1609-79.16144269
40 TAC §79.16084272
Part III. Texas Commission on Alcohol and Drug Abuse
40 TAC §§155.21-155.274273

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation
43 TAC §9.64328
43 TAC §§11.51-11.534328

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointment Made October 29

Texas Commission on Public Safety

For a term to expire December 31, 1985:

Calvin R. Guest
2907 Rustling Oaks
Bryan, Texas 77801

Mr. Guest is replacing W. C. Perryman of Athens, who is deceased.

Issued in Austin, Texas, on October 29, 1985.

TRD-8510202 Mark White
Governor of Texas

★ ★ ★

Appointments Made October 30

Texas Commission on Alcohol and Drug Abuse

For a term to expire June 8, 1991:

Robb Southerland
2207 Bowman Avenue
Austin, Texas 78703

Mr. Southerland is being appointed pursuant to Senate Bill 601, 69th Legislature, 1985.

Texas Youth Commission

For a term to expire August 31, 1991:

Larry F. York
3501 Mount Barker Drive
Austin, Texas 78731

Mr. York is replacing James Smith Bowie of Houston, whose term expired.

Issued in Austin, Texas, on October 30, 1985.

TRD-8510202 Mark White
Governor of Texas

★ ★ ★

Appointment Made October 31

Public Utility Commission of Texas

For a term to expire September 1, 1991:

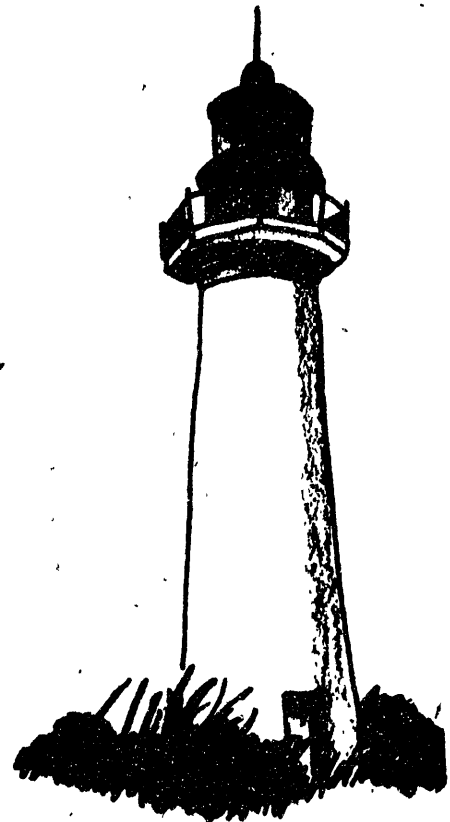
Jo Campbell
2504 Dana Cove
Austin, Texas 78746

Ms. Campbell is replacing Philip F. Ricketts of Austin, whose term expired.

Issued in Austin, Texas, on October 31, 1985.

TRD-8510202 Mark White
Governor of Texas

★ ★ ★



Emergency

Rules

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

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

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Economic Development Commission Chapter 102. Allocation of Private Activity Bonds

★ 10 TAC §§102.2, 102.4-102.6

The Texas Economic Development Commission adopts on an emergency basis amendments to §§102.2 and 102.4-102.6, concerning the allocation of the authority in the state to issue certain private activity bonds

The basis for the emergency adoption of the amendments is Texas Civil Statutes, Article 5190.0, House Bill 690, 69th Legislature, 1985, which was effective August 27, 1985. The adoption of these amendments implements the statutory mandate.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5190.9, House Bill 690, 69th Legislature, 1985, which provide the commission with the authority to adopt rules necessary to carry out the purposes of the Act.

§102.2. Definitions. Each word, term, or phrase not otherwise defined in this section shall have the same meaning as it has in the Act. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Bond—Any obligation of an issuer which is a private activity bond.

Code—The Internal Revenue Code of 1954.

Governing body—The governing [board, council, commission, commissioner's court, or legislative] body of the

governmental unit that issues bonds or on whose behalf bonds are issued [issuer].

Issue—A bond issue.

Private activity bond—A private activity bond within the meaning given that term by the Code, §103.

Project—Any facility or purpose for which a bond issue may be used by an issuer pursuant to the Code and the state statute relied upon and as represented by the issuer as its authority to issue the bonds.

Reservation date—The earliest date on which an [a completed] application for reservation is accepted for filing [filed] with the commission pursuant to the Act and this chapter and a portion of the state's limit is or become available to the issue.

§102.4. Carryforward.

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

(d) Priority classifications for the carryforward are as follows.

(1) Priority classification 1. Projects which are:

- (A) student loan bonds; or
- (B) projects for which:

(i) there was an inducement resolution prior to December 31; and

[(ii)] construction began prior to December 31, and the authorized representative of the issuer certifies that bonds for such project will be issued and delivered during the following calendar year; or

[(ii)][(iii)] there was an inducement resolution prior to December 31 and the substantial user was under a binding contract by such time to incur significant expenditures with respect to such project, and [provided] the authorized representative of the issuer [appropriate individual] certifies that bonds for such project will be [are] issued and delivered during the following calendar year.

(2)-(4) (No change.)

(e) (No change.)

§102.5. Filings, Submissions.

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

(d) Pursuant to the requirements contained in the Act and this Chapter, the commission may refuse to accept for filing any document that does not conform to such requirements. Should any document not be accepted for filing, the commission shall issue notice of such fact to the designated representative of the issuer and shall set forth the reason(s) why the document was not accepted for filing.

(e)[(d)] Once the document is accepted for filing, the executive director of the commission, or his designee, shall [(1) endorse on each original the words "received for filing" and the year, month, day, and time of the receipt thereof; and] certify the reservation date and shall [(2)] certify under penalty of perjury that the allocation was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

§102.6. Withdrawals, Amendments, Cancellations.

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

(c) If an issuer does not [timely] submit documents in a timely manner as required by the sections and the Act, the issuer's request for reservation will be cancelled.

Issued in Austin, Texas, on October 31, 1985.

TRD-8510206

David V. Brandon
Executive Director
Texas Economic
Development
Commission

Effective date: October 31, 1985
Expiration date: January 21, 1986
For further information, please call
(512) 472-5059.

★ ★ ★

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 22. EXAMINING BOARDS Part IV. Texas Cosmetology Commission Chapter 89. General Provisions ★22 TAC §89.30

The Texas Cosmetology Commission proposes an amendment to §89.30, concerning procedures for submitting examination applications. This amendment is proposed to clarify the statutes.

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

Ms. Reeves also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to clarify the statutes and save confusion due to misinterpretation. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Jo Ann Reeves, Executive Director, Texas Cosmetology Commission, 1111 Rio Grande, Austin, Texas 78701, (512) 475-5460.

The amendment is proposed under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.30. Examination Applications. Applications for examination must be filed 10 days prior to the first date set by law for examination and verify the applicant has completed the total hours required in the particular course of instruction at that time [and certify that the applicant is competent to pass the examination. The transcript form on the permit must be properly executed and the total hour requirement validated for the student to be admitted on the exam floor]. The examination application consists of the front portion of the permit with photograph and the second portion labeled application. A copy of the student permit and photograph must be posted in

the school, should the student continue to attend and accrue additional hours between the time of application and date scheduled for exam. The applicant will be required to furnish valid proof of identification prior to admittance for examination. The examination application may not be withheld for the purpose of tuition collection. Schools failing to submit the examination application in a timely manner are subject to disciplinary action. Students holding [reservations and/or] dates scheduled for exam who do not appear without a seven-day notice to the commission of cancellation may be denied scheduling [will not be rescheduled] for at least 60 days.

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 August 26, 1985.

TRD-8510201

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption:
December 9, 1985
For further information, please call
(512) 475-5460.

★ ★ ★

Part IX. Texas State Board of Medical Examiners Chapter 171. Institutional Permits ★22 TAC §171.1

The Texas State Board of Medical Examiners proposes an amendment to §171.1, concerning interns, residents, or fellows permit. The proposed amendment clarifies a postresidency fellowship, sets forth deadlines for application and renewal of institutional permits, and provides for denial for permanent Texas licensure being grounds for revoking or refusing to issue an institutional permit.

Florence Allen, business manager, and Jean Davis, program administrator, have determined that for the first five-year period the proposed section will be in ef-

fect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Davis also has determined that for each year of the first five years the section is in effect the amendment as proposed is not expected to directly affect the public. It pertains to physicians desiring issuance of institutional permit by the board. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing will be held on the proposed amendment. Although no definite date has been set, it is expected to occur in early December.

The amendment is proposed under the Medical Practice Act, Article 4495b, which provides the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this 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 this Act.

§171.1. Interns, Residents, or Fellows Permit. Institutional permits may be granted to persons desiring to serve in this state as an intern, resident, or fellow in graduate medical programs in hospitals and medical institutions approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association for internship, residency, and fellowship programs. An internship is a clearly defined and delineated first postgraduate year program approved by the Texas State Board of Medical Examiners. A residency is a specialized, clearly defined, and delineated postgraduate program approved by the Texas State Board of Medical Examiners. A postresidency fellowship is a specialized, clearly defined, and delineated course of training as a postresidency program for additional training in a medical specialty or subspecialty delivered in a program approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or in a program acceptable to the Texas State Board of Medical Examiners. The director

of medical education of the institution must certify to the Texas State Board of Medical Examiners that internships, residencies, and fellowships at his or her institution meet the appropriate definition before an institutional permit may be issued. An applicant from a program which does not meet the appropriate definition may apply for approval of the Texas State Board of Medical Examiners by submission of a written request addressed to the executive director stating reasons therefor. If the executive director recommends approval of the program, an institutional permit shall be issued. If the executive director does not recommend approval, the applicant may appeal to the full board for its consideration of the request. The board, in its sole discretion, may grant or deny the request. Institutional permits may be allowed under the following conditions.

(1) Interns, residents, and fellows must register annually and pay the required fee to the Texas State Board of Medical Examiners 30 days prior to the beginning date of the permit.

(2) The provisions of this paragraph apply only to persons who seek to acquire institutional permits, hereinafter referred to as "applicant(s)," and who are not graduates of institutions approved by the board for licensure.

(A) The director of medical education or the person acting in that capacity, hereinafter referred to as "director," of each hospital or medical institution where an applicant desires to serve as an intern, resident, or fellow in graduate medical education shall inspect, verify, and approve all of the credentials which reflect that he or she, on behalf of the institution, has so reviewed the applicant's credentials. The applicant shall attach that certification to his or her request for an institutional permit. **The request shall be submitted 90 days prior to the beginning date of the permit.**

(B)-(E) (No change.)

(3) Interns, residents, and fellows may be issued an institutional permit for each year of their training program and must confine their training to the designated teaching institution or affiliated hospitals. If an intern, resident, or fellow violates §3.08 or any other provision of the Medical Practice Act of Texas, the application for institutional permit may be denied or the permit may be cancelled or withdrawn. If he or she used the institutional permit to practice medicine outside the designated teaching institution or affiliated hospitals, the permit may be cancelled. If the training is terminated for any reason other than illness or other reasons acceptable to the board, the permit is void and no additional permit will be issued. **Denial of a permanent Texas license is grounds for revoking or not issuing an institutional permit.**

(4)-(8) (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 October 31, 1985.

TRD-8510218

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

Earliest possible date of adoption:
December 9, 1985
For further information, please call
(512) 452-1076.

★ ★ ★

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 461. General Rulings

★ 22 TAC §461.1

The Texas State Board of Examiners of Psychologists proposes an amendment to §461.1, concerning reference letters by board members. The board wanted applicants to know that there is a difference between using their names as a general reference and using their names to document training or experience received from them. Because they are professionals in settings where they are providing supervision, there will be times when they will work with applicants.

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

Ms. Bizzell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is to provide information to applicants making it possible to use the names of board members to document training and experience. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patti Bizzell, Texas State Board of Examiners of Psychologists, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provides the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§461.1. References by Board Members. Current members of the board may not be used as references by an applicant for any application made to the board. **Applicants may use current board members to document any training and/or experience received under a board member's supervision.**

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 October 30, 1985.

TRD: 8510160

Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption:
December 9, 1985
For further information, please call
(512) 835-2036.

★ ★ ★

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 5. Quality Control

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Services (DHS) proposes the repeal of §§5.1-5.3, 5.11-5.24, and 5.31, concerning quality control, which constitute all of Chapter 5. The DHS is proposing the repeal of Chapter 5 on the basis that the sections being repealed are covered in DHS' Chapter 3, concerning income assistance services, and program handbooks.

Clifton Martin, associate commissioner for programs, has determined that there will be no fiscal implications for state or local government or small businesses as a result of the repeals.

Mr. Martin has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated is deletion of internal operating procedures from the department's rules. There are no anticipated economic costs to individuals as a result of repealing the sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-631,

Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769. Comments must be submitted within 30 days of publication in this *Register*.

Adoptions by Reference

★ 40 TAC §§5.1-5.3

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

§5.1. *Medicaid Eligibility Quality Control Manual.*

§5.2. *Quality Control in AFDC Manual, §§1000-5000.*

§5.3. *Quality Control in AFDC Manual, §3000.*

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 November 1, 1985.

TRD-8510223

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 9, 1985

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

★ ★ ★

Food Stamps

★ 40 TAC §§5.11-5.24

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

§5.11. *Handbook for Quality Control in the Food Stamp Program.*

§5.12. *Scope.*

§5.13. *Case Record Review.*

§5.14. *Refusal to Participate.*

§5.15. *Notice of Adverse Action.*

§5.16. *Evaluation.*

§5.17. *Procedure for Reviewing One-Month Certifications or the First Month of an Extended Certification Period.*

§5.18. *Procedure for Reviewing Cases Certified for More than One-Month Based on Averaged Income and Deductions.*

§5.19. *Referral.*

§5.20. *Referral Distribution.*

§5.21. *Response.*

§5.22. *Informational Referrals.*

§5.23. *Distribution of Clearance.*

§5.24. *Procedures in Potential Fraud Cases.*

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 November 1, 1985

TRD-8510222

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 9, 1985

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

★ ★ ★

General Policies and Procedures

★ 40 TAC §5.31

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

§5.31. *Procedure in Referrals Involving Potential Fraud*

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 November 1, 1985.

TRD-8510221

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 9, 1985

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

★ ★ ★

Chapter 10. Family Self-Support Services

Job Training and Work Experience

The Texas Department of Human Services (DHS) proposes amendments to §§10.2501-10.2506, the repeal of §§10.2507-10.2523, and new §§10.2507-10.2526, concerning the job training and work experience (JTWE) project. The DHS has tested the JTWE project in Dallas, McLennan, Nueces, Smith, and Midland Counties since January 1984. Provision of JTWE services in the Midland site, which was mandated by House Bill 1299, terminated August 31, 1985, with the expiration of that legislation. The DHS also has ended services in Nueces and Smith Counties. The DHS will continue the project on a test basis in Dallas and McLennan Counties. The DHS is proposing to replace the job training component of the project with a job preparation or job club component. Some of the cumbersome procedures and contracting requirements are removed to enhance employment opportunities for clients.

Rules governing the job preparation component of JTWE are included in proposed new §§10.2507-10.2515. New §§10.2516-10.2526 govern the work experience component.

Clifton Martin, associate commissioner for programs, has determined that there will be no fiscal implications on state or local governments or small businesses as a result of enforcing or administering the rules.

Mr. Martin also has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing the rules will be provision of services to the greatest number of clients by redistributing the funds to the most active project sites. Client participation was minimal in the three sites which were deleted. Other employment services are available for clients in these sites. There is no economic cost to individuals who are required to comply with the rules as proposed.

Comments may be sent to Cathy Rossberg, Administrator, Policy Development Support Division-464, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, mail code 153-E, within 30 days of publication in this *Register*.

★ 40 TAC §§10.2501-10.2506

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 31, which authorizes the department to administer financial assistance and related services.

§10.2501. *Pilot Sites.*

[(a)] The sections contained in this subchapter apply to pilot sites in **Dallas and McLennan Counties**.[:

[(1)] Dallas County;

[(2)] Ector County;

[(3)] McLennan County;

[(4)] Midland County;

[(5)] Nueces County; and

[(6)] Smith County.

[(b)] The Department of Human Resources (DHR) does not apply sanctions to AFDC recipients for failure to participate in the pilot test of the Job Training and Work Experience Program.]

§10.2502. *Participation in Employment Services Programs.*

(a) **During the pilot test of the job training and work experience (JTWE) project**, AFDC clients [recipients] who live in a pilot site may volunteer to participate in the **JTWE project** [Job Training and Work Experience Program] as an alternative to participation in any other state or federal employment and job training programs. [AFDC recipients may volunteer to participate at any time during the pilot test of the program (January 1984-February 1985).]

(b) AFDC clients [recipients] in Dallas, Nueces, McLennan, and Smith

Counties] who are mandatory registrants must participate in other employment services unless they have volunteered for or are participating in the JTWE project [Job Training and Work Experience Program. AFDC recipients in Ector and Midland counties are not required to register for or participate in other employment services].

(c) DHS does not apply sanctions to AFDC clients for failure to participate in the pilot test of the JTWE project.

§10.2503. *Client [Recipient] Responsibilities.* An AFDC client [recipient] who volunteers for the JTWE project [Job Training and Work Experience Program] must:

(1) (No change.)

(2) participate in employment services activities [of employment services] planned by the family support worker;

(3) report to the work experience employer once the client enters work experience or unsubsidized employment, [provide and participate in job training and/or work experience; and]

(4) notify the income assistance worker of any change that might affect the client's [recipient's] status in employment services within 10 days after the change; and

(5) participate in job preparation training or work experience, or both.

§10.2504. *Failure To Participate.*

(a) AFDC clients who are mandatory employment services registrants must participate in either the JTWE project or another employment service that is available. The requirement for JTWE participation includes the job preparation training phase or the work experience phase, or both. AFDC clients [if an AFDC recipient does not wish to actively participate in the employment assessment, objective setting, and job preparation sponsored by DHR or a provider, the recipient] may withdraw from the JTWE project [Job Training and Work Experience Program] at any time. The client [recipient] may [again] volunteer to enter and participate in the project a second time [for the program].

(b) DHS [DHR] removes an AFDC client [recipient] from the JTWE project [Job Training and Work Experience Program] if the client: [when two or more of the following instances occur. The recipient is entitled to be notified in writing of his removal.]

(1) [The recipient] does not participate or ceases to participate in job preparation training [and/or work experience activities];

(2) [The recipient] refuses a bona fide [job training and/or] work experience offer; or

(3) [The recipient] does not report on the starting date for [job training and/or] work experience, and the employer [provider] refuses the client's employment [services].

(c) A bona fide [job training and/or] work experience position [offered] is one which meets contractual requirements. The [job training and/or] work experience position offered must be [is] one that the client [recipient] can perform and that the client [recipient] can access through available transportation [has access to].

(d) Clients are entitled to written notification if they are removed from the JTWE project. [AFDC recipients who are mandatory registrants are required to participate in other employment services if they withdraw from the Job Training and Work Experience Program.]

§10.2505. *Right to Appeal [a Provider's Decision].* An AFDC client [recipient] may appeal a [provider's] decision related to services in [through] the JTWE project [Job Training and Work Experience Program.] if the decision results in a sanction of the grant. Appeal procedures are addressed in DHS' [DHR's] legal services rule chapter.

§10.2506. *Types of Job Preparation Training Providers and Work Experience Employers.* [DHR purchases services from a provider agency or company to prepare an AFDC recipient for permanent employment with the provider agency or company.] DHS [DHR] purchases [may purchase] services from government [public] agencies; private, profit-making entities; and private, non-profit corporations. Private, profit-making entities must be organized as corporations, partnerships, or sole proprietorships. DHS [DHR] may also provide or purchase services to prepare AFDC clients [recipients] for unsubsidized [permanent] employment at DHS [DHR]. DHS [DHR] may also purchase services from agencies currently under contract with DHS [DHR] for other services.

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 November 1, 1985

TRD-8510212 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

December 9, 1985
For further information, please call
(512) 450 3766.

★ ★ ★

★ 40 TAC §§10.2507-10.2523

(Editor's note: The text of the following section's proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street,

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

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 31, which authorizes the department to administer financial assistance and related services

§10.2507. *Negotiation of the Provider Agreement.*

§10.2508. *Executing the Agreement*

§10.2509. *Service Content and Requirements.*

§10.2510. *Provider Participation Requirements.*

§10.2511. *Interview and Decision.*

§10.2512. *Procedures for AFDC Recipients Who Do Not Report to the Provider on the Starting Date.*

§10.2513. *Job Training Phase*

§10.2514. *Transportation and Job-Related Expense Allowance.*

§10.2515. *Work Experience Phase.*

§10.2516. *Grant Diversion Payment*

§10.2517. *Units of Service.*

§10.2518. *Conditions for Payment.*

§10.2519. *Documentation for Units of Service.*

§10.2520. *Time Frames.*

§10.2521. *Provider Agreement Termination and Renewal.*

§10.2522. *Record Retention Requirements.*

§10.2523. *Participants Not Considered DHR Employees.*

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 November 1, 1985

TRD 8510211 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption
December 9, 1985

For further information please call
(512) 450 3766

★ ★ ★



★ 40 TAC §§10.2507-10.2526

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 31, which authorizes the department to administer financial assistance and related services.

§10.2507. Job Preparation Training Contracts. As part of the JTWE project, DHS purchases or establishes cooperative arrangements for job preparation training for AFDC clients to enable them to participate in work experience and to obtain unsubsidized employment.

§10.2508. Executing Job Preparation Training Contracts.

(a) Before JTWE services are provided, DHS and the provider must execute a job preparation training contract.

(b) The contract must be signed by the person empowered by the provider's governing authority to negotiate and enter into contracts for the provider.

(c) The commissioner signs job preparation training contracts for DHS.

§10.2509. Renewing or Terminating Job Preparation Training Contracts.

(a) Competitively procured job preparation training contracts may not be renewed without releasing a new request for proposal. For noncompetitively procured contracts, DHS and the provider may renew or extend the contract past the initial period if both parties agree. Unless DHS and the provider renew or extend the contract, the contract expires on the termination date stated in the contract. The initial contract renewal or extension cannot have a termination date past the duration of the JTWE project. A contract period is normally 12 months or less.

(b) DHS or the provider may end a contract before the termination date stated in the contract if:

(1) the provider and DHS mutually agree on an earlier termination date and document this agreement in writing;

(2) the provider or DHS gives 30 calendar days advance written notice to the other party. Termination may be earlier than 30 calendar days for:

- (A) loss of license;
- (B) loss of certification;
- (C) conviction of fraud;
- (D) breach of the agreement by the provider;

(E) loss of federal or state funds; or

(F) change in federal or state laws or regulations that makes a reduction or termination of the project necessary;

(3) the provider changes ownership or ceases operation as a business entity.

(c) To prevent a lapse in service delivery, the effective date of a renewal or extension should be the day after the termination date of the previous contract.

§10.2510. Duration of Job Preparation Training. DHS pays providers for job preparation classes not to exceed 10 classes in a 10-day period. A class must last at least three hours and not more than eight hours. Classes may consist of individual or group activities.

§10.2511. Job Preparation Training Curriculum.

(a) Job preparation training delivered by providers must include:

- (1) job application skills;
- (2) interviewing skills;
- (3) proper work attitudes;
- (4) good grooming habits;
- (5) ethical conduct on the job; and
- (6) job retention skills.

(b) DHS staff may be used as a resource during job preparation training.

§10.2512. Units of Service for Job Preparation Training. There are two units of service for job preparation training. A workshop, consisting of the equivalent of 10 classes, is the primary unit of service for job preparation training. A daily transportation and training-related expense allowance is the secondary unit of service for job preparation training.

§10.2513. Basis of Payment for Job Preparation Training.

(a) DHS negotiates the payment amount for job preparation training workshops with the prospective provider. The payment amount must be:

- (1) reasonable and necessary; and
- (2) based on the provider's allowable estimated expenses to provide the service.

(b) DHS reimburses the provider for disbursing a training-related fee to each client participating in job preparation training. DHS pays the provider up to \$10 for each day of class for each AFDC client. The provider must provide the client with a training-related reimbursement of up to \$10 per day in cash or its equivalent such as bus tokens. The maximum amount the provider may pay a client is \$100. If DHS does not reimburse the provider for job preparation training workshops, DHS pays the provider an administrative fee of 10% of each allowance paid to a client by the provider.

§10.2514. Conditions for Payment for Job Preparation Training. DHS pays or reimburses providers only under the following conditions.

(1) Providers must give the service within the effective dates of the contract.

(2) Providers must request payment by completing a purchase voucher, an expenditure report, and a service delivery form prescribed by DHS.

(3) Providers must have provided job preparation training and paid AFDC clients the transportation and training-related expense allowance before requesting payment for these units of service.

(4) Providers must submit only one request for payment each month.

(5) Providers must request payment for a unit of service within 45 calendar days after the end of the month in which they complete the unit of service.

(6) Providers must have submitted all reports required by DHS.

(7) Providers must reimburse DHS

for any overpayments made to them.

§10.2515. Job Preparation Training Attendance Records and Reports.

(a) Providers must maintain attendance and progress records on all job preparation training participants as stipulated in the record retention requirements of the contract. Providers must notify DHS by telephone or in writing when AFDC clients complete job preparation training. Providers must also notify DHS within seven calendar days if AFDC clients do not begin or stop attending job preparation training. If AFDC clients do not begin job preparation training on the scheduled date, providers may refuse to serve them or may reschedule their training within 30 calendar days of the originally scheduled start date.

(b) Providers must obtain and keep a receipt signed by AFDC clients for each transportation and training-related expense allowance payment provided, noting the date paid, the amount, the client's name, and the period covered by the payment.

§10.2516. Work Experience Employer Agreements.

(a) Before JTWE services are provided, DHS and the employer must execute a work experience employer agreement. The agreement specifies the duration of the agreement, the services to be provided, and the basis for payment. The agreement is not effective until representatives from DHS and the employer sign it.

(b) The agreement must be signed by the person empowered by the employer's governing authority to negotiate and enter into agreements for the employer.

(c) Regional administrators sign work experience employer agreements for DHS.

§10.2517. Renewal of Work Experience Employer Agreements.

(a) DHS and the employer may renew or extend the agreement after the initial period if both parties agree. The initial agreement, renewal, or extension cannot have a termination date past the duration of the project. An agreement period is normally 12 months or less.

(b) DHS and the employer renew or extend an agreement by executing a new agreement. To prevent a lapse in service delivery, the effective date of a renewal or extension should be the day after the termination date of the previous agreement.

§10.2518. Termination of Work Experience Employer Agreements.

(a) Unless DHS and the employer renew or extend the agreement, employer agreements expire on the termination date stated in the agreement or the termination date of the project.

(b) DHS or the employer may end an agreement before the termination date stated in the agreement if:

(1) the employer and DHS mutually agree on an earlier termination date and document this agreement in writing;

(2) either the employer or DHS gives 30 calendar days advance written notice to the other party. Termination may be earlier than 30 days for:

- (A) loss of license;
- (B) loss of certification;
- (C) conviction of fraud;
- (D) breach of the agreement by the employer;

or

(F) change in federal or state laws or regulations that makes reduction or termination of the project necessary;

(3) the employer changes ownership or ceases operation as a business entity.

§10.2519. Appropriate Work Experience Positions. Employers offer positions through the JTWE project that:

(1) are the type in which participants may meet qualifications for unsubsidized employment;

(2) pay at least the federal minimum wage for 30 hours or more a week, or pay the equivalent of the federal minimum wage in weekly pay based on 30 hours if less than 30 hours a week;

(3) pay participants' wages during work experience that are comparable to wages paid to other employees performing similar tasks and having similar levels of proficiency, training, and experience;

(4) do not displace another employee;

(5) do not relate to political, electoral, or partisan activities;

(6) do not violate applicable federal, state, or local health and safety standards;

(7) are not the result of or associated with a strike, lockout, or other bona fide labor dispute;

(8) do not violate an existing labor agreement between an employer and employee;

(9) do not require more than 120 days of subsidized work experience; and

(10) do not require participation for more than 40 hours a week unless the participant agrees and will receive compensation.

§10.2520. Basis of Payment for Work Experience Employers.

(a) DHS subsidizes employers for up to 120 calendar days for a work experience assignment. The employer must ensure that the assignment is available for 120 days. The work experience assignment may be less than 120 days if the employer determines that the client is proficient enough to qualify for unsubsidized employment

(b) Employers interview AFDC clients to determine their suitability for work experience positions. If the employer determines that an AFDC client is ready for unsubsidized employment after the interview, the client begins unsubsidized employment and DHS does not pay a subsidy to the

employer.

(c) Employers are not required to provide work experience to AFDC clients who do not report on the starting date of the work experience assignment.

§10.2521. Compensation, Work Hours, and Benefits Required of Work Experience Employers.

(a) AFDC clients who participate in work experience are employees of the employers, not DHS. Employers must pay clients at least the federal minimum wage for a full-time position (30 hours or more) during work experience. Gratuities, if usually a part of compensation, may be included as income. Employers may provide part-time employment if the position pays at least the equivalent of 30 hours per week at the federal minimum wage.

(b) A position is considered full time if it is for 30 or more hours per week. A position is considered part time if it is for less than 30 hours per week.

(c) Employers must not reduce the compensation paid to AFDC clients by considering any other DHS benefits or services received by the clients or the employers' grant diversion payments.

(d) Employers pay wages to clients during work experience that are comparable to wages paid to other employees who:

(1) perform similar tasks at a similar level of proficiency; and

(2) have similar levels of training and experience.

(e) Employers assess the clients' progress in work experience and determine if they qualify for unsubsidized employment.

(f) Employers must ensure that AFDC clients are eligible to participate in the same employee benefits during work experience and unsubsidized employment at the same time as other employees who occupy the same or similar positions.

(g) While not required, employers are urged to maintain adequate liability coverage for AFDC clients participating in work experience.

§10.2522. Contacts Regarding Available Work Experience Positions.

(a) Employers notify the DHS contact person about available positions suitable for work experience participation and the minimum job requirements.

(b) If AFDC clients who have not been referred by DHS staff contact employers about work experience, the employers must verify the client's eligibility to participate in work experience by calling DHS staff.

§10.2523. Work Experience Unit of Service. The unit of service for work experience is a calendar day.

§10.2524. Rates for Work Experience Subsidies. DHS pays employers a grant diversion subsidy as determined by DHS for

each calendar day that an AFDC client participates in work experience. This payment may continue for 120 calendar days from the starting date of work experience. DHS determines the amount of the subsidy in October of each year. The amount is effective from November 1 of that year through October 31 of the next year. The amount of the daily grant diversion payment is 12 times the average monthly Texas AFDC grant for a family, excluding special payments, in September of each year, divided by 365. The result is rounded to the nearest 10 cents.

§10.2525. Conditions for Payment for Work Experience. DHS pays employers a work experience subsidy only under the following conditions.

(1) The work experience must occur within the effective dates of the work experience employer agreement, and on or after the date DHS authorizes the AFDC client's participation.

(2) Employers must request payment by completing a purchase voucher and a service delivery form prescribed by DHS.

(3) Employers must not request payment for work experience that is not performed.

(4) Employers must submit only one request for payment each month.

(5) Employers must request payment for a unit of service within 45 calendar days after the end of the month in which the unit of service was completed.

(6) Employers must comply with reporting requirements.

(7) Employers must reimburse DHS for any overpayments.

§10.2526. Work Experience Records and Reports.

(a) Employers must maintain employment and payroll records on all work experience participants as specified in the record retention requirements of the agreement.

(b) The employer must notify DHS by telephone or mail within seven calendar days if the:

(1) client starts unsubsidized employment after work experience;

(2) employer determines that the participant is not qualified for unsubsidized employment after work experience; or

(3) client stops participating in work experience.

(c) If the employer does not notify the contact person within seven calendar days, then DHS may:

(1) plan corrective action with the employer; or

(2) terminate the agreement.

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 November 1, 1985.

TRD-8510209

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 9, 1985

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

★ ★ ★

Chapter 16. ICF/SNF Medical Review and Re-Evaluation ★40 TAC §16.7103

The Texas Department of Human Services proposes an amendment to §16.7103, concerning utilization review plan, in its intermediate care facility/skilled nursing facility (ICF/SNF) chapter. Section 16.7103 is amended to address the conditions that require a new level-of-care assessment for admission. The proposed amendment requires nursing facility administrators to submit a level-of-care assessment for admission when more than 30 days have elapsed between a recipient-patient's discharge and readmission to the same facility. Recipient-patients are considered to be out of the Medicaid facility when all or part of their care is being reimbursed by Medicare. A level-of-care assessment for admission also must be submitted when more than 30 days have elapsed between the effective date of a facility's contract cancellation and the effective date of the new contract.

The department does not make vendor payment when a recipient-patient's level of care expires. Any vendor payment made for that period is subject to recoupment.

Clifton Martin, associate commissioner for programs, has determined that for the first five-year period the amendment will be in effect there will be no fiscal implications to state or local government or small businesses as a result of enforcing or administering the amendment.

Mr. Martin also has determined that for each year of the first five years the amendment is in effect the public benefit will be that Title XIX recipient-patients who leave a facility for more than 30 days must have a legitimate medical need before they can be readmitted to the facility. There is no anticipated economic cost to individuals required to comply with the amendment.

Comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-586, Texas Depart-

ment of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

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

§16.7103. Utilization Review Plan

(a)-(f) (No change.)

(g) Requirements of the review process. A continued-stay review is the determination of the need for continuing nursing facility care and a re-evaluation of the established level of care.

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

(10) If the recipient-patient is discharged or transferred to another section of the facility, the administrator of the facility must submit, within 72 hours, a patient transaction notice showing the change to the long-term care unit. The administrator must include the recipient-patient's post-discharge address, if known, on the patient transaction notice. If the recipient-patient moves to another Title XIX facility or is readmitted to the same Title XIX facility (ICF-II, ICF, SNI, or ICF-MR), the administrator of the admitting facility must initiate a level-of-care assessment [determination] for admission when:

(A) more than 30 days have elapsed between discharge from one facility and admission to the new facility; [or]

(B) more than 30 days have elapsed between discharge and readmission to the same facility because of hospital stays, extended therapeutic home visits, or stays in the Medicare reimbursement section;

(C)[(B)] the recipient-patient's current level of care has expired; [or]

(D)[(C)] the admitting facility is contracted to provide a lower level of care than the recipient-patient's current level of care; or

(E) the recipient-patient has remained for more than 30 days in another facility that has had its contract cancelled and no new contract issued within that time period.

(11) The Texas Department of Human Services (DHS) does not make vendor payment when a level of care expires. A provider is not entitled to payment for services rendered from the expiration date to the new effective date of a recipient-patient's level of care. Vendor payment made by DHS for that period is subject to recoupment.

(12) If more than 30 days elapse between the effective dates of a facility's contract cancellation and new contract, the facility must initiate a level-of-care assessment for admission for recipient-patients who have remained in the facility during the noncontracted period.

(h)-(i) (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 November 1, 1985.

TRD-8510213

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
December 9, 1985

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

★ ★ ★

Chapter 48. CCAD Eligibility

★40 TAC §48.2902

The Texas Department of Human Services proposes an amendment to §48.2902, concerning income eligibility for community care services in its Community Care for the Aged and Disabled (CCAD) chapter. Effective January 1, 1986, the department will increase the income eligibility limits to \$670.20 for an individual and \$1,005.30 for a couple. The department is increasing the amounts based on limits set by the Texas Legislature and the supplemental security income standard payment amount. In addition, the department is deleting the specific amounts of the income eligibility limits since the section as proposed indicates how the amounts are determined on a continuing basis.

Clifton Martin, associate commissioner for programs, has determined that for the first five-year period the section will be in effect there will be fiscal implications as a result of enforcing or administering the section. Additional costs to the state are estimated to be \$77,059 in fiscal year 1986, \$344,040 in fiscal year 1987, \$532,717 in fiscal year 1988, \$696,941 in fiscal year 1989, and \$847,283 in fiscal year 1990. There are no fiscal implications for units of local government or small businesses.

Mr. Martin has also determined that for each year of the first five years the section as proposed is in effect the public benefit will be an increased number of clients eligible for community care services. There are no economic costs to individuals who are required to comply with the section as proposed.

Comments may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—856, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

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

§48.2902. Income—Income Eligibles.

{a} To be eligible for CCAD services, the applicant/client must:

(1) (No change.)

(2) be income eligible. To be income eligible, the applicant's/client's and spouse's total gross income must be equal to or less than the income limit set by the department. For an individual, this amount is the same as the income eligibility limit set by the Texas Legislature for institutional care (medical assistance only). It includes the \$20 income disregard allowed under rules for the Medical Assistance Only Program. For a couple, the income limit has the same ratio in relation to the individual income limit as the ratio of the Supplemental Security Income Program's standard payment amount for a couple is to that for an individual. [figures in subsection (b) of this section.] For applicants/clients with minor children living in the home, the department:

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

(D) compares the remaining income with the monthly income limit. (Applies to all priority groups.)

{b} The following chart includes the income eligibility limits. (Applies to all priority groups.)

Size	Annual \$	Monthly \$
1 (Client)	7,576.80	631.40
2 (Client and spouse)	11,364.36	947.03

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 November 1, 1985

TRD-8510210 Marlin W Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption
December 9, 1985
For further information, please call
(512) 450-3766

★ ★ ★

**TITLE 43.
TRANSPORTATION
Part I. State Department of
Highways and Public
Transportation
Chapter 9. Construction
Division
Construction Division Practice
and Regulations**

★ 43 TAC §9.6

The State Department of Highways and Public Transportation proposes an amendment to §9.6. concerning proce-

dures for debarment of a contractor. The existing section allows debarment of a contractor for a period not to exceed 36 months, based upon any one of several grounds stated therein. The State Highway and Public Transportation Commission has determined that a 36-month period may be inadequate to maintain the integrity of the competitive bidding process, required by Texas Civil Statutes, Article 6674h, in the event a contractor engages in actions which for a second or succeeding time(s) constitute grounds for debarment. It is, therefore, proposed to amend the section to allow the commission to order debarment of such contractors for an indefinite period or for such specific term as would be commensurate with its findings

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

Mr Frasier also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be reassurance of the integrity of competitive bidding on Texas highway improvement contracts by means of the indefinite debarment of a contractor which repeatedly engages in collusive bidding on public contracts or other misconduct reflecting on its business practices. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to James D Frasier, General Counsel, 11th and Brazos Streets, Room 214, Austin, Texas 78701

The amendment is proposed under Texas Civil Statutes, Article 6666 and 6674, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation and for bidders submitting bids on all contracts proposed to be made by the department for the improvement of any highway constituting a part of the state highway system or for materials to be used in the construction and maintenance thereof

§9.6 Procedure for Debarment of a Contractor.

(a)-(b) (No change)

(c) Debarment

(1) (No change.)

(2) Except as provided in paragraphs (3) and (4) of this section, the period of a single debarment shall be no longer than 36 months; [; however,]

(3) In the case of multiple offenses by the same contractor arising out of separate occurrences, the commission, under the same process as set forth herein, may

order additional periods of debarment, even though the total debarment period exceeds 36 months.

(4) In any debarment proceeding against a contractor and/or an affiliate previously disqualified under §9.6 of this title (relating to Procedure for Debarment of a Contractor); §9.7 of this title (relating to Procedure for Suspension of a Contractor); or §9.8 of this title (relating to Supplemental Procedures for Suspension or Debarment of Contractor); the commission may order debarment of that contractor and/or the affiliate for an indefinite period or for such specific term as the commission deems commensurate with its findings.

(d)-(h) (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 October 29, 1985.

TRD-8510166 Diane L Northam
Administrative
Technician
State Department of
Highways and Public
Transportation

Earliest possible date of adoption
December 9, 1985
For further information please call
(512) 475-2141.

★ ★ ★

**Chapter 11. Design Division
Access Driveways to State
Highways**

★ 43 TAC §§11.51-11.53

The State Department of Highways and Public Transportation proposes amendments to §§11.51, 11.52, and new 11.53, concerning access driveway facilities, access driveway facilities outside the corporate limits of municipalities, and applicability. The sections address the installation of access driveways for access to highways under the jurisdiction of the State Department of Highways and Public Transportation

Thomas A. Ohlendorf, engineer of maintenance, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government will be an estimated reduction in cost of \$4 million in 1986, \$4.4 million in 1987, \$4.8 million in 1988, \$5.3 million in 1989, and \$5.9 million in 1990. There will be no effect on local government.

The cost of compliance with the sections for small businesses will be 100% of the cost to install and maintain driveways for access to State Department of Highways

and Public Transportation roadways. It is assumed that large businesses will have a larger amount of sales than the small businesses; therefore, the cost per \$100 of sales will be less for a large business than for a small business.

Mr. Ohlendorf also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the state will reduce expenditures related to installation and maintenance of access driveways to highways under the jurisdiction of the State Department of Highways and Public Transportation. The possible economic cost to individuals who are required to comply with the sections as proposed will be an increase of \$4 million in 1986, \$4.4 million in 1987, \$4.8 million in 1988, \$5.3 million in 1989, and \$5.9 million in 1990.

Comments on the proposal may be submitted to Thomas A. Ohlendorf, Engineer of Maintenance, State Department of Highways and Public Transportation, 11th and Brazos Streets, Austin, Texas 78701.

The amendments and new section are proposed under Texas Civil Statutes, Article 6606, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of this department.

§11.51. Access Driveway Facilities.

(a) Access facilities shall be for the bona fide purpose of securing access to abutting property and shall not be for the purpose of parking or servicing on highway right-of-way [location of access driveways shall be selected to provide maximum safety for highway traffic and for users of the driveway facility].

(b) Location and design of access driveways shall be selected to provide maximum safety for highway traffic and for users of the driveway facility.

(c)(b) Principles of traffic channelization shall be applied in the design of entrance and exit driveways with their width limited to that necessary for adequate access.

(d)(c) Safety zones shall be established between entrances and exit drives, at intersections and at other places when needed to preserve lateral sight distance, channelization of traffic flow, and for safety of pedestrians.

§11.52. Access Driveway Facilities Outside the Corporate Limits of Municipalities.

(a) For commercial driveways, the cost of material, installation, and maintenance shall be the responsibility of the grantee. [The department will assist in the construction of commercial access driveways as follows:

- (1) establish flow-line grade for pipe and finish grade for surface;
- (2) place and backfill culvert pipe;
- (3) material must be furnished by others at site.

(b) For noncommercial driveways, the cost of material, installation, and maintenance shall be the responsibility of the grantee. The department may assist as the workload permits. [The department will assist in the construction of noncommercial access driveways as follows:

- (1) install culvert pipe or valley across highway ditch;
- (2) spread gravel or stone for driveway surface;
- (3) materials must be furnished by others at site;

(c) The department will furnish, install, and maintain delineator posts or

barrier type curbs at commercial access driveways in rural areas where needed based on engineering analysis.

(d) Any existing driveway structures which are destroyed or removed in the construction or reconstruction of a section of highway will be replaced or reconstructed by the department to a design within these regulations and a condition equal to or better than the original structures.]

§11.53. Applicability.

(a) These departmental rules shall apply to all future access driveway facilities which are constructed on highways under the jurisdiction of the State Department of Highways and Public Transportation. They shall also apply to existing driveways which may be destroyed or removed and then rebuilt.

(b) Any existing driveway facilities which are destroyed or removed in the construction or reconstruction of a section of highways will be replaced or reconstructed by the department to a design within these regulations and a condition equal to or better than the original facilities.

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 October 29, 1985.

TRD-8510174

Diane L. Northam
Administrative
Technician
State Department of
Highways and Public
Transportation

Earliest possible date of adoption:
December 9, 1985
For further information, please call
(512) 475-2141

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 1.

ADMINISTRATION

Part V. State Purchasing and General Services Commission

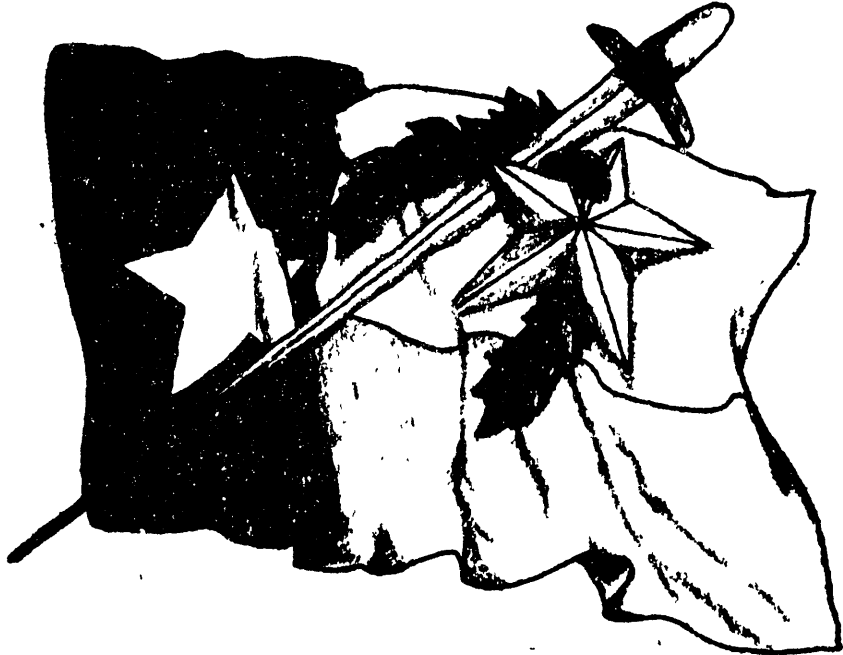
Chapter 115. Building and Property Services Division State Leased Property

★ 1 TAC §115.35

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §115.35, submitted by the State Purchasing and General Services Commission, have been automatically withdrawn, effective October 31, 1985. The amendments as proposed appeared in the April 30, 1985, issue of the *Texas Register* (10 TexReg 1349).

TRD-8510171
Filed October 31, 1985

★ ★ ★



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 13. CULTURAL
RESOURCES**
**Part I. Texas State Library
and Archives Commission**
**Chapter 1. Library
Development**
**Library Services and
Construction Act Annual
Program and Long-Range Plan**

★ 13 TAC §1.21

The Texas State Library and Archives Commission adopts an amendment to §1.21, without changes to the proposed text published in the August 2, 1985, issue of the *Texas Register* (10 TexReg 3207).

The amendment is adopted to comply with 45 Code of Federal Regulations Part 130, Subpart B, which is applicable to the Library Services and Construction Act, Public Law 84-597.

The amendment changes the language of the section and adopts a new annual program to establish general criteria for federal fiscal year 1986

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 5436a, which provide for the adoption of a state plan.

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 October 30, 1985.

TRD-8510175

William D Gooch
Assistant State
Librarian
Texas State Library and
Archives Commission

Effective date: November 21, 1985
Proposal publication date: August 23, 1985
For further information, please call
(512) 483-5481.



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 Commission on the Arts

Tuesday, November 12, 1985, 9:30 a.m. The Assistance Review Committee of the Texas Commission on the Arts will meet on the fifth floor, 920 Colorado, Austin. According to the agenda, the committee will hold a public hearing, consider minutes of the September 18, 1985, meeting; an overview of staff recommendations; project grants; and touring grants.

Contact: Patrice Walker, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: October 31, 1985, 4:13 p.m.
TRD-8510264

★ ★ ★

Texas Department of Corrections

Monday, November 11, 1985, 10 a.m. The Board of the Texas Department of Corrections will meet in the Hazel D. Kerper Courtroom, Criminal Justice Center, Sam Houston State University, 815 16th Street at Avenue I, Huntsville. Items on the agenda include 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: November 1, 1985, 2:38 p.m.
TRD-8510236

★ ★ ★

State Finance Commission

Friday, November 8, 1985, 10 a.m. The Banking Section of the State Finance Commission will meet at Security State Bank, 118 South Cage, Pharr. According to the agenda, the commission will consider proposed rules relating to foreign bank agencies, legal lending limit, trust companies, remote facilities, unmarked vehicles, and

practice and procedure; a legislative update; and a review of departmental operations relating to travel policy, audit report, and personnel report.

Contact: Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: October 31, 1985, 11:09 a.m.
TRD-8510177

★ ★ ★

Texas Department of Health

Friday, November 8, 1985, 9 a.m. The Respiratory Care Practitioners Advisory Board of the Texas Department of Health will meet in Room T-604, 1100 West 49th Street, Austin. According to the agenda summary, the board will consider approval of minutes of September 28 meeting; the program administrator's report; the Rules Development Committee report; review, discussion, and adoption of emergency and proposed rules implementing Senate Bill 1007, 69th Legislature, 1985; review and comment on the draft of application forms; other matters relating to the certification and regulation of respiratory care practitioners (not requiring board action); setting a public hearing date on the emergency and proposed rules; and setting the next meeting dates.

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7631.

Filed: October 31, 1985, 4:08 p.m.
TRD-8510205

★ ★ ★

Texas Department of Human Services

Friday, November 8, 1985, 9:30 a.m. The Family Violence Advisory Committee of the Texas Department of Human Services will meet at the Dallas Hilton Inn, 5600 North Central Expressway, Dallas. According to the agenda summary, the committee will consider minutes; announcements; old bus-

iness; reports concerning monthly program status, Texas Council on Family Violence, legislative issues, policy, public education; regional information sharing; new business concerning legislative appropriations request (LAR); and future meeting dates.

Contact: James C. Marquart, P.O. Box 2960, Austin, Texas 79769, (512) 450-3365.

Filed: October 30, 1985, 3:59 p.m.
TRD-8510167

★ ★ ★

State Board of Insurance

Wednesday, November 13, 1985, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a prehearing conference for the annual title insurance hearing to be held on November 19, 1985.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: November 1, 1985, 3:32 p.m.
TRD-8510244

Tuesday, November 19, 1985, 9 a.m. The State Board of Insurance will meet in the hearing room, DeWitt Greer Building, 11th and Brazos, Austin. According to the agenda summary, the board will consider the adoption of premium rates and amendments to the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas*, Rule 059.09.07.001, 28 TAC §9.1.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: November 1, 1985, 3:33 p.m.
TRD-8510245

★ ★ ★

Texas Department of Labor and Standards

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

Tuesday, November 12, 1985, 9 a.m. 3014 Sandage, Fort Worth.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2:02 p.m.
TRD-8510180

Wednesday, November 13, 1985, 9 a.m. 3014 Sandage, Fort Worth.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2:02 p.m.
TRD-8510181

Thursday, November 14, 1985, 9 a.m. Suite 109, 810 North Dixie Boulevard, Odessa.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2 p.m.
TRD-8510182

Monday, November 18, 1985, 9 a.m. Suite 3322-B, Commerce Square, South Southwest Loop 323, Tyler.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711 (512) 475-5712.

Filed: October 31, 1985, 2:02 p.m.
TRD-8510183

Tuesday, November 19, 1985, 9 a.m. Suite 3322-B, Commerce Square, South Southwest Loop 323, Tyler.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2:02 p.m.
TRD-8510184

Tuesday, November 19, 1985, 9 a.m. Suite 3322-B, Commerce Square, South Southwest Loop 323, Tyler.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2 p.m.
TRD-8510185

Wednesday, November 20, 1985, 9 a.m. Room 4005, G. J. Sutton Building, 321 Center Street, San Antonio.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2 p.m.
TRD-8510186

Thursday, November 21, 1985, 9 a.m. Room 4005, G. J. Sutton Building, 321 Center Street, San Antonio.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2:01 p.m.
TRD-8510187

Monday, November 25, 1985, 9 a.m. Suite 209, 4615 North Freeway, Houston.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2:01 p.m.
TRD-8510188

Tuesday, November 26, 1985, 9 a.m. 1314-B South Closser, Edinburg.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2:01 p.m.
TRD-8510189

Tuesday, November 26, 1985, 9 a.m. Suite 209, 4615 North Freeway, Houston.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 475-5712.

Filed: October 31, 1985, 2:01 p.m.
TRD-8510190

★ ★ ★

Board of Pardons and Paroles

Tuesday-Friday, November 12-15, 1985, 1:30 p.m. daily Tuesday-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 releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: November 1, 1985, 10:41 a.m.
TRD-8510224

Tuesday, November 12, 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: November 1, 1985, 10:40 a.m.
TRD-8510225

★ ★ ★

Texas State Board of Public Accountancy

Tuesday, November 12, 1985, 9 a.m. The Long-Range Planning Committee of the Texas State Board of Public Accountancy will meet in the conference room, 2900 Republic Bank Building, Pacific and Ervy, Dallas. According to the agenda, the committee will discuss matters relating to the future of the accounting profession, such as policies regarding commissions, contingent fees, and incompatible occupations.

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

Filed: November 1, 1985, 4:18 p.m.
TRD-8510254

★ ★ ★

Public Utility Commission of Texas

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

Friday, November 1, 1985, 3 p.m. An emergency meeting to select the new chairperson of the Public Utility Commission of Texas. The emergency status was necessary to insure timely completion of pending commission business.

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

Filed: October 31, 1985, 4:41 p.m.
TRD-8510208

Monday, November 4, 1985, 10 a.m. An emergency revision to a rescheduled hearing in Docket 6350—application of El Paso Electric Company for authority to change rates. The emergency status was necessary because of statutory deadlines. The meeting originally was scheduled for October 28, 1985, as published at 10 TexReg 3189.

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

Filed: October 31, 1985, 2:45 p.m.
TRD-8510197

Wednesday, November 20, 1985, 10 a.m. A hearing on the merits in Docket 5642— inquiry of the Public Utility Commission of Texas into service rendered and rates changed by Martin Utility Company.

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

Filed: November 1, 1985, 3:03 p.m.
TRD-8510237

Monday, December 16, 1985, 10 a.m. A hearing on the merits in Docket 5361—ap-

plication of Lake of the Hills Estates Water Company for a certificate of convenience and necessity within Blanco and Comal Counties.

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

Filed: October 31, 1985, 2:43 p.m.
TRD-8510198

Monday, January 20, 1986, 10 a.m. A hearing on the merits in Docket 6543—application of United Telephone Company of Texas for a rate/tariff change.

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

Filed: October 31, 1985, 2:44 p.m.
TRD-8510199

★ ★ ★

Railroad Commission of Texas

Monday, November 4, 1985, 9 a.m. The Transportation Division of the Railroad Commission of Texas met in emergency session in the first floor auditorium east, William B. Travis Building, 1701 North Congress, Austin. According to the agenda, the commissioner considered Docket 036484A3A—application of Cecil's Wrecker Service, Inc., to amend SMC Certificate 36484. The emergency status was necessary because the matter was properly posted for conference on October 28, 1985, but was passed.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: November 1, 1985, 8:38 a.m.
TRD-8510216

Monday, November 4, 1985, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the first floor auditorium east, William B. Travis Building, 1701 North Congress, Austin. According to the revised agenda summary, the commission considered oil and gas Dockets 5-82,383, 1-82,599, 1-82,670, and 3-85,063. The emergency status was necessary because these items were properly noticed for the meeting of October 28, 1985, and were passed.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: November 1, 1985, 8:38 a.m.
TRD-8510215

★ ★ ★



Texas Rehabilitation Commission

Thursday, November 7, 1985, 1:30 p.m. The Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission met in emergency session in the Jefferson Room, Lincoln Hotel, 5410 LBJ Freeway, Dallas. According to the agenda, the committee considered a reading and approval of minutes; the Dallas mayor's committee report; the chairperson's and director's reports; and subcommittee meetings and reports. The emergency status was necessary because of a delay in mail.

Contact: Virginia Roberts, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8272.

Filed: November 1, 1985, 2:42 p.m.
TRD-8510235

★ ★ ★

School Land Board

Tuesday, November 5, 1985, 10 a.m. The School Land Board met in emergency session in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue. According to the agenda, the board considered coastal public lands concerning the amendment of a coastal lease, Texas Parks and Wildlife Department, and Queen Isabella causeway. The emergency status was necessary because of the expiration of an existing lease.

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

Filed: November 1, 1985, 4:13 p.m.
TRD-8510253

★ ★ ★

Texas State Technical Institute

Saturday-Monday, November 16-18, 1985, 2 p.m. Saturday and 9 a.m. daily Sunday and Monday. The Board of Regents of the Texas State Technical Institute (TSTI) will meet in the conference room, Systems Administration Building, TSTI-Waco Campus, Waco. According to the agenda, the committee will consider fiscal affairs; facilities; human resources; instruction; president's recommendations; and other business.

Contact: Theodore A. Talbot, TSTI, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: November 1, 1985, 8:56 a.m.
TRD-8510219

★ ★ ★

Advisory Council for Technical-Vocational Education in Texas

Monday, November 11, 1985, 7:30 p.m. The Evaluation Committee of the Advisory Council for Technical-Vocational Education in Texas will meet at Austin South Plaza Hotel, 3401 IH 35 South, Austin. According to the agenda, the committee will review the evaluation topics assigned to the advisory council by the State Board of Education and discuss preliminary plans for public hearings and discuss other business.

Contact: Val Blasche, P.O. Box 1806, Austin, Texas 78761, (512) 463-5490.

Filed: October 31, 1985, 1:56 p.m.
TRD-8510200

★ ★ ★

Texas Water Commission

Tuesday, November 5, 1985, 10 a.m. The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission considered a request by Champion International Corporation for an emergency order for authorization to make necessary and unforeseen repairs to the wastewater treatment facilities regulated under Permit 01160, San Jacinto River Basin. The emergency status was necessary because the applicant has no feasible alternatives to remedy the situation, therefore, the commission was considering this request as soon as possible.

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

Filed: November 4, 1985, 9:56 a.m.
TRD-8510262

Tuesday, November 12, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will discuss water district bond issues, the release of escrowed funds, set a hearing date for district creation and district conversion, consider proposed water quality permits, amendments and renewals, weather modification matters, plan of reclamation, and water use application.

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

Filed: October 31, 1985, 2:27 p.m.
TRD-8510193

Tuesday, December 10, 1985, 9 a.m. The Texas Water Commission will meet in the council chambers, City Hall, San Augustine. According to the agenda summary, the commission will consider an application by the City of San Augustine, 301 South Harrison, San Augustine, Texas 75972, to the Texas Department of Water Resources for

an amendment to Permit 10268-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 566,000 gallons per day to 900,000 gallons per day. The proposed amendment also would delete requirements for monitoring fecal coliform bacteria upon completion of expansion. The applicant proposes to expand and modify the existing facility to handle the population growth in the area.

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

Filed: November 1, 1985, 2:28 p.m.
TRD-8510228

Wednesday, December 11, 1985, 9 a.m. The Texas Water Commission will meet at the Trinity River Authority Central Regional Wastewater Systems Facilities, 6500 West Singleton Boulevard, Grand Prairie. According to the agenda summary, the commission will consider an application by Betz Laboratories, Inc., 2222 Lonnecker Drive, Garland, Texas 75041, to the Texas Water Commission for Permit 01790 to authorize an intermittent discharge of storm water runoff at a volume variable with rainfall from the raw material loading/unloading areas at its organic and inorganic chemical blending facility.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: November 1, 1985, 2:29 p.m.
TRD-8510229

Wednesday, December 11, 1985, 9 a.m. The Texas Water Commission will meet at the Trinity River Authority Central Regional Wastewater Systems Facilities, 6500 West Singleton Boulevard, Grand Prairie. According to the agenda summary, the commission will consider an application by the City of Palmer, P.O. Box 325, Palmer, Texas 75152, to the Texas Department of Water Resources for an amendment to Permit 10594-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 71,000 gallons per day to 226,000 gallons per day. The proposed amendment also revises limitations for biochemical oxygen demand from 30 mg/l and total suspended solids from 90 mg/l to 20 mg/l for both parameters upon completion of expansion. The applicant proposes to expand treatment facilities to allow for projected growth and to increase its service area.

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

Filed: November 1, 1985, 2:29 p.m.
TRD-8510230

Wednesday, December 11, 1985, 9 a.m. The Texas Water Commission will meet in the auditorium, Alvin Community College, 3110 Mustang Road, Alvin. According to the agenda summary, the commission will

consider an application by Homecraft Enterprises Corporation, in care of Coats, Yale, Holm, Horrigan, and Lee, P.C., 3500 Interfirst Plaza, 1100 Louisiana Street, Houston, Texas 77002, to Texas Department of Water Resources for Permit 13160-01, to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 600,000 gallons per day from the proposed Fort Bend County Municipal Utility District 65 wastewater treatment plant. The applicant proposes to construct a wastewater facility in phases to serve Fort Bend County Municipal Utility District 65 and 66, subdivisions with residential and light commercial uses.

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

Filed: November 1, 1985, 2:30 p.m.
TRD-8510231

Wednesday, December 11, 1985, 9 a.m. The Texas Water Commission will meet in the auditorium, Alvin Community College, 3110 Mustang Road, Alvin. According to the agenda summary, the commission will consider an application by Dean Thomas, P.O. Box 1947, Pearland, Texas 77588, to the Texas Department of Water Resources for Permit 13110-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the proposed South Fork Mobile Home Park Wastewater Treatment Plant which is to serve a planned mobile home park.

Contact: Martin Wilson, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: November 1, 1985, 2:30 p.m.
TRD-8510232

Wednesday, December 11, 1985, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. Agendas follow.

A hearing on the petition for creation of Via Ranch Water Control and Improvement District 1, containing 1,714.7058 acres of land.

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

Filed: November 4, 1985, 9:55 a.m.
TRD-8510263

A hearing on petition for creation of Via Ranch Municipal Utility District 1, containing 385.5267 acres of land.

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

Filed: October 31, 1985, 2:28 p.m.
TRD-8510194

A hearing on petition for creation of Via Ranch Municipal Utility District 2, containing 386.6298 acres of land.

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

Filed: October 31, 1985, 2:27 p.m.
TRD-8510195

A hearing on petition of Via Ranch Municipal Utility District 4, containing 288.5362 acres of land.

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

Filed: October 31, 1985, 2:27 p.m.
TRD-8510196

Thursday, December 12, 1985, 9 a.m. The Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

Application of Dave Alexander, 18827 South Pacific Highway, Westlinn, Oregon 97068, to the Texas Department of Water Resources for Permit 13090-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 320,000 gallons per day from the proposed Dry Creek wastewater treatment plant which is to serve a planned residential subdivision.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 1, 1985, 2:31 p.m.
TRD-8510233

Application of Rabbit Hill Water Supply Corporation, 828 Sidney Baker, Kerrville, Texas 78028 to the Texas Department of Water Resources for Permit 13173-01 to authorize the underground disposal of treated domestic sewage effluent at a volume not to exceed an average of 66,000 gallons per day from a proposed wastewater treatment facility which is to serve a proposed residential subdivision. The executive director of the Texas Department of Water Resources has recommended a volume not to exceed an average of 22,000 gallons per day. The proposed permit includes a provision which recognizes that the design capacity of this facility will ultimately be increased to a volume not to exceed an average of 66,000 gallons per day to be done by permit amendment when the applicant submits data to substantiate the flow increase request. Effluent is to be pressure dosed to absorption beds located under the lawns of residences in the subdivision. Application rates for the absorption beds shall not exceed 0.50 gpd/per square foot. No discharge of pollutants to water in the state is authorized.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: November 1, 1985, 2:31 p.m.
TRD-8510234

★ ★ ★

**Regional Agencies
Meetings Filed October 31**

The Dallas Area Rapid Transit, Board of Directors, met in Suite 500, 601 Pacific Avenue, Dallas, on November 5, 1985, at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Edwards Underground Water District, Board of Directors, will meet at 1615 North St. Mary's Street, San Antonio, on November 12, 1985, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's Street, San Antonio, Texas 78205, (512) 222-2204.

The Gray County Appraisal District, Board of Directors, met in emergency session in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on October 31, 1985, at 5:15 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Hays County Central Appraisal District, Board of Directors, met on the third floor, Courthouse Annex, 102 LBJ Drive, San Marcos, on November 5, 1985, at 6:30 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, Courthouse Annex, San Marcos, Texas 78666, (512) 396-4777.

TRD-8510176

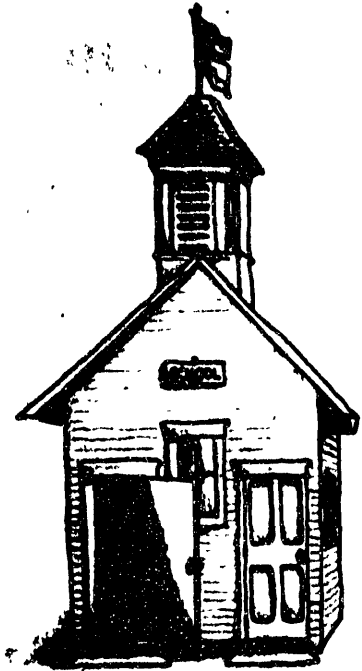
★ ★ ★

Meeting Filed November 1

The Deep East Texas Council of Governments, Regional Review Committee, met at the Rodeway Inn, Highway 59 South, Lufkin, on November 4, 1985, at noon. Information may be obtained from Joan Draper, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

TRD-8510220

★ ★ ★



In **Addition**

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

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

Texas Department of Corrections Request for Proposals

The Texas Department of Corrections (TDC) is soliciting proposals for the construction and lease back or lease back with an option to purchase the following:

- (1) one 2,250-bed prison unit to be located on TDC property adjacent to the Coffield Unit in Anderson County. Estimated construction cost is \$56 million;
- (2) one regional medical facility located inside the compound of the Ellis II Unit in Walker County. Estimated construction cost is \$19 million; and
- (3) 10, 200-bed each, trustee facilities to be located on TDC property at sites to be selected. Estimated construction cost is \$17 million.

Proposals will be received in the office of the deputy director-finance until 5 p.m. on December 2, 1985. These proposals are not bids. Proposals should address the methodology of financial arrangements to comply with state and federal statutes.

The facilities proposed will be constructed to TDC-approved plans and specifications on TDC property leased to the successful party for an initial term not to exceed 20 years. The successful party may be allowed to arrange for the construction of the facilities proposed and may propose to lease, lease with an option to purchase, or sell to TDC the facilities on an prearranged date. The department has the capability of construction contracting and administration should this option be desirable.

Proposals will be accepted for each individual facility or any combination of the facilities. Anyone interested in receiving more specific information on the request for proposals should contact Bill McCray, assistant director for budget, at the address listed previously or by calling (409) 294-2107.

Respondents will be required to submit their qualifications to accomplish the objectives with their proposals.

The department reserves the right to reject any or all proposals, to waive formalities, and in case of ambiguity or lack of clarity, to adopt such interpretations as may be most advantageous to the department.

Issued in Huntsville, Texas, on October 29, 1985.

TRD-8510203 Leonard Peck
Legal Counsel
Texas Department of Corrections

Filed: October 31, 1985
For further information, please call (409) 295-8371.



Texas Economic Development Commission

Private Activity Bond Allocation Report

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

House Bill 690 states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of October 21-25, 1985.

Total unallocated principal amount of private activity bonds authorized to be allocated as per the Federal Deficit Reduction Act of 1984 through October 25, 1985:

\$1,480,172,332.12

Comprehensive listing of bond issues which have received a reservation date as per House Bill 690 during the week of October 21-25, 1985:

Issuer	User	Amount
Panhandle-Plains Higher Education Authority, Inc	Panhandle-Plains Higher Education Authority, Inc.	\$73.8 million
City of Desoto Industrial Development Authority, Inc.	Macmillan, Inc.	\$9.2 million
The Austin Industrial Development Corporation	L. O. Guerrero Produce Company, Inc. (Guerrero Investments)	\$866,000
Bexar County Health Facilities Development Corporation	Francis-Parkin Investments, Ltd.	\$5 million

Total principal amount of private activity bonds issued through October 25, 1985;

\$822,411,310.63

Comprehensive listing of bonds issued as per House Bill 690 during the week of October 21-25, 1985:

<u>Issuer</u>	<u>User</u>	<u>Amount</u>
City of Dallas Industrial Development Corporation	Carrier Resources Corporation	\$3.6 million
Tarrant County Industrial Development Corporation	Texas Cold Storage, Inc.	\$2.5 million
Brazos County Health Facilities Development Corporation	Butler-Paulos Partnership	\$6 million
Edinburg Industrial Development Corporation	Azteca Milling Co.	\$3.5 million
Bexar County Health Facilities Development Corporation	Encore Nursing Center Partners, Ltd. 85	\$3 million
Corpus Christi Industrial Development Corporation	Furman Plaza, Ltd.	\$3 million
Orange County Navigation and Port District Industrial Development Corporation	Polysar Golf Coast, Inc.	\$1.2 million
Hunt County Health Facilities Development Corporation	Universal Health Services of Greenville, Inc.	\$4.3 million

Issued in Austin, Texas, on October 30, 1985.
TRD-8510170 David V. Brandon
Executive Director
Texas Economic Development
Commission

Filed: October 31, 1985
For further information, please call (512) 472-5050.

★ ★ ★

State Department of Highways and Public Transportation Public Hearings

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the State Department of Highways and Public Transportation will conduct a public hearing to receive data, comments, views, and testimony concerning new sections proposed for permanent adoption, 43 TAC §§21.141, 21.142, 21.444-21.154, and 21.156, and new sections proposed for permanent adoption, §§21.157-21.159, relating to the erection and maintenance of outdoor advertising signs, and to permits and licenses for outdoor advertising signs along the interstate and federal-aid primary highway systems. These sections were published in the September 13, 1985, issue of the *Texas Register* (10 TexReg 3479), with notice of their proposed adoption appearing in the same issue (10 TexReg 3504).

The public hearing will be held at 9 a.m. on Monday, November 18, 1985, in the hearing room, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin.

Any interested person may appear and offer comments or testimony, either orally or in writing; however, cross-examination of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to pre-

sent them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content.

For further information please contact Louis E. Clarke, Right of Way Engineer, 1616 Headway Circle, P.O. Box 5075, Austin, Texas 78763-5075, (512) 835-0801.

Issued in Austin, Texas, on October 30, 1985.

TRD-8510179 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: October 31, 1985
For further information, please call (512) 475-2141.

★ ★ ★

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the State Department of Highways and Public Transportation will conduct a public hearing to receive data, comments, views, and testimony concerning new sections proposed for permanent adoption, 43 TAC §§21.401, 21.411, 21.421, 21.431, 21.441, 21.451, 21.461, 21.471, 21.481, 21.491, 21.501, 21.511, 21.521, 21.531, 21.541, 21.551, 21.561, 21.571, and 21.581, relating to the erection and maintenance of on-premise signs and off-premise signs, the registration of existing off-premise signs, and the issuance of permits for new on-premise and off-premise signs relating to permits for outdoor advertising signs along rural routes. These sections were published in the September 13, 1985, issue of the *Texas Register* (10 TexReg 3482), with notice of their proposed adoption appearing in the same issue (10 TexReg 3504).

The public hearing will be held at 2 p.m. on Monday, November 18, 1985, in the hearing room, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin.

Any interested person may appear and offer comments or testimony, either orally or in writing; however, cross-examinations of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content.

For further information please contact Louis E. Clarke, Right of Way Engineer, 1616 Headway Circle, P.O. Box 5075, Austin, Texas 78763-5075, (512) 835-0801.

Issued in Austin, Texas, on October 30, 1985.

TRD-8510178 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: October 31, 1985
For further information, please call (512) 475-2141.

★ ★ ★



Railroad Commission of Texas Extension of Time to File Comments

Notice is given by the Transportation Division of the Railroad Commission of Texas that the deadline for filing comments to 16 TAC §§5.121-5.123, concerning the establishment of variable rate tariffs; rejection, suspension, investigation of individual tariffs; and filing of individual tariffs, respectively; and to proposed amendments to §5.141, concerning freight bills, and §5.458, concerning the filing fee accompanying an application. The comments will be extended until further notice. The proposed text for these sections was published in the July 19, 1985, edition of the *Texas Register* (10 TexReg 2309).

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

TRD-8510214 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Filed: November 1, 1985
For further information, please call (512) 463-7149.

★ ★ ★

Texas Tourist Development Agency Consultant Contract Award

The Texas Tourist Development Agency (TTDA) announces a consultant contract award, filed in accordance

with the provisions of Texas Civil Statutes, Article 6252-11c. The *Texas Register* citation of the consultant proposal request appeared at 10 TexReg 3449.

The study is to produce, edit, and distribute 50 videotapes on Texas tourism to 16 television stations.

The name and business address of the private consultant selected is Bob Griffin, Box 4812, Shreveport, Louisiana, 71104. The total value of the study is \$37,500, payable in 12 equal payments of \$3,125. The project began October 29, 1985, and will conclude on August 31, 1986. The contract is dated October 30, 1985.

There is no specific due date; however, the 50 videotapes are to be produced and distributed to the 16 stations between the beginning date of the contract which is October 21, 1985, and the terminating date of the contract which is August 31, 1986. The TTDA receives reports each month indicating which videotapes were used during that particular month.

Issued in Austin, Texas, on October 30, 1985

TRD-8510217 Larry Todd
Executive Director
Texas Tourist Development Agency

Filed: November 1, 1985
For further information, please call (512) 463-7400.

★ ★ ★