

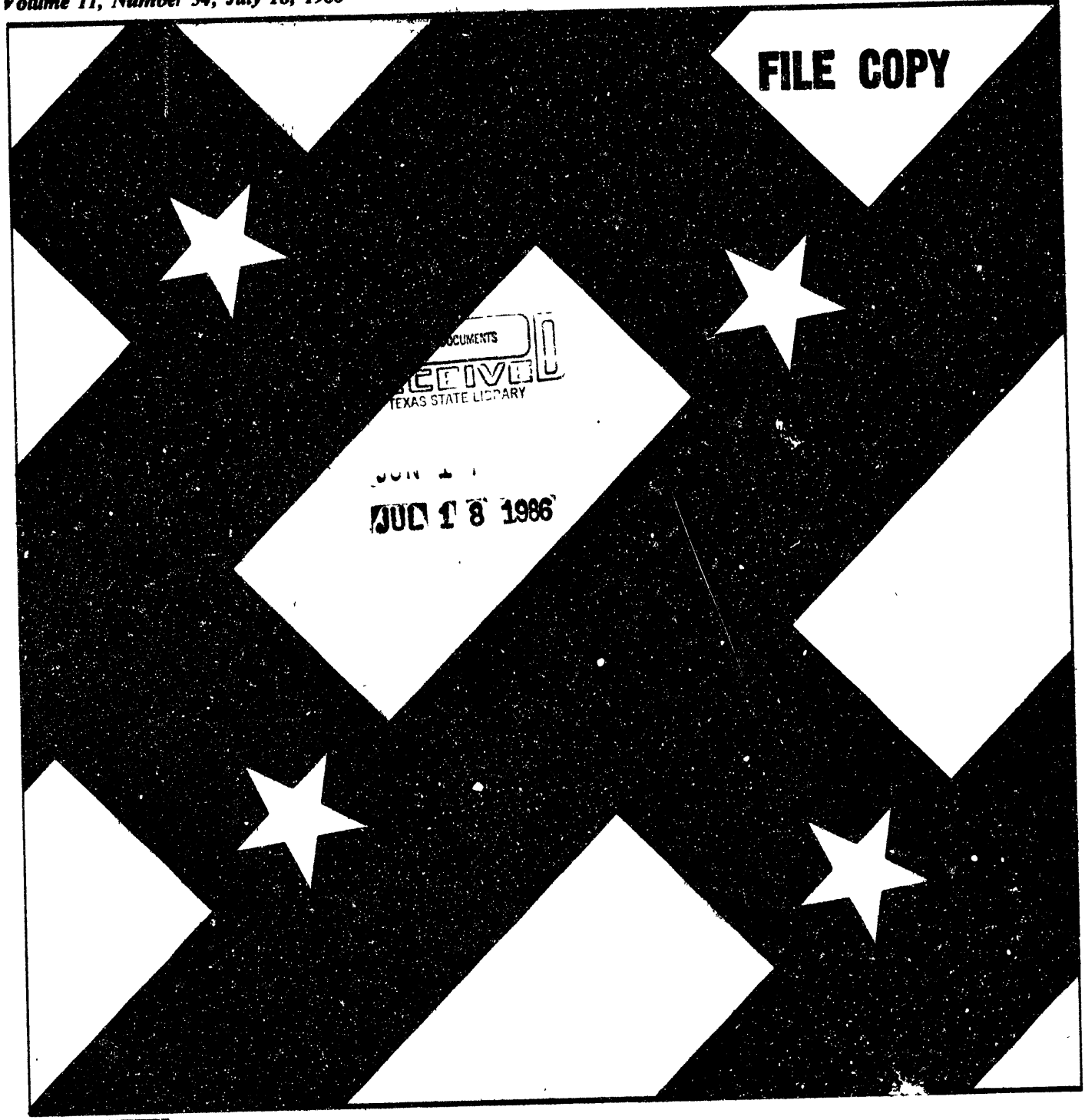
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Texas Register

Volume 11, Number 54, July 18, 1986

Pages 3273-3322

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Highlights

The Railroad Commission of Texas proposes an amendment concerning unnecessary permanent obstructions at public grade crossings. Earliest possible date of adoption - August 18 .. **page 3283**

The Texas Department of Health proposes new sections concerning the control of air

pollution from municipal solid waste facilities. Proposed date of adoption - September 20 **page 3284**

The Texas Parks and Wildlife Commission proposes amendments concerning the late season migratory game bird proclamation. Earliest possible date of adoption - August 18 **page 3286**

**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 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 accumulative quarterly and annual indexes to aid in researching material published.

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-483-5561

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Subscriptions—one year (96 regular issues and four index issues), \$90; 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.

Illustrations courtesy of Texas Parks and Wildlife Department.

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The Governor

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

Appointments Made July 2

Eighth Court of Appeals

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Albert Armendariz, Sr.
3329 Montana Avenue
El Paso, Texas 79903

Mr. Armendariz is replacing William Ward of El Paso, who is deceased.

Texas Hospital Equipment Financing Council

For a term to expire September 1, 1989:

David Richard Garcia
2139 West King Highway
San Antonio, Texas 78201

Mr. Garcia is replacing Dora Olivo of Richmond, who resigned.

Issued in Austin, Texas, on July 2, 1986.

TRD-8606777 Mark White
Governor of Texas

★ ★ ★

Appointments Made July 3

Midwestern State University Board of Regents

For terms to expire February 25, 1992:

Jerry K. Estes
P.O. Drawer 1890
Wichita Falls, Texas 76307

Mr. Estes is replacing Joe B. Meissner, Jr. of Wichita Falls, whose term expired.

Martha (Marty) Wood Hendrickson
3701 Cedar Elm Lane
Wichita Falls, Texas 76308

Ms. Hendrickson is replacing Aurora Sterling Bolin of Wichita Falls, whose term expired.

E. L. Watson
8815 Lacrosse
Dallas, Texas 75231

Mr. Watson is replacing Dr. David Harold Allen of Wichita Falls, whose term expired.

Issued in Austin, Texas, on July 3, 1986.

TRD-8606777 Mark White
Governor of Texas

★ ★ ★

Appointment Made July 7

Credit Union Commission

For a term to expire February 15, 1989:

Jerry A. Deering
President
Educational Employees Credit Union
P.O. Box 1777
Fort Worth, Texas 76101

Mr. Deering is replacing B. L. "Pete" Cockrell of San Antonio, who no longer qualifies.

Issued in Austin, Texas, on July 7, 1986.

TRD-8606777 Mark White
Governor of Texas

★ ★ ★

Appointments Made July 8

Credit Union Commission

For a term to expire February 15, 1987:

Gregg A. Cooke
Attorney
Geary, Stahl and Spencer Law Firm
2800 One Main Place
Dallas, Texas 75250

Mr. Cooke is replacing Major General Leroy W. Svendsen, Jr. of San Antonio, who resigned.

Multi-State Water Resources Planning Commission

To be chairman for a term to continue at the pleasure of this governor:

T. D. (Rusty) Howell
2822 Mary Mack
Marshall, Texas 75670

Texas Board of Mental Health and Mental Retardation

For a term to expire January 31, 1987:

Jamie H. Clements
Scott and White Medical Center
2401 South 31st Street
Temple, Texas 76508

Mr. Clements is replacing Sam F. Rhodes of Dallas, who resigned.

Issued in Austin, Texas, on July 8, 1986.

TRD-8606777 Mark White
Governor of Texas

★ ★ ★

Attorney General

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

Requests for Opinions

RQ-842. Request from John Traeger, chairman, Senate Committee on Intergovernmental Relations; Ray Farabee, chairman, Senate Committee on State Affairs; and Chet Brooks, chairman, Senate Committee on Health and Human Services; concerning the tax rate of a county after a successful election under the Property Tax Code, §26.07, to roll back an adopted tax rate if the adopted rate includes an increase to provide for the additional cost of indigent health care services required under the Indigent Health Care and Treatment Act.

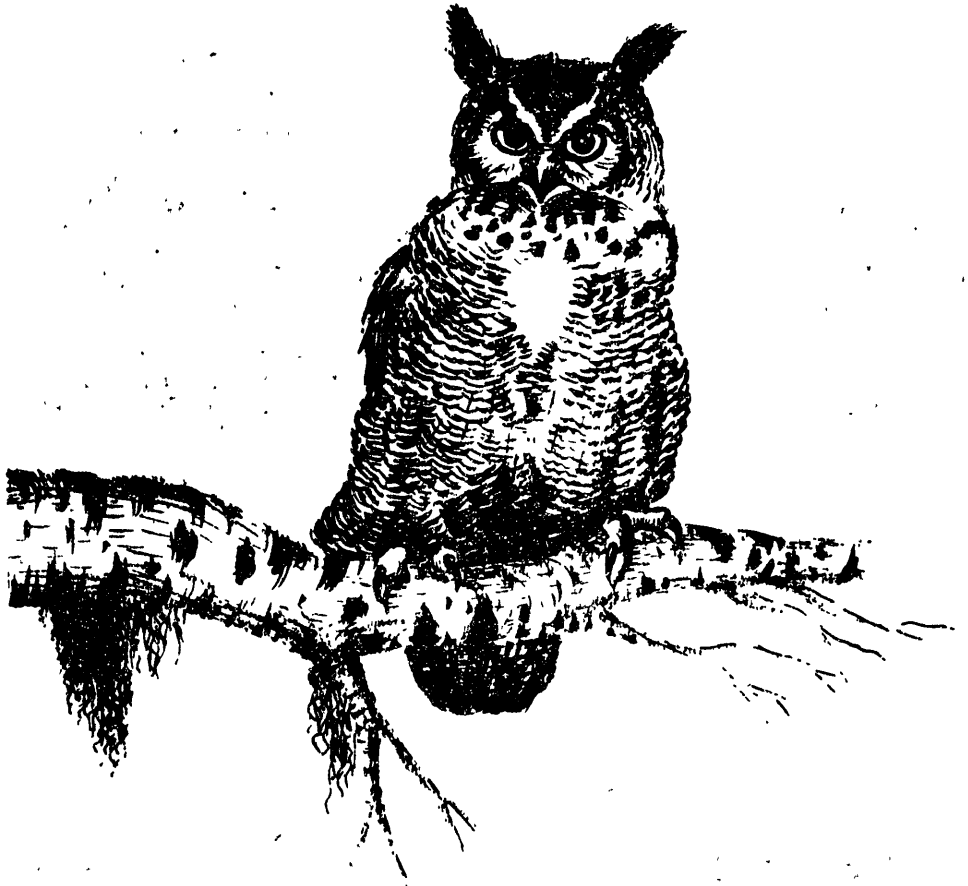
TRD-8606754

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RQ-843. Request from Paul B. Ragsdale, chairman, House Committee on State, Federal, and International Relations, Austin, concerning whether the City of Houston may adopt an ordinance prohibiting the city from contracting with or investing in companies doing business in the Republic of South Africa or Namibia.

TRD-8606775

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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 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter BB. Admissions, Transfers, Furloughs, and Discharges—State Schools for the Mentally Retarded

★25 TAC §§405.726-405.728

The Texas Department of Mental Health and Mental Retardation is renewing the effectiveness of the emergency adoption of amended §§405.726-405.728 for a 90-day period effective July 12, 1986. The text of the amended §§405.726-405.728 was originally published in the March 21, 1986, issue of the *Texas Register* (11 TexReg 1419).

Issued in Austin, Texas, on July 11, 1986.

TRD-8606810

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

Effective date: July 12, 1986
Expiration date: September 10, 1986
For further information, please call
(512) 454-3761.

★ ★ ★

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

★40 TAC §29.608

The Texas Department of Human Services adopts new §29.608 on an emergency basis in its Purchased Health Services chapter. Section 29.608 specifies that the department will implement the Texas-based diagnosis-related group (DRG) payment system on September 1, 1986. This system is a prospective payment system and will be used to reimburse hospitals for covered inpatient hospital services.

The department originally intended to implement the Texas-based DRG payment system on July 1, 1986. The department received numerous requests from hospitals to delay the implementation to allow hospitals more time to prepare for the new payment system.

Failure to adopt §29.608 immediately could mean a possible disruption in services and, therefore, present an imminent peril to the health of Medicaid recipients who need inpatient hospital services.

The new section is adopted on an emergency basis under the Human Resources

Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§29.608. Implementation of the Texas-based Diagnosis-Related Group Payment System. Beginning September 1, 1986, the Texas Medical Assistance Program reimburses hospitals for covered inpatient hospital services using the methodology specified in §29.606 of this title (relating to Reimbursement Methodology for Inpatient Hospital Services). Reimbursement to hospitals for covered inpatient hospital services provided to recipients who are admitted before September 1, 1986, is based on the previous reimbursement methodology.

Issued in Austin, Texas, on July 14, 1986.

TRD-8606890

Marlin W. Johnston /
Commissioner
Texas Department of
Human Services

Effective date: July 14, 1986
Expiration date: November 11, 1986
For further information, please call
(512) 450-3766.

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Proposed Rules

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

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

TITLE 16. ECONOMIC REGULATIONS

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

★16 TAC §5.620

The Railroad Commission of Texas proposes an amendment to §5.620(c), concerning unnecessary permanent obstructions at public grade crossings. The amendment eliminates certain superfluous language so that it is clear that billboards and signs required for the safe operation of the railroad are exempted. Additionally, the amendment supplies an explanation that billboards and signs which are legally permitted by the state or a political subdivision are not unnecessary permanent obstructions, so long as they do not obscure the view of approaching trains to vehicular road traffic.

Mark E. Foster, hearings examiner, 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. Foster also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of the section's interpretation. The amended section, as a whole, will benefit the public through cost savings from accidents and injuries prevented. 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 Mike James, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Box 12987, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 6448a which empowers the Railroad Commission of Texas to adopt regulations to ensure railroad safety.

§5.620. *Visual Obstructions at Public Grade Crossings.*

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

(c) Each railroad corporation shall keep its right-of-way clear of unnecessary permanent obstructions, such as billboards and signs [which are not authorized by the railroad and] which are not required for the safe operation of the railroad, for a distance of 500 feet each way from every public grade crossing so that they do not obscure the view of approaching trains to vehicular road traffic. ~~Billboards and signs which are legally permitted by the state or a political subdivision are not unnecessary permanent obstructions, so long as they do not obscure the view of approaching trains to vehicular road traffic.~~ Permanent buildings, such as warehouses and equipment facilities, which existed prior to the effective date of this section are exempted from the requirements of this subsection. Each railroad corporation shall have three months from the effective date of this subsection to comply with its requirements.

(d) (No change.)

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

Issued in Austin, Texas, on July 7, 1986.

TRD-9608812

Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:

August 18, 1986

For further information, please call
(512) 463-7149.

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TITLE 22. EXAMINING BOARD

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Chapter 141. Definitions and Procedures

★22 TAC §141.37

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids proposes new §141.37, concerning definitions and procedures. The new section clarifies the meaning of fitting and dispensing hearing aids as used in Texas Civil Statutes, Article 4566-1.01(f).

Wanda F. Stewart, 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. Stewart 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 clarification of the term "fitting and dispensing hearing aids" and definition of the types of tests covered as outlined in Texas Civil Statutes, Article 4566, §1.06 (c). 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 Wanda F. Stewart, Executive Director, 510 South Congress Avenue, Suite 104, Austin, Texas 78704.

The new section is proposed under Texas Civil Statutes, Article 4566, §1.04(a) which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

§141.37. *Fitting and Dispensing of Hearing Aids.* The term "fitting and dispensing hearing aids" as used in Texas Civil Statutes, Article 4566-1.01(f), shall include to mean the measurement of human hearing as a non-medical professional examination to determine human acuity utilizing the use of an audiometer and/or those procedures com-

mon to otological and/or audiological assessment of hearing acuity for the purpose of ascertaining the existence or degree of a hearing loss and/or to provide corrective hearing services, consistent with the written, practical, and oral tests covered in Texas Civil Statutes, Article 4566, §1.06(c).

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

Issued in Austin, Texas, on July 9, 1986.

TRD-8606773

Wanda F. Stewart
Executive Director
Texas Board of
Examiners in the Fitting
and Dispensing of
Hearing Aids

Earliest possible date of adoption:

August 18, 1986

For further information, please call
(512) 474-8998.

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Chapter 143. Consumer Information and Complaints

★22 TAC §143.1

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids proposes an amendment to §143.1, concerning consumer information and complaints. The amendment clarifies the section and mandates specific instructions.

Wanda F. Stewart, 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. Stewart 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 that the consumer will be better informed and know exactly how much it will cost to try the hearing aid during the 30-day trial period. 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 Wanda F. Stewart, Executive Director, 510 South Congress Avenue, Suite 104, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 4566, §1.04(a), which provides the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

§143.1. Guidelines for a 30-Day Trial Period.

(a) It is the intent of these guidelines that all purchasers be informed of a 30-day trial period by written agreement and all

charges associated with such trial period be included in this agreement.

(b) [(a)] Any purchaser of a hearing aid or aids is entitled to a refund of the full purchase price advanced by purchaser for such aid or aids [(less a nominal usage charge as hereinafter described)] upon the return by purchaser to licensee in good working order, normal wear and tear excepted within the 30-day period ending 30 days from the date of delivery of such aid or aids.

(c) [(b)] Prior to delivery to purchaser by licensee of any aid or aids, the per day usage charge to which licensee may be entitled upon the return of such aid or aids within the 30-day period shall be fixed by written agreement. [In the absence of such agreement, licensee shall be entitled to no more than \$2.00 per day per aid for each day the aid or aids may be held by purchaser.]

(d) [(c)] Purchaser shall be entitled to receive a copy of any written agreement as described in subsection (c) [(b)] of this section, which agreement shall include the name, address, and phone number of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

[(d)] No refund shall be due purchaser for charges attributable to earmolds, batteries, hearing tests or hearing evaluations, and other related procedures as special modifications such as needed for Cros or Bi-Cros hearing aids, or any other type of fittings and testing.]

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

Issued in Austin, Texas, on July 9, 1986.

TRD-8606774

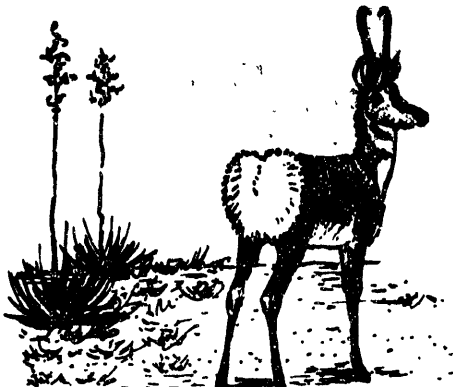
Wanda F. Stewart
Executive Director
Texas Board of Examiners
in the Fitting and
Dispensing of Hearing
Aids

Earliest possible date of adoption:

August 18, 1986

For further information, please call
(512) 474-8998.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 325. Solid Waste Management

Subchapter Q. Memoranda of Agreement and Joint Rules with Other Agencies

Control of Air Pollution from Municipal Solid Waste Facilities—Texas Air Control Board

★25 TAC §§325.701-325.706

The Texas Department of Health proposes new §§325.701-325.706, concerning control of air pollution from municipal solid waste facilities. The proposed new sections comprise a new undesignated head within a proposed new Subchapter Q, concerning memoranda of agreement and joint rules with other agencies.

The new subchapter is proposed in response to amendments to the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, enacted by House Bill 2358, 69th Legislature, 1965. These amendments stipulate the responsibilities of the Texas Air Control Board (TACB) in relation to permit applications to the Texas Department of Health (TDH) for municipal solid waste facilities.

The new subchapter incorporates into TDH rules the procedures to be followed in reviewing applications for such new and modified facilities. In accordance with House Bill 2358, the proposed new subchapter is intended for joint rule making with the TACB and other agencies in the future. The TACB will be publishing identical sections separately.

The TDH views House Bill 2358 as making a permit issued by the TDH the sole state permit required for a municipal solid waste facility engaged in the storage, processing, treatment, disposal, or destruction of solid waste. Under the amendments, the TACB is responsible for conducting air quality review of permit applications for such facilities and transmitting recommendations to the TDH for consideration. These rules are proposed accordingly, with no TACB permit required for municipal solid waste facilities permitted by the TDH. However, these rules will not affect the TACB's treatment of such facilities which are not permitted by the TDH.

The new §325.701, concerning definitions, specifies that the meanings for terms used in the undesignated head are as given by the Solid Waste Disposal Act and regulations promulgated thereunder. The new §325.702, concerning applicability, describes the types of facilities affected by the subchapter.

The new §325.703, concerning permit conditions, states that permits covered by this regulation may contain terms and conditions which must be complied with by the permit recipient.

The new §325.704, concerning representations in applications for permits, declares that all representations made in a TDH permit application become conditions upon which the permit is issued and cannot be changed without approval of the permitting agency.

The new §325.705, concerning responsibility for review of air quality impacts for new and modified facilities, describes the responsibilities to be borne by the TACB on permit applications submitted to the TDH for municipal solid waste facilities. The new §325.706, concerning air emissions requirements for municipal solid waste facilities, outlines the requirements to be met by all such facilities prior to and after commencing operations.

Stephen Seale, chief accountant III, Budget and Planning Division, TDH, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Seale 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 safer disposal of municipal solid wastes in such facilities. Regulated persons, including small businesses, will benefit from a simplified permitting process. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

A public hearing on this proposal is scheduled for 10 a.m. on August 12, 1986, in the auditorium of the Texas Air Control Board located at 6330 Highway 290 East, Austin. Copies of the proposed changes are available from the Bureau of Solid Waste Management, Texas Department of Health, and at all TDH regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearing. Written testimony received by 4 p.m. on August 15, 1986, at the Bureau of Solid Waste Management will be included in the hearing record. Written comments should be sent to L. D. Thurman, P.E., Acting Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78758-3199.

The new sections are proposed under the Solid Waste Disposal Act, Article 4477-7, §4, as amended by House Bill 2358, §4, 60th Legislature, 1985, which requires that the TDH and TACB enter into joint rules or memoranda of agreement relating to joint regulation of municipal solid waste management facilities.

§325.701. Definitions. The words and terms used in this undesignated head have the meaning as given in the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, or the regulations promulgated thereunder. Unless specifically defined in the Solid Waste Disposal Act or the regulations promulgated thereunder, the terms used in this undesignated head have the meanings commonly ascribed to them in the field of air pollution control. The term "facility" as used in this undesignated head refers to a solid waste facility as defined in the Solid Waste Disposal Act. The use of "modified" in this undesignated head is consistent with the term "modification" as defined in the Texas Clean Air Act.

§325.702. Applicability.

(a) Except as provided in subsection (b) of this section and the Texas Administrative Code, Title 31, §116.6 (relating to Exempted Facilities), this undesignated head applies to all municipal solid waste facilities which are required to obtain a permit from the Texas Department of Health (TDH) pursuant to the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(e)(4)(A)(i).

(b) Any person who plans to construct or engage in the modification of a municipal solid waste facility shall also obtain authorization for such construction or modification under the Texas Administrative Code, Title 31, Chapter 116 (relating to Control of Air Pollution by Permits for New Construction or Modification), if the proposed construction or modification is subject to new source review requirements of the Federal Clean Air Act, Title 1, Part C or D, 42 United States Code 7401 *et seq.*, for a major source or a major modification.

(c) New or modified municipal solid waste facilities which are not required to obtain a permit from the TDH and which may emit air contaminants into the air of this state must obtain authorization from the Texas Air Control Board (TACB) pursuant to the requirements of the Texas Administrative Code, Title 31, Chapter 116 (relating to Control of Air Pollution by Permits for New Construction or Modification).

§325.703. Permit Conditions. Permits for facilities to which this undesignated head apply may contain terms and conditions relating to air quality. The holders of such permits shall comply with all such terms and conditions.

§325.704. Representations in Applications for Permits. All representations in an application for a Texas Department of Health (TDH) permit or a modification to a TDH permit regarding construction plans and operation procedures, become conditions upon which a permit is issued. It shall be unlawful for any person to vary from such representations if the change will cause a change in the method of control of emissions, the character of the emissions, or will result in an increase in the discharge of the various emis-

sions, unless prior notification is made to the TDH and such change is approved. Such person shall submit information as may be reasonably required to determine whether such activity will comply with the applicable regulations and whether such change may be approved. Any information provided under this subsection shall be submitted to the permitting authority in duplicate form.

§325.705. Responsibility for Review of Air Quality Impacts from New and Modified Facilities.

(a) Technical review. The Texas Air Control Board (TACB) shall be responsible for performing a technical review of the air quality aspects of any permit application submitted to the Texas Department of Health (TDH) for a municipal solid waste facility to which this undesignated head applies. The TACB shall complete such review and shall forward all recommendations or proposed permit provisions to the TDH within time limits established for completion of technical review of the application.

(b) Uncontested permit applications. If a contested case hearing is not held by the TDH, all recommendations and proposed permit provisions submitted by the TACB shall be incorporated into any permit issued by the TDH.

(c) Hearings. If a contested case hearing is held by the TDH, all evidence and testimony of the state regarding air quality aspects of the application shall be developed and presented by the TACB. All parties, including the TDH, shall have the right to cross-examine any witnesses of the TACB. At the conclusion of the presentation of testimony, the TDH shall afford the TACB at least 30 days in which to submit proposed findings of fact and conclusions of law, and proposed permit requirements, regarding the air quality aspects of the application. Such proposed findings, conclusions, and permit requirements shall be accepted, unless the TDH finds that the recommendations of the TACB are not supported by a preponderance of the evidence. The TACB may seek judicial review of the air quality aspects of any final decision of the TDH.

(d) Enforcement. Both the TACB and the TDH shall have authority to enforce the terms included in any permit issued by the TDH pursuant to these sections.

§325.706. Air Emissions Requirements for Municipal Solid Waste Facilities. In order for a permit to be granted to a municipal solid waste facility, the applicant for such a permit shall submit information to the Texas Department of Health (TDH) which will demonstrate that all of the following are met.

(1) The facility will comply with all requirements of the State Solid Waste Disposal Act and the rules promulgated thereunder.

(2) The emissions of air contaminants from each proposed facility will comply with all rules and regulations of the Texas

Air Control Board (TACB) (except the Texas Administrative Code, Title 31, Chapter 116, (relating to Control of Air Pollution by Permits for New Construction or Modification)) and with the intent of the Texas Clean Air Act.

(3) The facility will comply with all the requirements of Subchapter E (relating to Permit Procedures and Design Criteria) in Chapter 325 of this title (relating to Solid Waste Management), promulgated by the TDH pursuant to the Solid Waste Disposal Act.

(4) The emissions from each proposed facility will meet at least the requirements of any applicable new source performance standards promulgated by the United States Environmental Protection Agency (EPA) pursuant to authority granted under the Federal Clean Air Act (FCAA), §111, as amended.

(5) The emissions from each proposed facility will meet at least the requirements of any applicable emission standard for hazardous air pollutants promulgated by the EPA pursuant to authority granted under the FCAA, §112, as amended.

(6) The proposed facility will have appropriate provisions for measuring significant emissions of air contaminants as determined by the TACB.

(7) The facility will utilize the best available control technology to control the emissions of air contaminants, with consideration given to the technical practicability and economic reasonableness of reducing or eliminating these emissions.

(8) The proposed facility will achieve the performance specified in the TDH permit application.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8608883

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

Proposed date of adoption: September 20, 1986
For further information, please call
(512) 458-7271.



TITLE 31. NATURAL RESOURCES AND CONSERVATION Part II. Texas Parks and Wildlife Department Chapter 65. Wildlife Subchapter O. Late Season Migratory Game Bird Proclamation

★ 31 TAC §§65.331-65.335

The Texas Parks and Wildlife Commission proposes amendments to §§65.331-65.335, concerning the late season migratory game bird proclamation. The proposed amendments adjust some season dates to coincide with weekends, extend the Zone C sandhill crane season an additional seven days, and add language for clarification.

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

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

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

Mr. Dickinson also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to allow the taking of migratory wildlife resources consistent with their populations. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Dale Witt, Migratory Game Bird Program Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Aus-

tin, Texas 78744, (512) 479-4979 or 1-800-792-1112, ext. 4979.

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

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

Migratory game birds—Wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallinules, wild plovers, Wilson's snipe or jack-snipe, woodcock, mourning doves, white-winged doves, white-fronted (white-tipped) doves, red-billed pigeons, band-tailed pigeons, shorebirds of all varieties, and sandhill cranes (Texas Parks and Wildlife Code, §64.021(1)).

§65.332. *Means, Methods, and Special Requirements.*

(a) (No change.)

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

(1)-(8) (No change.)

(9) by the aid of baiting on or over any baited area, or where migratory birds are lured, attracted, or enticed by bait, [by baiting, or taking on or over baited areas]. However, nothing in this subsection shall prohibit:

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

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

(e) Identification requirements.

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

(2) (No change.)

(3) Paragraph (2) of this subsection does not apply to doves except in the south zone and the special white-winged dove area at all times.

§65.333. *Open Seasons.*

(a) (No change.)

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

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: November 10, 1986 [9, 1985] through January 13, 1987 [12, 1986] from one-half hour before sunrise to sunset in that

portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Other portions of the state: November 1-9, 1986 [2-5, 1985], November 22-30, 1986 [23-December 8, 1985], and December 13, 1986 [14, 1985] through January 13, 1987 [12, 1986], from one-half hour before sunrise to sunset.

(C) (No change.)

(2) Geese.

(A) West of U.S. Highway 81: October 28, 1986 [29, 1985] through January 18, 1987 [19, 1986].

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross), November 1, 1986 [2, 1985], through January 25, 1987 [26, 1986]. Dark goose species (Canada, black-brant and white-fronted) November 1-30, 1986 [2, 1985-December 8] and December 8, 1986 [16, 1985]-January 18, 1987 [19, 1986].

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

(3) Sandhill cranes.

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

(C) Zone C: First [Second] Saturday in January for 37 [30] consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Pecos, thence north and east along Farm Road 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. 290, thence westward along U.S. 290 to its junction with U.S. Highway 277 at Sonora, thence south along U.S. 277 to its junction with the U.S.-Mexico international boundary at Del Rio, thence south and east along the U.S.-Mexico international boundary to its junction with the international toll bridge at Brownsville.

(D) (No change.)

(4)-(5) (No change.)

§65.334. Bag and Possession Limits.

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

(g) Identification requirements.

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

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

§65.335. Extended Falconry Season.

(a) (No change.)

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

(1) (No change.)

(2) Sandhill cranes.

(A) Zone A: November 1 for 107 [104] consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County, thence northwesterly following U.S. Highway 87 and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(B) Zone B: November 1 for 107 [104] consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87, excluding all of Howard and Lynn Counties, to the junction of Highway 87 and Highway 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas Oklahoma state line in Dallam County.

(C) Zone C: November 1 for 107 [104] consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying within boundaries beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Pecos, thence north and east along Farm Road 616 to its junction with State Highway 35, thence north and east along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. 290, thence westward along U.S. 290 to its junction with U.S. Highway 277 at Sonora, thence south along U.S. Highway 277 to its junction with the U.S.-Mexico International Boundary at Del Rio, thence south and east along the U.S.-Mexico International Boundary to its junction with the international toll bridge at Brownsville.

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

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

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

Issued in Austin, Texas, on July 9, 1986.

TRD-8806750

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

August 18, 1986

For further information, please call
(512) 479-4979.

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Part III. Texas Air Control Board

Chapter 121. Bond Certification Criteria for Air Pollution Control Facilities

★ 31 TAC §§121.1-121.3

The Texas Air Control Board (TACB) proposes amendments to §§121.1-121.3, concerning bond certification criteria for air pollution control facilities. The amendments renumber the sections in Chapter 121 to Chapter 104. No other changes are proposed to the existing text of the section. The amendments make Chapter 121 available for a new proposed regulation. This action enables the TACB to maintain a numerical regulation system which is numbered consecutively.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, PE., director of the technical support and regulation development program, 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 retention of a numerical regulation sequence for simplicity and clarity. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

A public hearing on this proposal is scheduled for 10 a.m. on August 12, 1986, in the auditorium of the TACB located at 6330 Highway 290 East, Austin.

Copies of the proposed amendments are available from Lane Hartsock at the TACB central office and at all TACB regional offices. Public comment is invited at the hearing. The TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by 4 p.m. on August 15, 1986, at the TACB central office will be included in the hearing record. Written comments should be sent to the Control Strategy Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

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

§104.1 [121.1]. Control Facility. (No change.)

§104.2 [121.2] Fuel Treatment. (No change.)

§104.3 [121.3] Certification. (No change.)

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606887 Eil Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: October 1, 1986
For further information, please call
(512) 451-5711, ext. 354

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Chapter 121. Control of Air Pollution from Municipal Solid Waste Facilities

★31 TAC §§121.1, 121.3, 121.11, 121.13, 121.15, 121.21

The Texas Air Control Board (TACB) proposes new §§121.1, 121.3, 121.11, 121.13, 121.15, and 121.21, concerning control of air pollution from municipal solid waste facilities. The proposed new sections comprise a proposed new Chapter 121.

The new chapter is proposed in response to amendments to the Solid Waste Disposal Act enacted by House Bill 2358, 69th Legislature, 1985. These amendments stipulate the responsibilities of the TACB in relation to permit applications to the Texas Department of Health (TDH) for municipal solid waste facilities. The new chapter incorporates into TACB rules the procedures to be followed in reviewing such new and modified facilities. In accordance with House Bill 2358, the proposed new chapter is intended for joint rule making with the TDH. The TDH will be publishing identical sections separately.

The TACB views House Bill 2358 as making a permit issued by the TDH the sole state permit required for a municipal solid waste facility engaged in the storage, processing, treatment, disposal, or destruction of solid waste. Under the amendments, the TACB is responsible for conducting air quality reviews of permit applications for such facilities and transmitting recommendations to the TDH for consideration. These rules are proposed accordingly, with no TACB permit required for municipal solid waste facilities permitted by the TDH.

However, these rules will not affect the agency's treatment of such facilities which are not permitted by the TDH.

The new §121.1, concerning definitions, specifies that the meanings for terms used in the chapter are as given by the Solid Waste Disposal Act and regulations promulgated thereunder. The new §121.3, concerning applicability, describes the types of facilities affected by the chapter.

The new §121.11, concerning permit conditions, states that permits covered by this regulation may contain terms and conditions which must be complied with by the permit recipient. The new §121.13, concerning representations in application for permit, declares that all representations made in a TDH permit application become conditions upon which the permit is issued and cannot be changed without approval of the permitting agency.

The new §121.15, concerning responsibility for review of air quality impacts from new and modified facilities, describes the responsibilities to be borne by the TACB on permit applications submitted to the TDH for municipal solid waste facilities. The new §121.21, concerning air emissions requirements for municipal solid waste facilities, outlines the requirements to be met by all such facilities prior to and after commencing operations.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. The fiscal implications for small businesses are no greater than those which would be incurred by large businesses.

Les Montgomery, PE., director of the technical support and regulation development program, 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 requirements that will result in safer disposal of municipal solid wastes in such facilities. Regulated persons, including small businesses, will benefit from a simplified permitting process. There will be no increase in cost to regulated businesses for the first five-year period the sections as proposed are in effect. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

A public hearing on this proposal is scheduled for 10 a.m. on August 12, 1986, in the auditorium of the Texas Air Control Board located at 6330 Highway 290 East, Austin.

Copies of the proposed changes are available from Lane Hartsock at the TACB central office and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearing. The TACB would appreciate receiving five copies of testimony prior to

or at the hearing. Written testimony received by 4 p.m. on August 18, 1986, at the TACB central office will be included in the hearing record. Written comments should be sent to the Control Strategy Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

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

§121.1. Definitions. The words and terms used in this chapter have the meaning as given in the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, or the regulations promulgated thereunder. Unless specifically defined in the Solid Waste Disposal Act or the regulations promulgated thereunder, the terms used in this chapter have the meanings commonly ascribed to them in the field of air pollution control. The term "facility" as used in this chapter refers to a solid waste facility as defined in the Solid Waste Disposal Act. The use of "modified" in this chapter is consistent with the term "modification" as defined in the Texas Clean Air Act.

§121.3. Applicability.

(a) Except as provided in subsection (b) of this section and §116.6 of this title (relating to Exempted Facilities), this chapter applies to all municipal solid waste facilities which are required to obtain a permit from the Texas Department of Health (TDH) pursuant to the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c)(4)(A)(i).

(b) Any person who plans to construct or engage in the modification of a municipal solid waste facility shall also obtain authorization for such construction or modification under Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification), if the proposed construction or modification is subject to new source review requirements of the Federal Clean Air Act, Title I, Part C or D, 42 United States Code 7401 *et seq.*, for a major source or a major modification.

(c) New or modified municipal solid waste facilities which are not required to obtain a permit by the TDH and which may emit air contaminants into the air of this state must obtain authorization from the Texas Air Control Board (TACB) pursuant to the requirements of Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification).

§121.11. Permit Conditions. Permits for facilities to which this chapter applies may contain terms and conditions relating to air quality. The holders of such permits shall comply with all such terms and conditions.

§121.13. Representations in Applications for Permits. All representations in an application for a Texas Department of Health

(TDH) permit or a modification to a TDH permit, regarding construction plans and operation procedures, become conditions upon which a permit is issued. It shall be unlawful for any person to vary from such representations if the change will cause a change in the method of control of emissions, the character of the emissions, or will result in an increase in the discharge of the various emissions, unless prior notification is made to the TDH and such change is approved. Such person shall submit information as may be reasonably required to determine whether such activity will comply with the applicable regulations and whether such change may be approved. Any information provided under this subsection shall be submitted to the permitting authority in duplicate form.

§121.15. Responsibility for Review of Air Quality Impacts from New and Modified Facilities.

(a) Technical review. The Texas Air Control Board (TACB) shall be responsible for performing a technical review of the air quality aspects of any permit application submitted to the Texas Department of Health (TDH) for a municipal solid waste facility to which this chapter applies. The TACB shall complete such review and shall forward all recommendations or proposed permit provisions to the TDH within time limits established for completion of technical review of the application.

(b) Uncontested permit applications. If a contested case hearing is not held by the TDH, all recommendations and proposed permit provisions submitted by the TACB shall be incorporated into any permit issued by the TDH.

(c) Hearings. If a contested case hearing is held by the TDH, all evidence and testimony of the state regarding air quality aspects of the application shall be developed and presented by the TACB. All parties, including the TDH, shall have the right to cross-examine any witnesses of the TACB. At the conclusion of the presentation of testimony, the TDH shall afford the TACB at least 30 days in which to submit proposed findings of fact and conclusions of law, and proposed permit requirements, regarding the air quality aspects of the application. Such proposed findings, conclusions, and permit requirements shall be accepted, unless the TDH finds that the recommendations of the TACB are not supported by a preponderance of the evidence. The TACB may seek judicial review of the air quality aspects of any final decision of the TDH.

(d) Enforcement. Both the TACB and the TDH shall have authority to enforce the terms included in any permit issued by the TDH pursuant to these sections.

§121.21. Air Emissions Requirements for Municipal Solid Waste Facilities. In order for a permit to be granted to a municipal solid waste facility, the applicant for such a permit shall submit information to the Texas De-

partment of Health (TDH) which will demonstrate that all of the following are met.

(1) The facility will comply with all requirements of the Solid Waste Disposal Act and the rules promulgated thereunder.

(2) The emissions of air contaminants from each proposed facility will comply with all rules and regulations of the Texas Air Control Board (TACB) (except Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification)) and with the intent of the Texas Clean Air Act.

(3) The facility will comply with all the requirements of Subchapter E (relating to Permit Procedures and Design Criteria) in 25 TAC Chapter 325 (relating to Solid Waste Management), promulgated by the TDH pursuant to the Solid Waste Disposal Act.

(4) The emissions from each proposed facility will meet at least the requirements of any applicable new source performance standards promulgated by the Environmental Protection Agency (EPA) pursuant to authority granted under the Federal Clean Air Act (FCAA), §111, as amended.

(5) The emissions from each proposed facility will meet at least the requirements of any applicable emission standard for hazardous air pollutants promulgated by the EPA pursuant to authority granted under the FCAA, §112, as amended.

(6) The proposed facility will have appropriate provisions for measuring significant emissions of air contaminants as determined by the TACB.

(7) The facility will utilize the best available control technology to control the emissions of air contaminants, with consideration given to the technical practicability and economic reasonableness of reducing or eliminating these emissions.

(8) The proposed facility will achieve the performance specified in the TDH permit application.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-880888

Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: October 1, 1986
For further information, please call
(512) 461-6711, ext. 354

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

**Part I. Texas Department of Human Services
Chapter 46. Residential Care Program**

The Texas Department of Human Services proposes new Chapter 46, §§46.1001, 46.2001-46.2008, 46.3001-46.3007, 46.4001-46.4005, 46.5001-46.5003, and 46.6001, concerning the Residential Care Program. The department is simultaneously proposing repeals, amendments, and new sections, concerning residential care in Chapter 48, concerning community care for aged and disabled (CCAD), in this issue of the *Texas Register*.

In an effort to save state funds and efficiently use Title XIX funds, the department is modifying the current Supervised Living/Emergency Care Program by adding residential health care as a new component. The objective of adding residential health care is to utilize federal matching funds by providing personal care services to eligible Title XIX recipients in residential care facilities. With the addition of the new component, the new program will include supervised living, residential health care, and emergency care. Also, the program name is changed from Supervised Living/Emergency Care Program to the Residential Care Program.

The following information provides brief descriptions of the services provided under the new Residential Care Program: Supervised living is a 24-hour living arrangement in which the recipient is expected, if he is able, to contribute to the total cost of his care. Residential health care is a living arrangement that provides assistance for the recipient's food and shelter costs and also provides for a prepaid health plan that pays for the balance of services available in the Residential Care Program. Emergency care is a temporary living arrangement that provides services to eligible recipients until the department secures a permanent care arrangement.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Packard 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 more clients can be served with the same level of state funding because a portion of the service is funded with federal Title XIX dollars. There is no anticipated economic cost to individuals

who are required to comply with the proposed sections.

The department will hold a hearing to accept comments on the proposal at 9 a.m. on Wednesday, August 6, 1986, in the Texas Department of Human Services public hearing room, 701 West 51st Street, Austin. Written comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-455, Department of Human Services 153-E, P.O. Box 2980, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Definitions

★ 40 TAC §46.1001

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

§46.1001. Definitions of Program Terms. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Aide/attendant—An employee of the facility who helps the recipient with activities of daily living.

Apartment—A connected bedroom, kitchen, and bathroom area which provides a minimum of 350 square feet of space per resident. Indoor common areas used by department recipients may be included in computing the minimum square footage. The portion of the common area allocated cannot exceed usable square footage divided by the maximum number of residents who have access to the common area.

Capitation fee—The fee the department pays periodically to a contractor for each Title XIX recipient enrolled under the contractor's prepaid health plan whether or not the eligible recipient receives the services during the period covered by the fees.

Days—All references to days mean calendar days, unless otherwise noted.

Enrolled recipient—A Title XIX recipient who is eligible for residential health care and who enters into an agreement to receive services from a prepaid health plan offered by a facility.

Facility—A legal entity that contracts with the department to deliver residential care services to recipients.

Facility manager—The person responsible for the general management of the personal or custodial care home operation.

Income eligible—An adult, who is not an SSI or AFDC client, but who has an income that is equal to or less than the eligible level established by the department.

Medicaid eligible—An individual who is eligible for Medicaid as an SSI, AFDC, or medical assistance only client while in the community.

Nonapartment—A living unit which meets the square footage requirements in the

Texas Department of Health minimum standards for personal care homes but does not meet the department's definition of an apartment.

Personal leave—Any leave from the residential care facility except for hospitalization or institutionalization. A day of personal leave is any period of 24 consecutive hours.

Prepaid health plan—An agreement through which the residential care facility provides nontechnical medical services to enrolled Title XIX recipients under contract with the department and on the basis of prepaid capitation fees.

Primary home care—In-home, nontechnical medically-related services provided to eligible recipients whose chronic health problems cause them to be functionally limited in performing activities of daily living. Reimbursement is made on a fee for service basis, and the maximum hours of service a recipient may receive is 30 hours a week.

Recipient—An eligible person who receives residential care services.

Supervisor—A registered nurse who supervises the facility attendant.

Witness—Any person other than the persons responsible for accounting for the trust funds or who supervises the person(s) responsible for accounting for trust funds.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8808983

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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Provider Participation Requirements

★ 40 TAC §§46.2001-46.2008

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

§46.2001. Required Services. The residential care facility must provide 24-hour care in a personal or custodial care home licensed by the Texas Department of Health Services include, but are not limited to:

(1) personal care—help with activities related to the care of the recipient's physical health that include, but are not limited to, bathing, dressing, preparing meals, feeding, exercising, grooming (routine hair and skin care), self-administering medication, toileting, and transferring/ambulation;

(2) home management—activities related to housekeeping that are essential to the recipient's health and comfort;

(3) escort—accompanying the recipient on trips to obtain health care services and household items;

(4) twenty-four-hour supervision—periodic checks or visits to a recipient during each eight-hour shift to ensure that the recipient is safe and well;

(5) social and recreational activities—organized activities that require physical exercise or that give residents the opportunity to interact with other people;

(6) transportation—arranging for or directly transporting recipients to meet their basic needs for food, clothing, toiletries, medications, medical care, and any necessary therapy;

(7) food—the provision of food that is essential to the recipient's health; and

(8) room—living quarters that may be arranged in apartments, wings/floors of nursing homes, small group homes, or other free-standing facilities that are licensed as personal or custodial care homes.

§46.2002. Prior Approval for Services.

(a) When the facility receives an approval for CCAD services—referral response form that indicates the supervised living recipient's potential eligibility for residential health care, the facility's registered nurse (RN) must assess the recipient, face-to-face, and develop a service plan that includes the following:

- (1) nursing assessment;
- (2) tasks to be performed;
- (3) proposed instructions to the attendant;
- (4) proposed schedule of supervisory visits and nursing re-evaluations;
- (5) assessment of the attendant's training needs and a plan for remedying any training deficiencies; and
- (6) expected results for the recipient.

(b) The facility's RN must request physician's orders that must include the following:

- (1) diagnosis and present condition;
- (2) treatment;
- (3) prescribed medication, dosage, and frequency;
- (4) nutritional requirements;
- (5) mental status;
- (6) safety or precautionary measure;
- (7) functional limitations and permitted activities;
- (8) prognosis; and
- (9) length of time the person is expected to require services (if less than 12 months).

(c) The facility's RN must request prior approval of residential health care for the supervised living recipient within 14 days from the date on the approval for CCAD services-referral response form. Prior approval is required before payment is made for residential health care.

(d) The facility's RN must request prior approval (using department forms) from the department's regional nurse.

(e) The facility's RN must notify the department caseworker if he cannot get physician's orders within 14 days of the date on the approval for CCAD services—referral response form.

§46.2003. Significant Changes in the Recipient's Condition. The facility must notify the department caseworker within five days if the residential care recipient's condition has changed and tasks must be added to or deleted from the recipient's service plan.

§46.2004. Monitoring Medicaid Eligibility for Residential Health Care Recipients. Each month, the facility must verify continued Medicaid eligibility for each residential health care recipient by confirming that the recipient has a current Medicaid identification card. If the residential health care recipient becomes ineligible, the facility must immediately notify the department by telephone and send written notification on the same day.

§46.2005. Facility Requirements.

(a) The residential care facility must meet the following standards to operate in Texas.

(1) Facilities must have a personal or custodial care home license issued by the Texas Department of Health.

(2) Facilities providing residential care services must comply with the Rehabilitation Act of 1973, §504, as amended. Any existing facility which does not comply with §504 standards is given 60 days to comply with operational standards and six months for physical plan conformance. If additional time is needed for physical plan conformance, the facility must obtain permission from the department.

(b) The facility must:

(1) provide each recipient with a private or semi-private room;

(2) reserve space for up to three days from the agreed-upon entry date for each referred recipient before requesting another referral;

(3) reserve, at a minimum, space to serve one emergency care recipient, unless a request for a waiver is granted from the regional director for services to the aged and disabled;

(4) designate a separate bedroom area for recipients in dual facilities where nursing home recipients are co-housed in the facility;

(5) accept all of the department's referrals if space is available;

(6) accept and provide services to emergency care recipients;

(7) provide services according to the recipient's service plan;

(8) obtain the written approval of the department before discharging recipients, except when department staff cannot be

reached and the recipient threatens the health or safety of others or himself;

(9) help the recipient to prepare for transfer or discharge;

(10) provide a minimum of two social and recreational activities per week. The facility must have documentation that activities were provided;

(11) provide each recipient with training in the emergency/disaster procedures and evacuation plan within three days from the date of service initiation. The training must be documented in the recipient's record;

(12) document all training and orientation provided to facility staff;

(13) reserve the recipient's space in the facility as long as the recipient pays his bedhold charge for personal leave days, which exceed the department's limit;

(14) collect payment from the recipient according to the department's co-payment policies. If payment is not made on time, the facility must send notice to recipients and a copy to the department caseworker by the 10th of the same month;

(15) accept the prepayment as payment in full for services covered by the pre-paid health plan;

(16) not charge or take other recourse against a recipient's family member or anyone acting on behalf of the recipient for any claim denied or reduced by the department because of the facility's failure to meet any department rule, regulation, or procedure; and

(17) must comply with applicable federal and state regulations, applicable statutes, appropriate service standards, and department rules, procedures, and guidelines.

§46.2006. Facility Reporting and Notification Requirements. The facility must report to the department the following occurrences pertinent to recipient services by the next department workday after they occur. These occurrences must be followed up in writing within five days after they occur:

(1) a change in the facility manager;

(2) the initiation and termination of services to recipients;

(3) serious occurrences or emergencies involving recipients or facility staff;

(4) discharge of a recipient who threatens the health or safety of himself or other residents in the facility;

(5) hospitalization of recipients; or

(6) death of recipients.

§46.2007. Staffing Requirements.

(a) The facility must have, as a minimum, a staff-recipient ratio of one to 15 during the day shift; one to 20 during the evening shift; and one to 30 during the night shift. The facility must maintain adequate staff to meet the needs of the residents.

(1) Private-pay residents must be included in calculating the staff-recipient ratios if the same staff are providing services to the private-pay residents as well as to department recipients.

(2) At least one staff person must be present at the facility when a recipient is present.

(3) All staff providing personal care services, protective supervision, and other direct care services to the recipients may be included in calculating the staff-recipient ratio based on the percent of the time spent delivering services to the recipients.

(b) The facility must have, or contract for, a full-time manager who is responsible for:

(1) general management of the facility operation, maintenance, and staff;

(2) development of the facility's plan of operation;

(3) development and maintenance of relationships with community entities necessary to carry out the plan of operation and the recipient's service plan;

(4) supervision, record keeping, and all administrative management functions; and

(5) compliance with provider manual policies and contract procedures.

(c) The facility must have either a part-time or full-time RN with a current license from the Texas Board of Nurse Examiners. The RN must supervise the attendant in the delivery of residential health care services.

(d) The RN must visit with the residential health care recipient at least every 60 days to review the plan of care, to assess the recipient's health and need for continued services, to assess the quality of services the attendant provides, and to determine any attendant training needs. The RN must document each 60-day visit in the recipient's case folder. The RN must include in his notes the topics discussed and plans for remedying any deficiencies.

(e) The facility attendants must be 18 years old or older and able to perform the following duties: personal care services; house-keeping; escort services; protective supervision; and other duties as assigned. The attendant must not provide personal care services until he has shown competence in this area to the satisfaction of the facility RN. If an attendant handles food in the facility, he must meet the requirements described in the food service sanitation rules of the Texas Department of Health.

§46.2008. Training Requirements.

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

(b) The facility manager must have at least seven hours of orientation in the following areas before assuming responsibilities:

(1) basic principles of supervision;

(2) interpersonal skills for dealing with recipients and families;

(3) recipient characteristics and needs;

(4) community resources; and

(5) policies and procedures of the contract.

(c) The RN must have at least seven hours of orientation in the following areas before assuming responsibilities:

- (1) basic principles of supervision;
- (2) interpersonal skills for dealing with recipients and families;
- (3) recipient characteristics and needs; and
- (4) policies and procedures of the contract.

(d) The RN must provide all attendants, before or at the time service begins, a general orientation about:

- (1) the needs of the recipient and tasks to be provided;
- (2) essential observation of the recipient's health; and
- (3) conditions about which the attendant should notify the facility manager or the attending physician.

(e) The RN must assess the additional training needs of each residential health care attendant, develop a plan for remedying areas of deficiencies, and train each attendant. The RN must document that all attendants are competent to provide personal care before delivering services. Besides the topics covered during orientation, the RN must train the attendant in performing authorized tasks and in safety and emergency procedures.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606864

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 18, 1986
For further information, please call
(512) 450-3786.

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Claims Payment

★ 40 TAC §§46.3001-46.3007

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

§46.3001. General Billings/Claims Payment for Residential Care Program. The following paragraphs apply to residential care reimbursement.

(1) The facility may bill for the day a recipient enters the facility, but not for the day of discharge, unless discharge is due to the death of the recipient.

(2) If the recipient's co-payment amount is less than the bedhold charge, the department pays the difference.

(3) The facility must bill the bedhold charge the day the recipient enters the

hospital and the full rate the day the recipient returns from the hospital.

(4) The facility is entitled to payment for up to 21 days of personal leave taken by the recipient each year beginning with the effective date of the authorization period.

(5) The facility is not entitled to payment if services are not prior approved on the approval for CCAD service referral response form for supervised living/emergency care and on the prior approval for CCAD services form for residential health care.

§46.3002. Billings/Claims Payment for Supervised Living. Payment for services to supervised living recipients is based on the actual days of service delivery. Billing must be submitted after the month in which services are rendered.

§46.3003. Billings/Claims Payment for Residential Health Care.

(a) Payment for services to residential health care recipients is based on a monthly prepaid capitated basis for personal care services only. Reimbursement is made during the month of service. The residential care facility must prorate the monthly prepaid capitated fee for a recipient whose services have been terminated. The facility must credit the department for these days that have been prepaid during the month in which services were terminated.

(b) Payment for the food and shelter cost is based on the actual days of service delivery. Billing must be submitted after the month in which services are rendered.

§46.3004. Billings/Claims Payment for Emergency Care. Payment for services to emergency care recipients is based on actual days of service delivery. Billing must be submitted after the month in which services are rendered.

§46.3005. Claims Requirements.

(a) The facility must file initial claims for reimbursement for service delivery to the department no later than 95 days after the end of the service month. An initial claim received more than 95 days after the service month is not paid. The facility must file these claims on official department forms.

(b) The facility is liable for monetary exceptions if the monthly claims do not correspond with the facility's service authorization and service delivery records. The facility must maintain proper documentation according to §46.5001 of this title (relating to Record Requirements).

§46.3006. Claims Rejections. If the department rejects a claim because of errors, the facility must return the corrected claim, with the error message attached, to the department within 60 days of the rejection date, or the claim is not paid.

§46.3007. Co-payment. The facility must collect the co-payment from the recipient. The facility must keep receipts for all co-pay-

ments collected. The facility must deduct the co-payment amount (assessed on the approval for services—referral response form) from reimbursement claims submitted to the department.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606865

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 18, 1986
For further information, please call
(512) 450-3786.

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Provider Contracts

★ 40 TAC §§46.4001-46.4005

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

§46.4001. Method of Contracting. The method of contracting for residential care services is competitive procurement. The department may renew competitively procured contracts that were converted from the Supervised Living Program to the Residential Care Program up to four years from the date of the conversion. All contracts procured sole source must be competitively procured within four years of their conversion from supervised living to residential care.

§46.4002. Methods of Service Delivery. Facilities that contract with the department for residential care must provide services through supervised living, residential health care, and emergency care.

§46.4003. Units of Service.

(a) A unit of service for supervised living is one day.

(b) A unit of service for residential health care (prepaid health plan) is one month. A unit of service for food and shelter for residential health care is one day.

(c) A unit of service for emergency care is one day.

§46.4004. Unit Rate Contracts. The unit rate is set by the department's board, based on data obtained from the cost report submitted to the department by each individual service contractor. The rates include the amount paid by the department and any recipient co-payments. In no case may reimbursement from the department and recipient combined exceed the rate specified for each type of setting.

§46.4005. Hospital Bedhold Charge. The facility's bedhold charge or the negotiated

bedhold charge for reserving a recipient's space during hospital stays may not exceed the maximum amount established by the department.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606866

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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Records

★ 40 TAC §§46.5001-46.5003

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

§46.5001. Record Requirements.

(a) The facility must keep all recipient records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements) and the provider agreement/contract.

(b) The facility must maintain records for each recipient that include at least the following information:

- (1) client intake forms (pages 1, 2, and 3);
- (2) primary home care recipient service plan form;
- (3) service delivery record form;
- (4) prior approval for CCAD services and confirmation of services form (residential health care recipients only);
- (5) physician's orders (residential health care recipients only);
- (6) enrollment/disenrollment form (residential health care recipients only);
- (7) RN's supervisory notes (residential health care recipients only);
- (8) pertinent medical information, if appropriate;
- (9) service delivery dates and reports that reflect how service plan activities are implemented and delivered;
- (10) dates and copies of written notification or reports of significant incidents reflecting progress, illness, or accidents that may be used in maintaining or revising the service plan;

(11) data that reflect reasons for termination, discharge plans, referrals, and placements; and

(12) a copy of the facility's policies on recipient rights and responsibilities that is initialed and dated by the recipient.

(c) The facility must keep personnel records on all staff in a central location in the facility. The personnel records must include staff credentials, performance, attendance, and staff development records. The facility must document that training to attendants was delivered as required.

(d) The facility must maintain financial records based on recognized fiscal and accounting procedures. The facility must make financial records available for review without prior notice at any time during normal work hours. Records must be available for review by authorized representatives of agencies including, but not limited to, the department, the attorney general's Medicaid Fraud Control Unit, Texas Department of Health, and the Department of Health and Human Services.

(e) When requested, the facility must complete and submit cost reports according to department procedures. The facility must keep all financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report has been submitted. Failure to submit an acceptable report by the due date can result in a hold being placed upon the facility's vendor payments.

(f) The facility must maintain trust fund records and:

- (1) have written permission from the recipient to handle his personal financial affairs;
- (2) keep recipient trust fund accounts separate from the facility's operating accounts. The separate account must be identified "Trustee, (name of facility), Patients' Trust Fund Account";
- (3) make the recipient trust fund records available for review by department staff during work hours without prior notice;
- (4) not charge the recipient for services which the facility is expected to provide for the recipient;
- (5) refrain from charging the recipient for banking service costs if the recipient trust fund is in a pooled account;
- (6) obtain and maintain current written individual records of all financial transactions involving the recipient's personal funds that the facility is handling. The facility must include at least the following in the records:

- (A) recipient's name;
- (B) identification of recipient's representative payee or responsible party;

(C) admission date;

(D) transactions. The facility may choose one of the following options:

(i) records of the date and amount of each deposit and withdrawal, the name of the person who accepted the withdrawn funds, and the balance after each transaction. Each withdrawal must be signed by the recipient. If the recipient cannot sign, the transaction must be signed by at least one witness;

(ii) signed receipts indicating the purpose for which any withdrawn funds are spent, the date of expenditure, and the amount spent. The receipt must be signed by the person responsible for the funds and the recipient. If the recipient is unable to sign his name, a witness must sign the transaction or receipt;

(E) recipient's earned interest;

- (7) refund the full balance of the recipient's personal funds that the facility deposited in an account within five business days after the recipient has been discharged;

(8) distribute the interest earned on any pooled interest banking account in one of the following options:

(A) prorated to each recipient on an actual interest earned basis; or

(B) prorated to each recipient on the basis of his end-of-quarter balance.

(g) The facility must ensure that records include written receipts for all purchases and payments made by or for recipients.

§46.5002. Confidentiality of Records. The facility must ensure the confidentiality of individual recipient's records and other information related to recipients.

§46.5003. Audits. Desk audits and on-site audits are performed periodically on all facilities participating in the program. The frequency and nature of the audits are determined by the department (but not less than that required by federal regulations relating to the administration of the program). Failure to allow the department to perform an audit or failure to provide documentation in sufficient detail to verify reported information may result in the department withholding provider payments.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606867

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

Recipient Rights and Responsibilities

★ 40 TAC §46.6001

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

§46.6001. *Rights and Responsibilities.*

(a) The facility must inform the recipient verbally and in writing, before or at the time of admission, of his rights and responsibilities. The rights and responsibilities include rules governing recipient conduct, complaints, bedhold policies for hospital and personal leave, eviction procedures, all available services in the facility, and charges for services not paid for by the department or not included in the facility's basic daily rate. All policies must have an effective date. If the facility amends its policies, each recipient must be informed before the change becomes effective. A written copy of these policies must be given to the recipient to initial and date and must be filed in the recipient's casefolder. A copy of the policies must also be given to the recipient.

(b) The facility must:

(1) allow the recipient to manage his finances and/or trust funds. The facility must provide assistance to the recipient in managing his finances only if the recipient requests assistance in writing;

(2) investigate all written complaints, problems, or deficiencies, and noncompliance with policies, procedures, and standards, which are reported by the recipient or department staff, within five workdays from the receipt of the report. A copy of the documented complaint and resolution must be submitted to the department within 30 days of the receipt of the report;

(3) provide all recipients with a general orientation about their needs and tasks to be provided before or at the time service began; and

(4) not require recipients to perform services for the facility or other recipients.

(c) In connection with services rendered under the contract, neither the contractor nor the contractor's employees, agents, or representatives may solicit or accept gifts, favors, or any other items of value from the recipient or other person on behalf of the recipient.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-860688

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

Chapter 48. CCAD

The Department of Human Services proposes amendments to §§48.1201, 48.2921, and 48.3903, concerning definitions of program terms, emergency care, and denial, reduction, or termination of services; the repeal of §§48.2920 and 48.9101-48.9107, concerning supervised living services and minimum standards for supervised living; and new §§48.2920, 48.2929, and 48.2930, concerning supervised living, residential care services, and residential health care. Section 48.1201 is being amended to add definitions for new program terms. Section 48.2920 is being repealed and replaced with new §48.2920 to include additional eligibility requirements for residential care. Section 48.2921 is being amended to change eligibility requirements for emergency care. Sections 48.2929-48.2930 are being added to include residential health care eligibility requirements in the CCAD chapter. Section 48.3903 is amended to include residential health care in the appeal process. Sections 48.9101-48.9107, minimum standards for supervised living, are being repealed and proposed in new Chapter 48.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed amendments, repeals, and new sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the amendments, repeals, and new sections.

Mr. Packard also has determined that for each year of the first five years the amendments, repeals, and new sections are in effect the public benefit anticipated as a result of enforcing the amendments, repeals, and new sections will be that more clients can be served with the same level of state funding because a portion of the service is funded with federal Title XIX dollars. There is no anticipated economic cost to individuals who are required to comply with the proposed amendments, repeals, and new sections.

The department will hold a hearing to accept verbal comments on the proposal at 9 a.m. on Wednesday, July 23, 1986, in the Texas Department of Human Services public hearing room, 701 West 51st Street, Austin. Written comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-455, Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Definitions

★ 40 TAC §48.1201

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the depart-

ment to administer public and medical assistance programs.

§48.1201. *Definitions of Program Terms.* The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise.

Facility—A legal entity that contracts with the department to deliver residential care services to clients.

In-home services—In-home services include family care, primary home care, home-delivered meals, congregate meals, and emergency response.

Out-of-home services—Services delivered outside the client's home or in a department-approved 24-hour living arrangement. These services are day activity and health services, adult foster care, special services for handicapped adults, and residential care.

Personal leave—Any leave from a residential care facility except for hospitalization or institutionalization. A day of personal leave is any period of 24 consecutive hours.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-860688

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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Eligibility

★ 40 TAC §48.2920

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

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

§48.2920. Supervised Living 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 July 14, 1986.

TRD-8608870 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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

§48.2920. Supervised Living.

(a) Eligibility for supervised living is based on the following criteria:

(1) the applicant must be income eligible or Medicaid eligible (not in an institution);

(2) the applicant must score at least 18 points on the client needs assessment questionnaire;

(3) the applicant's needs may not exceed the facility's capability under its licensed authority; and

(4) the applicant must have financial resources at or below the level established by the department.

(b) The client must contribute to the total cost of the care that he receives.

(1) The client keeps a monthly allowance for his personal and medical expenses. The Medicaid client keeps \$90, and the non-Medicaid client keeps \$150.

(2) In no case may the client's contribution, when added to the department's payment, exceed the rate established for supervised living.

(c) The client is eligible for 21 days of personal leave from the residential care facili-

ty each year beginning with the effective date of the authorization period. If the client does not pay the bedhold charge for days of personal leave that exceed the limits, he may lose his space in the facility.

(d) To reserve his space in the facility during hospital stays, the client must pay his co-payment or the facility's bedhold charge, whichever is lower. If the co-payment amount is less than the bedhold charge, the department pays the difference.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8608871 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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★ 40 TAC §48.2921

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.

§48.2921. Emergency Care.

(a) Eligibility for emergency care is based on the following criteria.

(1) The applicant:

(A) has lost his home or caregiver;

or

(B) has been discharged from a hospital or institution; or

(C) is in a similar emergency situation.

(2) The applicant:

(A) is income eligible or Medicaid eligible (not in an institution); and

(B) demonstrates a need for service by scoring at least 18 points on the client needs assessment questionnaire.

(3)[(b)] The applicant's needs may not exceed the facility's capability under its licensed authority [to provide services].

(b)[(c)] Emergency care clients are eligible for services for up to 30 [15] days while CCAD staff seeks a permanent care arrangement. If the client is not placed within the initial 30-day [15-day] period, he is eligible to receive services for up to one 30-day extension [two 15-day extensions], for a total of 60 [45] days.

(c)[(d)] Emergency care is [services are] terminated by the caseworker when the approved service period is over or when suitable care arrangements have been made. The department redetermines client eligibility each time a request for services is made.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8608872 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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★ 40 TAC §48.2929, §48.2930

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

§48.2929. Residential Care Services. A residential care client cannot receive any combination of supervised living, residential health care, or primary home care at the same time.

§48.2930. Residential Health Care.

(a) Residential health care applicant/clients must meet the following eligibility criteria:

(1) be Medicaid eligible outside an institution;

(2) score at least 24 on the client needs assessment questionnaire;

(3) have a medical need, substantiated by symptoms and a physician's diagnosis, which requires assistance with personal care;

(4) have signed and dated physician's orders;

(5) have a service plan that links prescribed tasks to the applicant/client's needs;

(6) have a signed and dated enrollment agreement; and

(7) be a resident of a residential care facility.

(b) An eligible client who chooses to enroll in residential health care must sign an enrollment agreement.

(c) An eligible client who chooses to receive primary home care delivered in a residential care facility by a contracted home health agency must pay the total cost of his room and food. He must also pay for the 24-hour supervision provided by the facility.

(d) A client may:

(1) voluntarily disenroll from residential health care. He may re-enroll at any time if he meets the eligibility criteria. The procedures for re-enrollment are the same as for enrollment. If a residential health care client loses eligibility under department rules, he is involuntarily discharged. A client is involuntarily disenrolled if he:

(A) loses Medicaid eligibility;

(B) scores below 24 on Form 2060;

(C) no longer has a medical need for the services;

(D) cannot obtain physician's orders;

(E) moves from the facility;

(F) is a threat to himself or others;

or
(G) has care needs that exceed the facility's capability under its licensed authority;

(2) not be disenrolled because of an adverse change in his health as long as his needs do not exceed the capability of the facility under its licensed authority.

(e) The residential health care client must contribute to the cost of food and shelter.

(1) The residential health care client keeps a monthly allowance for his personal and medical expenses. The Medicaid client keeps \$90, and the non-Medicaid client keeps \$150.

(2) In no case may the client's contribution, when added to the department's payment, exceed the rate established for shelter and food costs.

(f) The residential health care client is eligible for 21 days of personal leave from the residential care facility each year beginning with the effective date of the authorization period. The client is responsible for paying the bedhold charge for any days of personal leave that exceed these limits. If a client does not pay for the bedhold charge for days of personal leave that exceed the limits, he may lose his space in the facility.

(g) To reserve his space during hospital stays, the residential health care client must contribute his co-payment or the facility's bedhold charge, whichever is lower. If the copayment amount is less than the bedhold charge, the department pays the difference.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606873 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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Case Management

★ 40 TAC §48.3903

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.

§48.3903. *Denial, Reduction, or Termination of Services.*

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

(d) The client is not eligible for residential health care [supervised living services] if he:

(1) refuses to follow the service plan developed for his own well-being;

(2) is required [able] to contribute to the cost of his care, but refuses to do so.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606874 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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Minimum Standards for Supervised Living

★ 40 TAC §§48.9101-48.9107

(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 503F, Sam Houston Building, 201 East 14th Street, Austin.)

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

§48.9101. *Facility Requirements.*

§48.9102. *Required Services.*

§48.9103. *Staffing Requirements.*

§48.9104. *Provider Training*

Responsibilities.

§48.9105. *Clients' Rights and*

Responsibilities.

§48.9106. *Reporting and Notification*

Requirements.

§48.9107. *Provider Records and*

Documentation.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606875 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

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

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Chapter 49. Child Protective Services

The Texas Department of Human Services proposes amendments to §§49.337-49.343, and new §49.344, concerning adoption subsidies. The amended and new sections clarify policy regarding the eligibility criteria for adoption subsidies (both state-paid and Title IV-E), the amount of subsidy payments, the effective dates of subsidy benefits, the application process, and the right to fair hearings.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed amendments and new 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 amendments and new section.

Mr. Packard also has determined that for each year of the first five years the amendments and new section are in effect the public benefit anticipated as a result of enforcing the amendments and new section will be more efficiency in processing adoption subsidy applications and payments. There is no anticipated economic cost to individuals who are required to comply with the proposed amendments and new section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-365, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, Mail Code 153-E, within 30 days of publication in the *Texas Register*.

Subchapter C. Eligibility for Child Protective Services

★ 40 TAC §§49.337-49.343

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children.

§49.337. *Eligibility Requirements for State-Paid Adoption Subsidies.* For a child to receive an adoption subsidy, the following requirements apply.

(1) DHS must be the child's [The child must be in DHR's] managing conservator [conservatorship] at the time of the child's adoptive placement.

(2) Efforts [The DHR unit responsible for placing the child must first try] to place the child without the subsidy must have been made by the agency holding managing conservatorship unless the child is being adopted by the child's foster parents.

(3) The child must meet one of the following criteria at the time of adoptive placement:

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

(C) have a verifiable professionally diagnosed physical, mental, or emotional handicapping condition [handicap]; or

(D) (No change.)

(4) The child's countable income must be less than DHS' [DHR's] daily rate for foster care maintenance for a child his age in a foster family home. Countable income includes RSDI, VA, and other dependent and survivors' benefits the child receives related to his biological family.

(5) (No change.)

[(6) The child must not be receiving foster care benefits in the adoptive home.]

(6) [(7)] The adoptive parents must apply for, and the subsidy be approved, before consummation of the child's adoption.

[(8) The adoptive parents must meet DHR's standards and criteria for adopting a child.]

(7) [(9)] The adoptive parents must be responsible for and contributing to the child's financial support.

§49.338. Additional Eligibility Requirements for Title IV-E Subsidy.

(a) In addition to the requirements for state-paid subsidies listed in §49.337 of this subchapter (relating to Eligibility Requirements for State-Paid Adoption Subsidies), the following eligibility requirements apply for Title IV-E subsidies for children in DHS managing conservatorship [For a child in DHS' managing conservatorship to receive a Title IV-E subsidy, the following additional requirements apply].

(1) Parental rights to the child must have been terminated by the court before filing of the petition to adopt.

(2) [(1)] The child's adoption must be consummated. The consummation must have occurred after September 30, 1982.

(3) [(2)] During the month that court proceedings were initiated resulting in the following must apply:

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

(4) [(3)] The child was deprived of parental support according to AFDC eligibility requirements immediately before parental rights were terminated.

(5) [(4)] If the child does not meet the requirements of paragraphs (3) and (4) [(2) and (3)] of this section, then the child must have been eligible for SSI during the period between filing of the petition to adopt and legal consummation of the child's adoption [at the time the adoption petition was filed].

(b) In addition to the requirements in §49.337(2)-(7) of this subchapter (relating to Eligibility Requirements for State-Paid Adoption Subsidies), the following eligibility requirements apply for Title IV-E subsidies for children who are not in DHS' managing conservatorship [For a child not in DHS' conservatorship to qualify for a Title IV-E subsidy, the following requirements apply].

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

(3) During the period between filing of the petition to adopt and the legal consummation of the [court order for] adoption, the child must have been eligible to receive Supplemental Security Income (SSI).

[(4) The adoptive parents must apply for the subsidy and the subsidy must be approved before the adoption is consummated.]

(4) [(5)] The child's adoption must be consummated. The consummation must have occurred after September 30, 1982.

[(6) The adoptive parents must be contributing to the child's financial support.]

[(7) Any income the child receives related to his biological parents, (RSDI, VA) must be less than the department's daily rate for foster care maintenance for a child his age in a foster family home.]

[(8) The child must be under 18 years of age. The child may receive a subsidy through the month of his 18th birthday.]

§49.339. Determination of Subsidy Payments.

(a) The subsidy paid to adoptive parents is negotiated and determined on a case-by-case basis. The determination is based on the current service [special] needs of the child, the child's income, and the financial ability [circumstances] of the parents to provide the child's financial needs. The maximum amount of subsidy payment available to a child in a continuous 12-month period may not exceed the yearly cost of foster family care minus the child's income. Income deducted from the subsidy payment ceiling includes [benefits received for the child from SSI,] RSDI, VA, [child support,] and any other dependent or survivor's benefits the child receives related to his biological family [income, or other income from private resources].

(b) Income such as child support and RSDI the child receives related to his adoptive family or employment is not deducted from the payment ceiling [DHR does not deduct income from the following sources:

(1) earnings of a child if the child is:

[(A) a full-time student; or

[(B) a part-time student and not a full-time employee.

(2) money given as a gift to the child on an irregular basis.]

(c) When negotiating the amount of subsidy needed, DHS [DHR staff] and the parents must also consider the following.

(1) The adoptive parents' ability to contribute to the child's needs and what additional assistance may be needed. The adoptive parents must apply their income and resources toward meeting the child's needs.

(2) The adoptive parents' [parents must provide] documentation of the child's need for services and costs of services if they request a subsidy for services for the child. If the parents cannot provide actual cost figures, DHS [DHR] accepts projected reasonable cost figures. DHS [DHR] does not provide subsidies to cover the cost of medical

services for children who are Medicaid recipients if Medicaid covers the cost of the services. DHS [DHR] also does not provide subsidies for the cost of medical services if the services are reimbursable from other health coverage available to the parents or child.

[(3) If a subsidy is needed for legal fees incurred for the child's adoption, actual cost may be provided. The parents must provide to DHR documentation of these costs.]

(d) [(4)] When a subsidy is needed primarily for routine support, the subsidy must not exceed 90% of the monthly foster family care rate minus the child's income.

(e) DHS uses a 30-day month to calculate subsidy payments. Payment amounts are determined in whole dollars.

(f) If a subsidy is authorized for both the ongoing needs of the child and to pay legal fees, the costs of the legal fees are budgeted in the monthly payment amount.

§49.340. Effective Dates of Subsidy Benefits.

(a) DHS [DHR] approves and provides subsidies for no longer than 12 months at a time.

(b) DHS [DHR] uses the following to determine the earliest period that the child is entitled to a state-paid subsidy:

(1) the first of the month after the month of placement if the adoptive parents apply before or during the month of placement and other eligibility requirements are met;

(2) (No change.)

(3) the first of the month after the month the adoption is consummated if the child's eligibility for foster care assistance is continued until consummation [the date the child's adoption was consummated for children eligible for a Title IV-E subsidy].

(c) DHS uses the following to determine the earliest period that the child is entitled to Title IV-E subsidy benefits [When a child's eligibility for Title IV-E subsidies is pending consummation of the adoption, the child may receive state-paid subsidies before consummation.]:

(1) the first of the month following the month of consummation for children who received SSI, AFDC, or state-paid foster care assistance benefits until consummation;

(2) for a subsidy transferred from the state-paid program to the Title IV-E program, Medicaid coverage is effective the date of consummation. Payments from the Title IV-E program begin the date the case transfer is effective on DHS' computer files.

(d) The month of application is the month the adoption subsidy application is received from the adoptive parents. [DHR does not authorize subsidies for any month that the child is receiving foster care benefits.]

§49.341. Application and Right to Notification.

(a) To apply for or renew a subsidy, the adoptive parents must complete and submit to DHS [DHR] an application form for each child.

(b) The agency accepting the application must complete and verify information on the eligibility documentation form, attach it to the application, and send the form and required attachments to the DHS regional adoption subsidy chairperson.

(c)(b) The adoptive parents are entitled to written notification from DHS [DHR] about the decision on the subsidy. DHS [DHR] must notify the adoptive parents about:

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

(c) Adoptive parents may request a fair hearing if their claim for a subsidy is denied, reduced, or delayed by DHR.]

§49.342. *Beginning the Subsidy.* Adoptive parents and DHS [DHR] staff must sign an adoption subsidy agreement before subsidies are paid.

§49.343. *Reporting Changes.* The adoptive parents must immediately report to DHS [DHR] any changes in circumstances which may affect eligibility for the subsidy or the amount of the subsidy. This includes consummation of the adoption, change of payee or address, change in the child's placement, and change in the child's income.

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

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8006881

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

For further information, please call
(512) 450-3786.

★ ★ ★

★ 40 TAC §49.344

The new section is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children.

§49.344. *Right to Appeal.*

(a) Adoptive parents may request and receive a fair hearing if their claim for a subsidy is denied, delayed, or reduced by DHS. The request must be made orally or in writing within 90 days from the effective date of any DHS action.

(b) If parents express dissatisfaction with a subsidy decision, designated agency staff must:

(1) explain the basis for the decision and the applicable policies;

(2) provide an opportunity for a conference with the subsidy chairperson;

(3) provide an opportunity to request a fair hearing and explain the procedures; and

(4) provide, upon the parents' request, any materials needed to determine if a fair hearing should be requested and to prepare for a hearing.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8006882

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 18, 1986

For further information, please call
(512) 450-3786.

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Withdrawn

Rules

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water
Development Board
Chapter 363. Rules Relating to
Financial Programs
Policy Declarations

★31 TAC §363.38

The Texas Water Development Board has withdrawn from consideration §363.38, concerning policy declarations. The text of the new section appeared in the January 28, 1986, issue of the *Texas Register* (11 TexReg 526). The effective date of the new section is July 11, 1986.

Issued in Austin, Texas, on July 11, 1986.

TRD-8606896 Suzanne Schwartz
General Counsel
Texas Water Development
Board

Filed: July 11, 1986
For further information, please call
(512) 463-7850.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department
of Human Services
Chapter 29. Purchased Health
Services
Subchapter D. Medicaid Home
Health Program

★40 TAC §29.310

The Texas Department of Human Services has withdrawn from consideration §29.310, concerning purchased health services. The text of the amendment appeared in the April 11, 1986, issue of the *Texas Register* (11 TexReg 1737). The effective date of the amendment is July 14, 1986.

Issued in Austin, Texas, on July 14, 1986.

TRD-8606876 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Filed: July 14, 1986
For further information, please call
(512) 450-3766.

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Subchapter G. Hospital Services

★40 TAC §29.603, §29.604

The Texas Department of Human Services has withdrawn from consideration §29.603 and §29.604, concerning purchased health services. The text of the amendments appeared in the April 11, 1986, issue of the *Texas Register* (11 TexReg 1738). The effective date of the amendments is July 14, 1986.

Issued in Austin, Texas, on July 14, 1986.

TRD-8606878 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Filed: July 14, 1986
For further information, please call
(512) 450-3766.

Subchapter K. Definitions

★40 TAC §29.1001

The Texas Department of Human Services has withdrawn from consideration §29.1001, concerning purchased health services. The text of the amendment appeared in the April 11, 1986, issue of the *Texas Register* (11 TexReg 1738). The effective date of the amendment is July 14, 1986.

Issued in Austin, Texas, on July 14, 1986.

TRD-8606879 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Filed: July 14, 1986
For further information, please call
(512) 450-3766.

Adopted

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

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 325. Solid Waste Management

The Texas Department of Health adopts amendments to §§325.61 and 325.91-325.95, and new §§325.621-325.623, without changes to the proposed text published in the May 16, 1986, issue of the *Texas Register* (11 TexReg 2275).

The amendments are necessary to implement actions directed by House Bill 2358, 69th Legislature, 1985, pertaining to public notice on receipt of a permit application, preparation of an applicant's compliance summary, consideration of recommendations from other regulatory agencies, and preparation of a proposed action prior to a public hearing. The new sections identify transporters of waste which are required to pay fees and submit annual reports to comply with the requirements of House Bills 1593 and 2091, 69th Legislature, 1985, which directed a fee system for municipal solid waste activities.

The amendments establish revised procedures for the department to issue public notice upon receipt of an administratively-complete permit application. The amendments also establish procedures for the Bureau of Solid Waste Management to prepare, prior to a public hearing, a draft brief with a preliminary recommended action, and a compliance summary of an applicant's solid waste management activities. These will be made available to the applicant and interested persons.

Procedures are provided in the amended sections for the Texas Air Control Board and other agencies which may have jurisdiction for permitting a solid waste facility to participate in the application review process.

The new sections identify transporters of waste which are required to pay fees and submit annual reports and direct them to other rules for specific requirements.

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

Subchapter E. Permit Procedures and Design Criteria

★25 TAC §325.61

The amendment is adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), as amended by House Bill 2358, §4 and §5, 69th Legislature, 1985, which requires changes in the public notice procedures, the preparation of a proposed action and a compliance summary prior to a public hearing, and the establishment of procedures for other agencies to participate in the application review process; and by House Bill 2091, Article 8, §2, and House Bill 1593, §54, 69th Legislature, 1985, which require the implementation of a fee system for municipal solid waste management activities.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606884

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

Effective date: August 4, 1986
Proposal publication date: May 16, 1986
For further information, please call
(512) 458-7271.

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Application Review Process

★25 TAC §§325.91-325.95

The amendments are adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), as amended by House Bill 2358, §4 and §5, 69th Legislature, 1985, which requires changes in the public notice procedures, the preparation of a proposed action and a compliance summary prior to a public hearing, and the establishment of procedures for other agencies to participate in the application review process; and by House Bill 2091, Article 8, §2, and House Bill 1593, §54, 69th Legislature, 1985, which requires the implementation of a fee system for municipal solid waste management activities.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606885

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

Effective date: August 4, 1986
Proposal publication date: May 16, 1986
For further information, please call
(512) 458-7271.

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Subchapter P. Annual Fees and Related Reports

★25 TAC §§325.621-325.623

The new sections are adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), as amended by House Bill 2358, §4 and §5, 69th Legislature, 1985, which requires changes in the public notice procedures, the preparation of a proposed action and a compliance summary prior to a public hearing, and the establishment of procedures for other agencies to participate in the application review process; and by House Bill 2091, Article 8, §2, and House Bill 1593, §54, 69th Legislature, 1985, which requires the implementation of a fee system for municipal solid waste management activities.

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

Issued in Austin, Texas, on July 14, 1986.

TRD-8606886

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

Effective date: August 4, 1986
Proposal publication date: May 16, 1986
For further information, please call
(512) 458-7271.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 301. Levee Improvement Districts, District Plans of Reclamation, and Levees and Other Improvements Subchapter D. Notice and Hearing

★31 TAC §301.51

The Texas Water Commission adopts new §301.51, without changes to the proposed text published in the May 23, 1986, issue of the *Texas Register* (11 TexReg 2417).

The new section provides for a clearer understanding of and effective enforcement of the policy of the Commission regarding notice procedures for district plans of reclamation. The new section incorporates into rule form current practice of the commission.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Water Code, §5.103, which provides the Texas Water Commission with the authority to adopt rules necessary to carry out its powers and duties under the Texas Water Code and the laws of the state.

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

Issued in Austin, Texas, on July 10, 1986.

TRD-8606789

James K. Rourke, Jr.
General Counsel
Texas Water Commission

Effective date: July 31, 1986

Proposal publication date: May 23, 1986

For further information, please call
(512) 463-8070.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter F. Physician Services

★40 TAC §29.502

The Texas Department of Human Services adopts an amendment to §29.502, with changes to the proposed text published in the April 11, 1986, issue of the *Texas Register* (11 TexReg 1735).

In the April 11, 1986, issue of the *Texas Register*, the Texas Department of Human Services proposed the repeal of §§29.101-29.104, 29.401-29.403, and 29.1501-29.1504, amendments to §§29.310, 29.502, 29.603, 29.604, 29.1001, and 29.1102, and new §§29.101-29.104, concerning purchased health services (11 TexReg 1735). These actions were taken to eliminate and limit some covered health care services because of state funding limitations.

The department has previously adopted the repeal of existing §§29.101-29.104 and new §§29.101-29.104. The department has also previously withdrawn the proposed repeal of §§29.401-29.403 and 29.1501-29.1504 and the proposed amendment to §29.1102. The department is withdrawing the proposed amendments to §§29.310, 29.603, 29.604, and 29.1001. These withdrawals appear in this issue of the *Texas Register*.

The amendment to §29.502 is justified as it will permit the department to reduce its spending because of state funding limitations.

The amendment to §29.502 will function by specifying that payment for physician visits to a hospital inpatient is limited to medically necessary visits that occur during a Title XIX spell of illness or during a period which coincides with a Title XIX spell of illness.

During the public comment period, the department received both written comments and verbal comments at two public hearings held on May 1, 1986, and May 16, 1986. Comments on the proposed eliminations and limitations were received from individual hospitals, hospital districts, physicians, audiologists, optometrists, state legislators, hearing aid dispensers and specialists, doctors of chiropractic, Medicaid recipients, and private citizens. The department also received comments from the following groups or associations: Texas Pediatric Society; Children's Hospital Association of Texas; Texas Chiropractic Association; Texas Optometric Association; Texas Association of Optometrists; Texas Hospital Association; Coalition of Texans with Disabilities; Texas Board of Hearing Aid Examiners; Texas Hearing Aid Association; Texas Association of Private ICF-MR Providers; Advocacy, Inc.; Texas Academy of Family Physicians; Texas Medical Association; Texas Department of Mental Health and Mental Retardation; Texas Department of Health; Texas Health Care Association; Texas Easter Seal Society; El Paso County Medical Society; and Texas Association of Public and Nonprofit Hospitals.

The groups and associations generally opposed the proposals. This preamble addresses only the comments received regarding the proposed limitations on hospital services, physician services, and reimbursement for home health services as reflected in the proposed amendments to

§§29.310, 29.502, 29.603, 29.604, and 29.1001.

Commenters stated that the proposed limitations would not adequately address the needs of chronically ill recipients and requested the department to explain and justify the methodology for determining the limitations. Commenters stated that the department should make exceptions to the limitations for chronically ill recipients. Other commenters expressed a concern that some recipients would not receive adequate preventative care, and that this would result in the need for more costly care in the future. Some commenters also expressed concern about the impact of the proposed limitations on providers, public entities, other state agencies, and local sources, and the resulting impact on care available to Medicaid recipients.

The department chose the limitations to minimize the impact on the overall Medicaid recipient population as claims data reflect that only a small percentage of Medicaid recipients require services in excess of the proposed limitations. It is true, however, that the proposed limitations do not adequately address the needs of some chronically ill recipients. The department cannot exempt recipients with chronic medical problems from the limitations without exempting all categorically and medically needy recipients because of federal regulations regarding comparability and sufficiency of amount, duration, and scope of services. As the department wishes to continue providing adequate, medically necessary services to all Medicaid recipients, the department is withdrawing the proposed amendments to §§29.603, 29.604, and 29.1001. The department is also modifying the text of the proposed amendment to §29.502 to delete the proposed limitation on physician services while a recipient is not an inpatient in a hospital and to redefine the limitation on inpatient physician services. Payment will be made for medically necessary visits that occur during a Title XIX spell of illness or during a period which coincides with a Title XIX spell of illness. This limitation is considerably less restrictive than the original proposal. It will, however, allow the department to reduce its spending and, at the same time, eliminate an inequity. The inequity is that the department has continued to pay physicians beyond the 30-day spell of illness while disallowing payment to the hospital.

Several commenters stated that the proposed reduction in reimbursement for home health services may result in some providers no longer participating in the Medicaid program as providers are currently reimbursed on the basis of reasonable cost.

As home health services are mandated by federal regulations and reimbursed on a reasonable cost basis, the department is withdrawing the proposed amendment to

§29.310 which would have reduced reimbursement.

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

§29.502. Authorized Physician Services.

(a) The term "physician services" includes those reasonable and medically necessary services provided by or under the personal supervision of a physician and which are within the scope of practice of medicine

or osteopathy as defined by state law. The term "personal supervision" means that the physician must be in the building of the office or facility at the time, when, and where the service is provided.

(b) Payment for physician visits to a hospital inpatient is limited to medically necessary visits that occur during a Title XIX spell of illness or during a period which coincides with a Title XIX spell of illness.

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

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

Issued in Austin, Texas, on July 14, 1988.

TRD-8608877

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: September 1, 1988
Proposal publication date: April 11, 1988
For further information, please call
(512) 460-3788.

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State Board of Insurance Exempt Filings

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

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

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

The text of the material being adopted will not be published, but may be examined in

the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved rates and forms for a Credit Card Account Program that consists of a credit card account master policy to be issued to a creditor and individual certificates of insurance to be issued to credit cardholders. The program is a multi-peril policy containing the following coverages.

(A) loss of employment income insurance which will be insured against loss of employment income due to involuntary loss of a job;

(B) property insurance (inland marine) which will provide coverage for the interest of the creditor and debtor on all personal property that is purchased on a charge account for a period of 36 months;

(C) credit card insurance which provides coverage to the cardholder for sums the cardholder is legally obligated to pay because of a stolen or lost credit card

misused to buy goods or services through charges to the account.

The rates to be charged are as follows per \$100 of monthly outstanding balance: loss of employment income—\$.19½; property insurance—\$.14; credit card insurance—\$.01; total rate—\$.34½.

This filing is to be effective 15 days after publication in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 11, 1988.

TRD-8608855

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 3, 1988
For further information, please call
(512) 463-6327.

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*.

Battleship Texas Advisory Board

Saturday, July 26, 1986, 10 a.m. The Battleship Texas Advisory Board will meet at the Battleship Texas, 3527 Battleground Road, La Porte. According to the agenda, the board will approve the minutes; hear a report on the status of the ship's condition; hear a report on fundraising activities; and approve the expenses. The board also will meet in executive session.

Contact: Doug Williams, 3033 Chimney Rock, Suite 601, Houston, Texas 77056, (713) 783-8109.

Filed: July 14, 1986, 11 a.m.
TRD-8606907

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Texas Department of Corrections

Monday, July 14, 1986, 10 a.m. The Board of Corrections of the Texas Department of Corrections made an emergency addition to the agenda for a meeting held in the Hazel D. Kerper Courtroom, Criminal Justice Center, Sam Houston State University, 815 16th Street at Avenue I, Huntsville. The addition concerned board members' items including a land sale presentation by Garry Mauro, Commissioner, General Land Office, and a presentation of the Center for Correctional Services on the Pilot Project to provide counsel for inmates—northern region; and director's items including the amended easement request of the Clemens Unit of Phillips Petroleum, and the lease of land of the Wynne Unit of the City of Huntsville. The board also met in executive session to consider a presentation by Garry Mauro concerning land sales pursuant to Texas Civil Statutes, Article 6252-17, §2(f). The emergency status was necessary because the agenda items requiring immediate resolution occurred within statutory posting period.

Contact: O. L. Mc Cotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 1160.

Filed: July 11, 1986, 12:22 p.m.
TRD-8606809

Criminal Justice Policy Council

Tuesday, July 22, 1986, 9:30 a.m. The Criminal Justice Coordinating Council of the Criminal Justice Policy Council will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the council will consider old business; and new business.

Contact: Ronald D. Champion, Room 408, 201 East 14th Street, Austin, Texas 78701, (512) 463-1810.

Filed: July 14, 1986, 10:28 a.m.
TRD-8606903

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Texas Economic Development Commission

Tuesday, July 15, 1986, 3 p.m. The Texas Small Business Industrial Development Corporation (TSBIDC) of the Texas Economic Development Commission met in emergency session at the AMFAC Hotel East, DFW Airport, Dallas. Items on the agenda included the approval of the agenda; approval of the minutes; discussion on the Texas Public Facilities Access Program (TEXCAP); action on selection of the trustee, paying, and tender agent and remarketing agent; the registrant, liquidity/credit facility, authenticating agent; consideration and action on amendments to bylaws and bond procedures; consider and action on TSBIDC and commission rule waivers (109.1 and 107.2); consideration and action on the investment contract; consideration and action on program guidelines for TEXCAP program; consideration of the issuance of obligations in an amount not to exceed \$750 million to finance the TEXCAP fund and documents related thereto; and selection of the next TSBIDC meeting date and time. The emergency status was necessary because based on information received on July 11, 1986, the TSBIDC believes that certain provisions of House Rule 3838 could have an effective date as early as July 16, 1986. The earlier effective date would possibly adversely affect implemen-

tation of the proposed TEXCAP Program and would deny certain significant economic benefits to eligible borrowers if the obligations are issued on or after the effective date of tax reform.

Contact: Wardaleen F. Belvin, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: July 15, 1986, 9:09 a.m.
TRD-8606963

Tuesday, July 15, 1986, 4 p.m. The Board of Commissioners of the Texas Economic Development Commission met in emergency session at the AMFAC Hotel East, DFW Airport, Dallas. Items on the agenda included the approval of the agenda; discussion on the Texas Public Facilities Access Program (TEXCAP); consideration and action on amendments to TSBIDC's bylaws and bond procedures; consideration and action on commission rule waivers under 107.2; consideration and action on program guidelines for TEXCAP Program; and consideration of the issuance of obligations in an amount not to exceed \$750 million and documents related thereto to finance the TEXCAP fund. The emergency status was necessary because based on information received on July 11, 1986, the commission believes that certain provisions of House Rule 3838 could have an effective date as early as July 16, 1986. The earlier effective date would possibly adversely affect the implementation of the proposed TEXCAP Program and would deny certain significant economic benefits to eligible borrowers if the obligations are issued on or after the effective date of tax reform.

Contact: Wardaleen F. Belvin, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: July 15, 1986, 9:09 a.m.
TRD-8606964

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Texas Education Agency

Friday, July 11, 1986, 4 p.m. The Committee for Finance and Programs of the Texas Education Agency met in emergency session in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee approved the use of earned federal funds to purchase an electronic printing system and micro-computer stands. The emergency status was necessary because the purchase must be approved by the board since this was the last scheduled meeting of the board for the 1985-1986 fiscal year.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: July 11, 1986, 1:47 p.m.
TRD-8606822

Saturday, July 12, 1986, 8:30 a.m. The State Board of Education of the Texas Education Agency made an emergency revision to the agenda for the meeting held in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. The revision concerned approving the use of earned federal funds to purchase an electronic printing system and micro-computer stands. The emergency status was necessary because the purchase must be approved by the board since this was the last scheduled meeting of the board for the 1985-1986 fiscal year.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: July 11, 1986, 1:47 p.m.
TRD-8606831

Advisory Commission on State Emergency Communications

Wednesday, July 23, 1986, 10 a.m. The Finance Committee of the Advisory Commission on State Emergency Communications will meet in Suite 710, 602 Sawyer Street, Houston. According to the agenda, the committee will review information and consider issues related to a statewide 9-1-1 emergency telephone service, including cost requirements for equipment, services, and administration.

Contact: Jay Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: July 14, 1986, 12:52 p.m.
TRD-8606930

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Texas Employment Commission

Wednesday, July 23, 1986, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes; review internal procedures of commission appeals; consider and act on higher level appeals in unemployment compensation cases on Commission Docket 29; and set the date of the next meeting.

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

Filed: July 14, 1986, 1:13 p.m.
TRD-8606931

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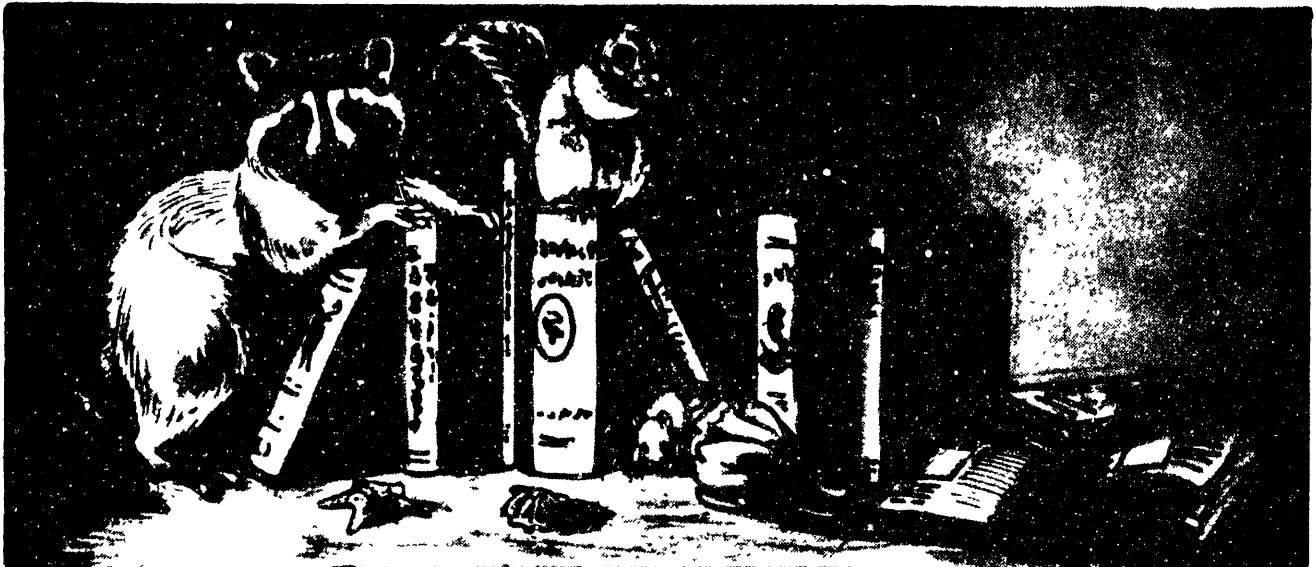
Employees Retirement System of Texas

Tuesday, July 22, 1986, 9 a.m. The Board of Trustees of the Employees Retirement System (ERS) of Texas will meet in the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will review the board minutes; consider the designation of investment authority; consider the proposed trustee policies and guidelines; discuss the proposed changes to four sections of the trustee rules regarding coverage for disability retirement applicants; discuss proposed changes to §81.7 of the trustee rules regarding automatic continuation of retirees' insurance coverages; the proposed changes to four sections of the trustee rules regarding the effective date of insurance coverage decreases or cancellations; the proposed changes to two sections of the trustee rules regarding elimination of dependent double insurance coverage; the proposed change to the trustee rule §81.7(f)(6) regarding the effective date of changes in insurance coverage for persons on leave without pay during an annual limited enrollment period; appeals of contested cases; the proposed legislation; hear the executive director's report; and set the date of the next meeting. The board also will meet in executive session.

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

Filed: July 11, 1986, 9:09 a.m.
TRD-8606797

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Office of the Governor

Friday, July 25, 1986, 10 a.m. The Border Economic Development Task Force of the Office of the Governor will meet in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the task force will conduct an Education and Training Committee meeting; a Border Task Force meeting; an Environment/Tourism/Quality of Life/Infrastructure Committee meeting; and a Business/Agribusiness/Regional Cooperation Committee meeting.

Contact: Tom Adams, Office of the Governor, Austin, Texas 78701, (512) 463-1827.

Filed: July 11, 1986, 10:39 p.m.
TRD-8606798

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Texas Department of Health

Friday, July 18, 1986, 10 a.m. The Home Health Services Advisory Council of the Texas Department of Health will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will approve the minutes of the last meeting; elect officers; and discuss the proposed regulations for amendment to the Home Health Licensure Act.

Contact: Dr. Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7240.

Filed: July 10, 1986, 4:06 p.m.
TRD-8606786

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Texas Health and Human Services Coordinating Council

Monday, July 21, 1986, 10:30 a.m. The Residential Contract Work Group of the Texas Health and Human Services Coordinating Council will meet in the Senate Reception Room, State Capitol, Austin. According to the agenda summary, the work group will elect a chairperson; hear a report from the Public/Private Policy Group; and consider new business.

Contact: Patrice Thomas, 311 A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: July 11, 1986, 3:10 p.m.
TRD-8606836

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Texas Historical Commission

Thursday, July 24, 1986, 3 p.m. The Executive Committee of the Texas Historical Commission will meet in the Carrington-Covert House Library, 1511 Colorado Street, Austin. According to the agenda, the committee will discuss the budget; and the Texas Awards for Historic Preservation. The committee also will meet in executive session to discuss personnel matters.

Contact: Curtis Tunnel, 1511 Colorado Street, Austin, Texas 78701, (512) 463-6100.

Filed: July 11, 1986, 3:08 p.m.
TRD-8606839

Thursday, July 24, 1986, 5 p.m. The Field and Museum Services Committee of the Texas Historical Commission will meet in the Driskill Hotel Restaurant, 117 East Seventh Street, Austin. According to the agenda, the committee will discuss the Sam Rayburn House.

Contact: Cindy Sherrell-Leo, 1511 Colorado Street, Austin, Texas 78701, (512) 463-6100.

Filed: July 11, 1986, 3:08 p.m.
TRD-8606842

Friday, July 25, 1986, 9:30 a.m. The Texas Historical Commission will hold its quarterly meeting in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hear reports from the chairman, the Sesquicentennial Committee, the Archeology Committee, the Publications Committee, the Research and Markers Committee, the Field and Museum Services Committee, the Main Street Committee, the Architecture Committee, and the Federal Programs Committee.

Contact: Curtis Tunnell, 1511 Colorado Street, Austin, Texas 78701, (512) 463-6100.

Filed: July 10, 1986, 1:46 p.m.
TRD-8606781

Friday, July 25, 1986, noon. The Main Street Committee of the Texas Historical Commission will meet at Gethsemane Church, 1510 Congress Avenue, Austin. According to the agenda, the committee will discuss the budget; 1987 self-initiated and urban cities; and incomplete projects.

Contact: Anice Read, P.O. Box 12276, Austin, Texas 78711, (512) 463-6092.

Filed: July 11, 1986, 3:08 p.m.
TRD-8606840

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Texas Industrial Accident Board

Tuesday, July 15, 1986, 8 a.m. The Texas Industrial Accident Board met in emergency session in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board dis-

cussed the legislative request regarding the board budget. The emergency status was necessary in order to resolve the necessary cut in the budget in accordance with Executive Order MW-36.

Contact: William Treacy, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7962.

Filed: July 14, 1986, 12:28 p.m.
TRD-8606928

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State Board of Insurance

Monday, July 21, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 9307—application of Kevin W. Boyd, Tulsa, Oklahoma, and Larry D. Lander, Tulsa, Oklahoma, to acquire control of Bankers Protective Life Insurance Company, Dallas.

Contact: O. A. Cassidy, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: July 14, 1986, 11:12 a.m.
TRD-8606909

Tuesday, July 22, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 9309—approval of the articles of agreement of Commodore Lloyd's of Texas, Dallas.

Contact: O. A. Cassidy, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: July 14, 1986, 11:12 a.m.
TRD-8606910

Tuesday, July 22, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will hear a report from the Agents' Education Advisory Board and the proposed outline of educational requirements for local recording agents; consider a proposed amendment to Section G of Rule 38 of the Texas Automobile Manual; consider board orders on several different matters as itemized on the complete agenda; a response to a request for information from the House-Senate Joint Committee on Liability Insurance Tort Law and Procedure; a response concerning the State Health Plan including medical liability; discuss fire marshal personnel matters; commissioner personnel matters; and pending and contemplated litigation.

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

Filed: July 14, 1986, 2:44 p.m.
TRD-8606946

Wednesday, July 23, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 9313—application of Commonwealth Industries Corporation, Springfield, Illinois, to acquire control of Future Security Life Insurance Company, Austin.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: July 14, 1986, 11:12 a.m.
TRD-8606911

Friday, July 25, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 9304—whether disciplinary action should be taken against Javier Ramirez, Brownsville, who holds a Group I legal reserve life insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: July 14, 1986, 11:12 a.m.
TRD-8606912

Friday, July 25, 1986, 1:30 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider action on requests by the Texas Medical Liability Insurance Underwriting Association for modification of rates used in the writing of professional liability insurance for health care providers (public hearing held April 2, 1986).

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

Filed: July 14, 1986, 2:44 p.m.
TRD-8606945

Monday, July 28, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 9305—application for amendment to the articles of incorporation of Concorde Life Insurance Company, Houston.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: July 14, 1986, 11:12 a.m.
TRD-8606913

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Texas Commission on Jail Standards

Wednesday, July 23, 1986, 9 a.m. The Texas Commission on Jail Standards will meet in Room 100, Employees Retirement System Building, 18th and Brazos Streets, Austin. According to the agenda summary, the commission will read and approve the minutes of the May 28, 1986, meeting; consider the director's report on old business, Bastrop, Caldwell, Denton, Johnson, Palo Pinto, Potter, Randall, Reagan, and Rockwall Counties; proposed changes to standards; the proposed information letter on AIDS; new business: Smith County staffing; Travis County; and applications for variance for Bowie, Travis, and Ward Counties. The commission also will meet in executive session.

Contact: Robert O. Viterna, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: July 11, 1986, 2:15 p.m.
TRD-8606832

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Legislative Budget Board

Friday, July 25, 1986, 9 a.m. The Legislative Budget Board will meet in Room 309, State Capitol, Austin. According to the agenda, the board will review alternative proposals for reducing fiscal year 1987 appropriations and any other subjects that come before the board.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 462-1166.

Filed: July 14, 1986, 12:38 p.m.
TRD-8606929

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Texas Department of Mental Health and Mental Retardation

Thursday, July 24, 1986, 2 p.m. The Executive Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the Central Office, 909 West 45th Street, Austin. According to the agenda, the committee will consider the proposed naming of the chapel at Terrell State Hospital as the Winton Gable All Faith Chapel; the appointment recommendation to the Citizens' Planning Advisory Committee; and hear a report from the Citizens' Planning Advisory Committee.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: July 14, 1986, 4:17 p.m.
TRD-8606955

Thursday, July 24, 1986, 3 p.m. The Business Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and

Mental Retardation will meet in the auditorium, Central Office, 909 West 45th Street, Austin. According to the agenda, the committee will consider adjustments to the fiscal year 1986 budget; approve the fiscal year 1987 budget; and approve the fiscal year 1988-1989 legislative appropriation request.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: July 14, 1986, 4:17 p.m.
TRD-8606956

Friday, July 25, 1986, 9 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in the auditorium, Central Office, 909 West 45th Street, Austin. According to the agenda summary, the board will approve the minutes of the June 22 and June 26-27, 1986, meetings; consider citizens' comments; the commissioner's calendar; recommendations for board consideration from the Executive Committee and the Business Committee; and consider litigation.

Contact: Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: July 14, 1986, 4:17 p.m.
TRD-8606954

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Board of Nurse Examiners

Wednesday-Friday, July 23-25, 1986, 8 a.m., daily. The Board of Nurse Examiners will meet at the Sunrise Motor Hotel, 7622 IH 35 North, Austin. According to the agenda summary, the board will consider disciplinary hearings, consent to board orders, and other action by the hearing officer; a report from the executive secretary including the adoption of §217.1, peer assistance programs and §§218.1-218.10, delegation of selected nursing tasks; the education report covering survey visits, curriculum changes, and faculty petitions; a report from the chairperson of various committees; consider the requests of several nurses for deviations in their order; and receive July examination information and reports from various meetings attended by staff and board members.

Contact: Margaret L. Rowland, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 478-9602.

Filed: July 10, 1986, 1:47 p.m.
TRD-8606780

Wednesday-Friday, July 23-25, 1986, 8 a.m. daily. The Board of Nurse Examiners made an emergency addition to the agenda for the meeting to be held in the Sunrise Motor Hotel, 7622 IH 35 North, Austin. The addition concerns adoption of §217.16, Peer Assistance Programs.

Contact: Margaret Rowland, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 478-9602.

Filed: July 11, 1986, 3:47 p.m.
TRD-8606852

Board of Pardons and Paroles

Monday-Friday, July 21-25, 1986, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, 78758 (512) 459-2713.

Filed: July 11, 1986, 10:41 a.m.
TRD-8606799

Tuesday, July 22, 1986, 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: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, 78758 (512) 459-2749.

Filed: July 11, 1986, 10:17 a.m.
TRD-8606800

Wednesday, July 23, 1986, 9:30 a.m. The Texas Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will conduct full board interviews; and meet with interested parties in connection with Case 243,782 Larry W. Burke, subject to the board's jurisdiction.

Contact: Daniel R. Guerra, P.O. Box 13401, Austin, Texas 78711, (512) 459-2700.

Filed: July 14, 1986, 10:45 a.m.
TRD-8606905

Texas Parks and Wildlife Department

Tuesday, July 22, 1986, 8:30 a.m. The Parks Division of the Texas Parks and Wildlife Department will meet in Room A-100, 4200 Smith School Road, Austin. According to the agenda, the division will receive comments, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, regarding an easement request by Houston Lighting and Power Company for placement of down guy wires inside the park boundary of

Galveston Island State Park adjacent to FM Road 3005.

Contact: Loyd K. Booth, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4909.

Filed: July 10, 1986, 1:31 p.m.
TRD-8606783

Texas State Board of Examiners of Psychologists

Thursday, July 24, 1986, 1 p.m. The Texas State Board of Examiners of Psychologists will meet in Suite C-270, 1300 East Anderson Lane, Austin. According to the agenda, the board will make a decision concerning the E. Lynn Waldrip administrative hearing currently before the board; and consider items concerning the exam procedure and budget.

Contact: Patti Bizzell, Suite C-270, 1300 East Anderson Lane, Austin, Texas 78752, (512) 835-2036.

Filed: July 11, 1986, 3:14 p.m.
TRD-8606841

Texas Public Building Authority

Wednesday, July 23, 1986, 10 a.m. The Texas Public Building Authority will meet in Room 1-100, William B. Travis Building, Austin. Items on the agenda include the approval of minutes from the previous board meeting; the budget report; the presentation of a current model developed by Arthur Andersen and Company; the report on the status of the Texas Research League project; the report on the budget presentation before the LBB; and set the day and time for the next meeting. The authority also will meet in executive session.

Contact: Gayle Colby, 907 Sam Houston Building, 201 West 14th Street, Austin, Texas 78711, (512) 463-5544.

Filed: July 14, 1986, 4:53 p.m.
TRD-8606960

Texas Department of Public Safety

Thursday, July 24, 1986, 9 a.m. The Public Safety Commission of the Texas Department of Public Safety (DPS) will meet in the Commission Room, DPS Headquarters, 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will approve the minutes; consider an appeal hearing of a discharged employee; consider budget matters; personnel matters; and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas 78752, (512) 465-2000 ext. 3700.

Filed: July 14, 1986, 10:58 a.m.
TRD-8606908

Public Utility Commission of Texas

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

Wednesday, July 16, 1986, 9 a.m. The Hearings Division of the Public Utility Commission of Texas made an emergency revision to the agenda for the meeting. The revision concerned Dockets 6765 and 6766—application of Houston Lighting and Power Company for authority to change rates; and a petition of Houston Lighting and Power Company for approval of proposed interim accounting treatment for Limestone Unit 1 (appeal of examiner's order 250 oral ruling). The emergency status was necessary because of the statutory deadline.

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

Filed: July 14, 1986, 3:02 p.m.
TRD-8606951

Thursday, July 31, 1986, 9 a.m. A prehearing conference in Docket 6934—complaint of Valu-Line of Brazosport against Southwestern Bell Telephone Company.

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

Filed: July 14, 1986, 3:03 p.m.
TRD-8606952

Monday, August 4, 1986, 1:30 p.m. A prehearing conference in Docket 6908—petition of South Texas Regional Planning Commission for extended are service within Hardin, Jefferson, and Orange Counties.

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

Filed: July 10, 1986, 2:43 p.m.
TRD-8606785

State Purchasing and General Services Commission

Monday, July 21, 1986, 9 a.m. The Texas School Bus Committee of the State Purchasing and General Services Commission will meet in Room 916, L.B.J. Building, 111 East 17th Street, Austin. According to the agenda summary, the committee will consider recommendations to standardize alternator, 100 AMP minimum, fuel tank, 60 gallons minimum on large buses, automatic transmissions and radial tires; consider a recommendation concerning optional vandal locks, multiple-award contracts for school buses, and deletion of the requirement for temporary cardboard license tags; and discuss the 83-passenger diesel and other engines, and the noise abatement package for the 24-passenger bus.

Contact: Troy Martin, P.O. Box 13087, Austin, Texas 78711, (512) 463-3415.

Filed: July 11, 1986, 2:13 p.m.
TRD-8606833

Railroad Commission of Texas

Monday, July 14, 1986, 9 a.m. The Oil and Gas Division made emergency revisions to the agenda for meetings held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The division considered Docket 6-87,099—application of TXO Production Corp. for approval of a unitization agreement and secondary recovery operations in the Gresham (Rodessa, lower) Field, Smith County. The emergency status was necessary because this item was properly noticed at the meeting of July 7, 1986, and was passed.

Contact: Felix Dailey, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: July 11, 1986, 1:31 p.m.
TRD-8606825

The division considered whether to use state funds to plug the leaking well of an unknown operator, Hale Page Lease, unidentified well, Eastland County. The emergency status was necessary because the well is leaking approximately 5-10 barrels of saltwater per day. In the interim, a holding pit will be dug and saltwater hauled away if necessary to prevent further pollution. The emergency status was necessary due to high saltwater content, which will readily kill surrounding vegetation and cropland.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6830.

Filed: July 11, 1986, 1:31 p.m.
TRD-8606826

The division considered Docket 9-86,869—application of Three P Operating Company to consider unitization and secondary recovery operations for its CLNS unit in the Young County regular field, Young County. The emergency status was necessary because this item was properly noticed at the meeting of July 7, 1986, and was passed.

Contact: David Triana, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6918.

Filed: July 11, 1986, 1:32 p.m.
TRD-8606824

Monday, July 21, 1986, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: September 6, 1986, 1:30 p.m.
TRD-8606827

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: July 11, 1986, 1:32 p.m.
TRD-8606823

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

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: July 11, 1986, 1:29 p.m.
TRD-8606828

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: July 11, 1986, 1:34 p.m.
TRD-8606819

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: July 11, 1986, 1:29 p.m.
TRD-8606829

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

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

Filed: July 11, 1986, 1:36 p.m.
TRD-8606814

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: July 11, 1986, 1:32 p.m.
TRD-8606820

Consideration of Docket 4-86,925—application of Wilco Disposal, Inc., for a permit to maintain and use pits on its Wilco Disposal, Inc., SWD facility, Duval County.

Contact: Greg Waner, P.O. Box 12967, Austin, Texas 78711, (512) 463-6925.

Filed: July 11, 1986, 1:32 p.m.
TRD-8606821

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

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: July 11, 1986, 1:37 p.m.
TRD-8606813

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: July 11, 1986, 1:34 p.m.
TRD-8606818

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

Filed: July 11, 1986, 1:34 p.m.
TRD-8606817

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

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: July 11, 1986, 1:36 p.m.
TRD-8606815

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

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

Filed: July 11, 1986, 1:35 p.m.
TRD-8606816

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Texas Savings and Loan Department

Tuesday, July 22, 1986, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will determine whether to grant or deny the application of Briercroft Savings Association, Lubbock, Lubbock County, to relocate a branch office from 8716 Mopac Expressway North, Austin, Travis County, to 12710 Research Boulevard, Austin, Travis County.

Contact: Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: July 11, 1986, 2:40 p.m.
TRD-8606835

Thursday, July 24, 1986, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will determine whether to grant or deny the application of Jacksonville Savings and Loan Association, Jacksonville, Cherokee County, for a branch office relocation from the northwest corner of Loop 323

and State Highway 155, Tyler, Smith County, to the southwest corner of Loop 323 and Watson Road, Tyler, Smith County.

Contact: Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: July 11, 1986, 2:41 p.m.
TRD-8606834

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School Land Board

Tuesday, July 15, 1986, 10 a.m. The School Land Board made an emergency addition to the agenda for the meeting held in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned preliminary approval of land trade in Brewster County. The emergency status was necessary in order to meet the closing deadline.

Contact: Linda K. Fisher, Room 836, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: July 10, 1986, 2:16 p.m.
TRD-8606784

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Texas Senate

Friday, July 24, 1986, 9:30 a.m. The Joint Committee on Texas Department of Human Services Audits of the Senate Committee on Health and Human Resources will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, this is the fifth in a series of hearings and work sessions related to the committee's interim examination of the auditing techniques used and required by the Texas Department of Human Services for contract vendors. The committee will discuss problem identification and development of recommendations for appropriate solutions.

Contact: Deborah Medders, P.O. Box 12068, Austin, Texas 78711, (512) 463-0360.

Filed: July 11, 1986, 3:45 p.m.
TRD-8606854

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State Committee of Examiners for Speech-Language Pathology and Audiology

Friday, August 1, 1986, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda include approval of the minutes; election of officers; a formal hearing relating to the suspension of a license; review and finalization of comments received concerning the proposed rules published in the *Texas Register*; adoption of final rules to be ap-

proved by the Texas Board of Health for publication; discussion of special senses regulations, future publications including the public information brochure and newsletter, and the committee's budget; review of complaints and complaints investigations; review of correspondence addressed to the committee; consideration of other matters relating to licensing and regulation of speech-language pathologists and audiologists (no committee action required); and setting the next meeting date.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7502.

Filed: July 10, 1986, 4:06 p.m.
TRD-8606787

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Structural Pest Control Board

Monday, July 28, 1986, 10 a.m. The Termite Standards Committee of the Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda, the committee will review termite treatment and inspection standards.

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

Filed: July 11, 1986, 10:56 a.m.
TRD-8606801

Tuesday, July 29, 1986, 8:30 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will approve the minutes of the May 30, 1986, board meeting; hear the executive director's report; hear Patrick D. Crawford, doing business as International Exterminator Corporation; hear Foster Thompson, doing business as Allied Termite and Pest Control; hear a report from the Termite Standard Committee; and consider miscellaneous items. The board also will meet in executive session with an attorney to discuss pending litigation.

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

Filed: July 11, 1986, 10:56 a.m.
TRD-8606802

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Commission on Standards for the Teaching Profession

Thursday, July 17, 1986, 4 p.m. The Planning Committee of the Commission on Standards for the Teaching Profession made an emergency time change for the meeting held in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. The meeting was originally scheduled for 4:30 p.m. According to the agenda, the commit-

tee discussed a possible recommendation site for the 1988 conference in Dallas; and discussed plans for the 1986 conference. The emergency status was necessary in order to allow additional time for the discussion of agenda items.

Contact: Ed Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: July 11, 1986, 1:47 p.m.
TRD-8606830

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Texas A&M University System

Friday, August 1, 1986, 9 a.m. The Audit Committee of the Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee will meet with members of the state auditor's staff for an exit conference on the audit of the Texas A&M University System.

Contact: Vickie E. Burt, Board of Regents, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: July 10, 1986, 1:34 p.m.
TRD-8606782

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Texas Woman's University

Thursday, July 17, 1986, 10 a.m. The Board of Regents of Texas Woman's University met on the 16th Floor, Administration and Conference Tower, Denton. According to the agenda, the board met in executive session to consider personnel matters relating to the presidential search; and to consider the appointment of the new president of Texas Woman's University.

Contact: Dr. Mary Evelyn Blagg-Huey, Texas Woman's University, Denton, Texas 76204, (817) 898-3201.

Filed: July 10, 1986, 11:23 a.m.
TRD-8606778

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Texas Water Commission

Wednesday, July 16, 1986, 10:30 a.m. The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda the commission considered the application by the City of Mount Pleasant for an amendment to Permit 10575-03 to authorize an increase in the discharge of treated wastewater effluent from a volume not to exceed an average flow of 1.0 million gallons per day to 1.2 million gallons per day from its Southwest Wastewater Treatment Plant in Titus County. The

emergency status was necessary because the commission had to consider this item as soon as possible in order to eliminate the possibility of the city not receiving its grant funds.

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

Filed: July 10, 1986, 4:04 p.m.
TRD-8606788

Thursday, July 24, 1986, 8 a.m. The Water District and River Authority Study Committee of the Texas Water Commission will meet in the Law School Courtroom, Texas Tech University, Lubbock. According to the agenda, the committee will consider organizations specifically invited to appear including the Canadian River Municipal Water Authority; the Colorado River Municipal Water District; the High Plains Underground Water Conservation District No. 1; the North Plains Water District; the Palo Duro River Authority; the Panhandle Ground Water Conservation District No. 3; the West Central Texas Municipal Water District; the Dallam County Underground Water Conservation District No. 1; the El Paso County Water Improvement District No. 1; the El Paso Water Utilities, Public Service Board; and the Red Bluff Water Power Control District.

Contact: Kate Wilkins, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7863.

Filed: July 11, 1986, 4:33 p.m.
TRD-8606859

Monday, July 28, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a public hearing to receive testimony concerning the adoption of permanent water district rules (31 TAC Chapter 293) of the agency. The proposed rules were published in the *Texas Register* on July 1, 1986.

Contact: Royston Lanning, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Filed: July 11, 1986, 4:30 p.m.
TRD-8606862

Monday, August 4, 1986, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will consider Docket 7017-G—application for a rate increase filed by Walker Village Water System.

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

Filed: July 14, 1986, 3:16 p.m.
TRD-8606942

Thursday, August 7, 1986, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the

agenda, the office will consider the complaint of the Texas Board of Irrigators against Curtis R. Pittman, a licensed irrigator.

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

Filed: July 14, 1986, 3:16 p.m.
TRD-8606950

Thursday, August 21, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Lloyd Hayes and Riverwoods, Inc., doing business as The Forest at Riverbend Development Company, 621-B East Sixth Street, Austin, Texas 78701 for a Proposed Permit 13202-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 912,000 gallons per day from the proposed Riverbend Wastewater Treatment Plant which is to serve a proposed subdivision. The meeting is rescheduled from May 28, 1986, (11 TexReg 1763).

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

Filed: July 11, 1986, 4:34 p.m.
TRD-8606858

Tuesday, August 26, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Administration Building, Second Floor, Trinity River Authority Central Regional Wastewater Systems Facility, 6500 West Singleton Boulevard (one mile from Loop 12), Grand Prairie. According to the agenda summary, the office will consider the application of Burlington Northern Railroad Company, P.O. Box 17150, Denver, Colorado 80217 for a Proposed Permit 02839 to authorize a discharge of treated rainfall runoff at a volume not to exceed an average flow of 15,000 gallons per day from the North Yard Facility. The applicant operates a railyard refueling and maintenance facility.

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

Filed: July 11, 1986, 10:55 a.m.
TRD-8606804

Tuesday, August 26, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider an application by Maureen Mullins (RE-0241) for an application for approval of preliminary plans for existing fill placed along 270 feet of the east bank of Helotes Creek to provide adequate drainage and flood protection for 1.5 acres of land in Bexar County.

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

Filed: July 10, 1986, 4:05 p.m.
TRD-8606792

Tuesday, August 26, 1986, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider a notice of hearing for petition for creation of Harris County Municipal Utility District 325, containing 358.25 acres of land.

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

Filed: July 10, 1986, 4:05 p.m.
TRD-8606791

Wednesday, August 27, 1986, 9 a.m. The Office of Hearings Examiner will meet in the Administration Building, Second Floor, Trinity River Authority Central Regional Wastewater Systems Facility, 6500 West Singleton Boulevard, (one mile from Loop 12), Grand Prairie. According to the agenda summary, the office will consider the application of R. Jackson Keller, 8522 Garland Road, Dallas for a Proposed Permit 13295-01 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 Red Oak Acres Mobile Home Park Wastewater Treatment Plant. The applicant proposes to build a domestic wastewater plant to serve approximately 400 mobile homes and a small retail area consisting of a laundromat and convenience store.

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

Filed: July 11, 1986, 10:54 a.m.
TRD-8606805

Thursday, August 28, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Community Treatment, Inc., and the City of San Antonio, P.O. Box 5470, San Antonio, Texas 78201 for a Proposed Permit 13284-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000,000 gallons per day from the proposed Culebra Creek Wastewater Treatment Plant. The applicants propose to build a domestic wastewater treatment plant in three phases to provide service for the proposed development.

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

Filed: July 11, 1986, 10:55 a.m.
TRD-8606803

Wednesday, September 10, 1986, 10 a.m.
The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the petition for creation for Fort Bend County Municipal Utility District No. 79, containing 202.688 acres of land.

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

Filed: July 11, 1986, 4:35 p.m.
TRD-8606856

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Regional Agencies Meetings Filed July 10

The Eastland County Appraisal District, Appraisal Review Board, will meet in the cafeteria, Eastland High School, Eastland, on July 24-25, 1986, at 9 a.m. Information may be obtained from Peggy Dickson, P.O. Box 914, Eastland, Texas 76448.

The Heart of Texas Private Industry Council, met at 320 Franklin Avenue, Waco, on July 17, 1986, at 6 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Limestone County Appraisal District, Board of Directors, met at the Limestone County Courthouse, Groesbeck, on July 16, 1986, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at the Life Skills Center, 102 Charles Street, Granbury, on July 16, 1986, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Permian Basin Regional Planning Commission, Board of Directors, will meet in the McCamey Park Building, McCamey, on July 18, 1986, at 1:30 p.m. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79711, (915) 563-1061.

TRD-8606776

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Meetings Filed July 11

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on July 17, 1986, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Central Texas Council of Governments, Private Industry Council, will meet at 302 East Central, Belton, on July 24, 1986, at 10 a.m. The Executive Committee will also meet, at the same location, on the same date, at noon. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-3771.

The North Central Texas Council of Governments for Job Training, Consortium Private Industry Council, met at 616 Six Flags Drive, Arlington, on July 17, 1986, at 10 a.m. Information may be obtained from Mike Gilmore, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The San Patricio County Appraisal District, Board of Directors, met at the Courthouse Annex, Sinton, on July 14, 1986, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.
TRD-8606795

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Meetings Filed July 14

The Archer County Appraisal District, Appraisal Review Board, will meet at 211 South Center Street, Archer City, on July 18, 1986, at 9 a.m. Information may be obtained from Jean James, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Austin-Travis County Mental Health/Mental Retardation, Operations and Planning Committee, will meet in the board room, 1430 Collier Street, Austin, on July 18, 1986, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on July 18, 1986, at 9 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Cass County Appraisal District, Appraisal Review Board, will meet at 208 West Houston Street, Linden, on July 21, 1986, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Central Texas Council of Governments, Transportation Planning Committee, will meet at Frank's Lakeview Inn, Belton, on July 23, 1986, at 10 a.m. Information may be obtained from Gerald B. Bunker, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas Area Rapid Transit, Board of Directors, met at 601 Pacific Avenue, Dallas, on July 15, 1986, at 4 p.m. Information may

be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Deep East Texas Council of Governments, Board of Directors, will meet at the library, Pineland, on July 24, 1986, at 1:30 p.m. Information may be obtained from Betty Snowden, 274 East Lamar, Jasper, Texas, (409) 384-5704.

The Deep East Texas Regional Mental Health/Mental Retardation, Board of Trustees, will meet in the Ward R. Burke Community Room, 4101 South Medford Drive, Lufkin, on July 21, 1986, at noon. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Golden Crescent Regional Review Committee, will meet in the conference room, second floor, 115 South Main, Victoria, on July 24, 1986, at 4:30 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Gonzales County Appraisal District, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, on July 15, 1986, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gray County Appraisal District, Board of Directors, met at 400 West Kingsmill, Pampa, on July 17, 1986, at 5 p.m. Information may be obtained from Gray County Appraisal District, 400 West Kingsmill, Suite 196-A, Pampa, Texas 79065.

The Hale County Appraisal District, Board of Directors, will meet at 302 West Eighth Street, Plainview, on July 24, 1986, at 8 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

The Heart of Texas Council of Governments, Executive Committee Meeting, will meet in the conference room, 320 Franklin Avenue, Waco, on July 24, 1986, at 10 a.m. The Board of Directors will meet at Bellmead Community Center, 3900 Parrish, Waco, on July 31, 1986, at 6 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

The Henderson County Appraisal District, Appraisal Review Board, will meet at 101 East Corsicana, Athens, on July 21, 1986, at 9 a.m. The Board of Directors will also meet, at the same location, on the same date, at 7:30 p.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Liberty County Central Appraisal District, Board of Directors, will meet at 1820 Sam Houston, Liberty, on July 23, 1986, at 9:30 a.m. The Appraisal Review Board will also meet, at the same location, on July 25, 1986, at 9:30 a.m. Information may be obtained from Sherry Greek, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

The MoPac South Transportation Corporation, Board of Directors, met at 600 Congress Avenue, Austin, on July 17, 1986, at 5 p.m. Information may be obtained from John C. Boehm, Jr., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

The Sabine Valley Regional Mental Health/Mental Retardation Center, Board of Trustees, will meet at 1500 West Grand Avenue, Marshall, on July 22, 1986, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The San Jacinto River Authority, Board of Directors, will meet in the conference room, Lake Conroe Office Building, Highway 1 or West, Conroe, on July 22, 1986, at 1 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111.

The Tyler County Tax Appraisal District, Appraisal Review Board, met at 103 Pecan, Woodville, on July 17, 1986, at 5:30 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the general office of the filter plant, Proctor Lake, on July 24, 1986, at 6:30 p.m. Information may be obtained from Upper Leon River Municipal Water District, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

The Wood County Appraisal District, Board of Directors, will meet in the conference room, 217 North Main, Quitman, on July

22, 1986, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783.

TRD-8606893

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Meetings Filed July 15

The Capital Area Planning Council, General Assembly, will meet at the Quality Inn South, 2200 IH 35 South, Austin, on July 22, 1986, at noon. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Suite 100, Austin, Texas, (512) 443-7653.

The Mason County Appraisal District, met at 206 Ft. McKavitt Street, Mason, on July 16, 1986, at 5:15 p.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

TRD-8606969

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In Addition

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

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

Texas Air Control Board Notice of Contested Case Hearing

Pursuant to the authority provided by the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §§3.15-3.17 (the Act), and the Procedural Rules of the Texas Air Control Board (TACB) Rules 103.11(3), 103.31, and 103.41, an examiner for the TACB will conduct a contested case hearing to consider whether a special permit should be issued to D. Allen Geiser, Oil and Gas Exploration (hereinafter referred to as the company) to construct an amine treating plant nine miles southwest of Corpus Christi in the London West Field south of FM Road 2444, Nueces County.

Said company is directed to appear at the time and place shown below and demonstrate by a preponderance of evidence that the proposed facility will have emissions of less than 250 tons per year of carbon monoxide or nitrogen oxides or 25 tons per year of any other air contaminant, and that the emissions from the proposed facility will not cause or contribute to a condition of air pollution. The company must also demonstrate that the proposed facility will operate in compliance with all rules and regulations of the TACB and will utilize the best available control technology (with consideration given to the technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from the facility), and that the proposed facility will comply with any applicable federal regulations.

The record of this hearing will be used by the TACB in determining whether to issue a special permit for construction of an amine treating plant.

Information regarding the application for the special permit and copies of the board's rules and regulations are available for public inspection at the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723; at the regional office of this agency located at 5602 Old Brownsville Road, Corpus Christi, Texas 78415; and the Corpus Christi Public Library, 805 Comanche, Corpus Christi, Texas 78401.

The examiner has set the hearing to begin at 2 p.m., August 18, 1986, at the TACB auditorium located at 6330 Highway 290 East, Austin, Texas 78723. Prospective parties to the hearing will be the TACB staff and the company. Any other person desiring to be made a party to the hearing must specifically apply in writing for party status to Examiner Paul Shinkawa, TACB, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the above address by 5 p.m., July 21, 1986. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the

hearing but who does not desire to be a party, may call the Legal Division of the TACB at (512) 451-5711, ext. 350, to determine the names and addresses of all admitted parties. The parties may then be contacted about the possibility of presenting testimony.

Pursuant to the Procedural Rules of the TACB, Rule 103.46, the examiner has scheduled a prehearing conference at 2 p.m., July 30, 1986, at the TACB, Room 209, 6330 Highway 290 East, Austin, Texas 78723. All persons wishing to be admitted as parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. Motions for continuance will only be granted upon proof of good cause. At this conference a specific date prior to the hearing on the merits will be established for the exchange of written testimony and copies of written and documentary evidence pursuant to Board Rule 103.46(2). Prehearing orders setting out discovery periods and other requirements may also be issued following this conference.

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, Texas at (512) 451-5711, ext. 350, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on July 10, 1986.

TRD-8608850 Eli Bell
Executive Director
Texas Air Control Board

Filed: July 11, 1986
For further information, please call (512) 451-5711, ext. 354.

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Notice of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), Texas Civil Statutes, Article 4477-5, §3.09; the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; and the procedural rules of the Texas Air Control Board (TACB), §103.11(4), the TACB and the Texas Department of Health (TDH) will conduct a public hearing to receive testimony concerning revisions to the rules of each agency.

Specifically, the TACB proposes to add a new Chapter 121, entitled Control of Air Pollution from Municipal Solid Waste Facilities; and the TDH proposes to add new Subchapter Q to Chapter 325 of its municipal solid waste management regulations. These additions are in response to amendments to House Bill 2358 adopted by the 69th Legislature, 1985. These amendments stipulate the responsibilities of the TACB in relation to permit applications to the TDH for municipal solid waste facilities. House Bill

2358 requires that joint rules be promulgated by the TACB and the TDH on this topic.

The TACB is concurrently proposing an administrative amendment to existing Chapter 121, entitled Bond Certification Criteria for Air Pollution Control Facilities, which would move the contents and renumber these sections to Chapter 104. The sole purpose of this action is to open Chapter 121 for the proposed new regulation. The change will enable the TACB to maintain the practice of keeping all numbered regulations in sequence.

The proposed new Chapter 121 includes six new sections which outline the procedures to be followed in reviewing permit applications from new or modified municipal solid waste facilities. The air emissions requirements for such facilities are also enumerated. The substantive requirements of the rules are the same for both agencies.

The hearing will be held at 10 a.m. on August 12, 1986, in the auditorium of the TACB located at 6330 Highway 290 East, Austin. Public comment, both oral and written, on the proposed revisions is invited at the public hearing. The hearing is structured for the receipt of narrative comments. Interrogation or cross-examination is not permitted; however, TACB and TDH staff members will be available to answer questions informally immediately before and after the hearing.

Written comments not presented at the hearing may be submitted up to and including August 18, 1986. Persons submitting written comments should provide copies of their comments to both agencies. Comments should be mailed to the following persons and addresses: Lane Hartsock, Acting Chief, Regulation Development Section, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723; and L. D. Thurman, Acting Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Materials received by 4 p.m. on that date will be considered by the agencies prior to any final action on the proposed revisions. Five copies of all written comments would be helpful to the agencies in making their review.

Copies of the proposed revisions are available for inspection at the central office of the TACB located at 6330 Highway 290 East, Austin, Texas 78723; at the regional offices of the TACB; and at the Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. For further information call Lane Hartsock, TACB, at (512) 451-5711 or L. D. Thurman, TDH, at (512) 458-7271.

Issued in Austin, Texas, on July 14, 1986.

TRD-8606889 Eli Bell
 Executive Director
 Texas Air Control Board

Filed: July 14, 1986

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

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State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on September 5, 1986, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the charter application for Plaza Bank, Del Rio. Application is a conversion application from Plaza National Bank, Del Rio, to a state-chartered bank.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on July 9, 1986.

TRD-8806771 William F. Aldridge
 Director of Corporate Activities
 State Banking Department

Filed: July 10, 1986

For further information, please call (512) 479-1200.

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Texas Commission for the Deaf Board Vacancy

The Board for Evaluation of Interpreters of the Texas Commission for the Deaf announces a vacancy created by the unexpired term of a member who is deaf or hearing impaired. The member appointed for the unexpired term will serve the board until March 31, 1989. Nominations or applications may be filed with the Texas Commission for the Deaf in response to this announcement.

Qualifications of Members. Each member of the Board for Evaluation of Interpreters must be certified at either Level III, Level IV, or Level V of the certification program of the Texas Commission for the Deaf; be a resident of the State of Texas; and be an interpreter who has engaged in the profession of interpreting for deaf and hearing impaired people for a period of at least three years out of the immediate past five years. The commission shall appoint at least two members who are deaf and at least one member who is actively engaged in the profession of provision of interpreting services to deaf people at the time of appointment.

The duties of the member will include, but not be limited to, attendance of regularly scheduled and announced meetings, assistance in the development of additional evaluation materials, and service as an evaluator on teams which conduct evaluations of interpreters for certification.

Additional information regarding those vacancies may be obtained by contacting Lucille Koehl, Chairperson, Board for Evaluation of Interpreters, P.O. Box 12904, Austin, Texas 78711. To be considered, all applications or nominations must be received on or before July 31, 1986.

Issued in Austin, Texas, on July 9, 1986.

TRD-8806769 Larry D. Evans
 Executive Director
 Texas Commission for the Deaf

Filed: July 10, 1986

For further information, please call (512) 469-9891 (Voice/TDD).

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Texas Department of Health Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, the Texas Department of Health, is seeking the revocation of Certificate of Registration 5-10558, issued to Robert C. Ogle, D.O., because the agency determined that the registrant is no longer located at 5111 Rowlett Road, Rowlett, Texas

75088. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. To be valid, a written request for a hearing must be received within 30 days from the date of publication of this notice. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on July 9, 1986.

TRD-8606848 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 11, 1986
For further information, please call (512) 458-7236.

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The Bureau of Radiation Control, the Texas Department of Health, is seeking the revocation of Certificate of Registration 5-00519, issued to Forest Avenue Hospital and Clinic, because the agency determined that the registrant is no longer located at 2516 Martin Luther King Boulevard, Dallas, Texas 75215. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, and by certified mail, have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. To be valid, a written request for a hearing must be received within 30 days from the date of publication of this notice. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on July 9, 1986.

TRD-8606848 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 11, 1986
For further information, please call (512) 458-7236.

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The Bureau of Radiation Control, the Texas Department of Health, is seeking the revocation of Certificate of Registration 5-01279, issued to Jackson Community Hospital, for the following reasons.

The certificate of registration expired November 30, 1983, and the registrant has not requested renewal of the registration.

The agency determined that the registrant is no longer located at Cedar Crest at Jackson Clinic, 612 South Rockwall, Terrell, Texas 75160. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. To be valid, a written request for a hearing must be received within 30 days from the date of publication of this notice. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on July 9, 1986.

TRD-8606847 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 11, 1986
For further information, please call (512) 458-7236.

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The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued. The complaints are shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8 a.m. -5 p.m. Monday-Friday (except holidays).

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against S. R. Newman, D.D.S., Inc., 4725 Gus Thomasson, Mesquite, Texas 75150, (the registrant), holder of Certificate of Registration 5-11188.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On June 28, 1985, the registrant was billed \$60 for fees due on Certificate of Registration 5-11188 covering the period from April 1985-March 1986. On April 3, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against David C. Ogden, D.P.M., Two South David Street, San Angelo, Texas 76093, (the registrant), holder of Certificate of Registration 4-08387.

I

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On April 25, 1985, the registrant was billed \$67 for fees due on Certificate of Registration 4-08387 covering the period from April 1984-December 1985. On March 3, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

II

On November 27, 1985, the registrant was billed \$40 for fees due on Certificate of Registration 4-08387 covering the period from December 1985-November 1986. Payment of fees has not been received.

III

Texas Regulations for Control of Radiation (TRCR) 42.8 requires that the registrant notify the agency in writing within 30 days of any change which would render the in-

formation contained in the certificate of registration no longer accurate. On March 26, 1986, the agency notified the registrant of the requirement and provided application for certificate of registration for the registrant's use in reporting an address change. On May 14, 1986, the agency again notified the registrant by certified mail of the requirement and provided application for certificate of registration to report the address change. Receipt of the correspondence was acknowledged. Application for certificate of registration has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the above items are corrected within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against G. Ronald Bradley, D.D.S., 4118 McCullough, Suite 12, San Antonio, Texas 78212, (the registrant), holder of Certificate of Registration 9-08654.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On June 28, 1985, the registrant was billed \$40 for fees due on Certificate of Registration 9-08654 covering the period from April 1985-March 1986. On April 3, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against W. I. Alton, D.D.S., 7000 Fannin, Suite 2390, Houston, Texas 77030, (the registrant), holder of Certificate of Registration 11-10577.

I

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On March 27, 1985, the registrant was billed \$71 for fees due on Certificate of Registration 11-10577 covering the period from April 1984-September 1985. On March 25, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

II

On November 8, 1985, the registrant was billed \$50 for fees due on Certificate of Registration 11-10577 covering the period from September 1985-August 1986. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Glenn Hansen, D.D.S., 225 South Main, Albany, Texas 76430, (the registrant), holder of Certificate of Registration 4-11254.

I

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On June 28, 1985, the registrant was billed \$40 for fees due on Certificate of Registration 4-11254 covering the period from April 1985-March 1986. On April 3, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

II

On March 14, 1986, the registrant was billed \$40 for fees due on Certificate of Registration 4-11254 covering the period from April 1986-March 1987. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

Control of Radiation 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Quail Creek Minor Emergency Center, 9411 Parkfield, Suite 500, Austin, Texas 78758, (the registrant), holder of Certificate of Registration 6-12148.

I

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On June 28, 1985, the registrant was billed \$60 for fees due on Certificate of Registration 6-12148 covering the period from April 1985-March 1986. On April 3, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

II

On March 14, 1986, the registrant was billed \$60 for fees due on Certificate of Registration 6-12148 covering the period from April 1986-March 1987. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Merle C. Ewton, D.D.S., 25440 IH 45 North, Suite 201, Spring, Texas 77386, (the registrant), holder of Certificate of Registration 11-09339.

I

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On April 3, 1985, the registrant was billed \$79 for fees due on Certificate of Registration 11-09339 covering the period from April 1984-November 1985. On March

25, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

II

On November 25, 1985, the registrant was billed \$50 for fees due on Certificate of Registration 11-09339 covering the period from November 1985-October 1986. Payment of fees has not been received.

III

TRCR 42.7(a) requires that the registrant shall file application for renewal of certificate of registration in accordance with TRCR 42.3. On November 30, 1985, Certificate of Registration 11-09339 expired. Application for renewal of certificate of registration has not been received.

IV

TRCR 42.8 requires that the registrant shall notify the agency within 30 days of any change which would render the information contained in the certificate of registration no longer accurate. On May 28, 1986, the agency notified the registrant of the requirement. An application for certificate of registration was enclosed for the registrant's use in reporting change of address. Application for certificate of registration has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the items above are corrected within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Del A. Sears, D.D.S., 102 South Hope, San Saba, Texas 76877, (the registrant), holder of Certificate of Registration 6-09583.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 3, 1985, the registrant was billed \$88 for fees due on Certificate of Registration 6-09583 covering the period from April 1984-January 1986. On March 5, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or

divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Lindi and Mike Dunbar, D.V.M., P.O. Box 1065, Rocksprings, Texas 78880, (the registrant), holder of Certificate of Registration 9-12155.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On June 28, 1985, the registrant was billed \$40 for fees due on Certificate of Registration 9-12155 covering the period from April 1985-March 1986. On April 3, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

Issued in Austin, Texas, on July 9, 1986.

TRD-8606844 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: July 11, 1986
For further information, please call (512) 458-7236.



Texas Department of Human Services Correction of Error

An adopted section submitted by the Texas Department of Human Services contained an error as published in the July 4, 1986, issue of the *Texas Register* (11 TexReg 3107).

Section 3.902 was adopted by federal mandate; therefore the effective date should be July 1, 1986.

Legislative Budget Office Joint Budget Hearing Schedule

The following schedule for the period of July 21-25, 1986, provides the dates and locations of the joint executive and legislative budget office hearings for appropriations requests for the 1988-1989 biennium.

Board of Regents, Texas State University System, Central Office; 9 a.m.; July 21; Texas State University System Office, Room 505, Sam Houston State Office Building, Austin

Sam Houston State University; 9:30 a.m.; July 21; Texas State University System Office, Room 505, Sam Houston State Office Building, Austin

Sam Houston Memorial Museum; 11 a.m.; July 21; Texas State University System Office, Room 505, Sam Houston State Office Building, Austin

Angelo State University; 1 p.m.; July 21; Texas State University System Office, Room 505, Sam Houston State Office Building, Austin

Board of Land Surveying; 2 p.m.; July 21; Room 105, John H. Reagan Building, Austin

Office of Public Utility Counsel; 2 p.m.; July 21; Room 213, State Capitol Building, Austin

Sul Ross State University; 2:30 p.m.; July 21; Texas State University System Office, Room 505, Sam Houston State Office Building, Austin

Southwest Texas State University; 4 p.m.; July 21; Texas State University System Office, Room 505, Sam Houston State Office Building, Austin

State Aircraft Pooling Board; 9 a.m.; July 22; Room 107, John H. Reagan Building, Austin

Texas Economic Development Commission; 9 a.m.; July 22; Room 213, State Capitol Building, Austin

Texas Optometry Board 10 a.m.; July 22; Room G-A, John H. Reagan Building, Austin

Board of Polygraph Examiners; 1 p.m.; July 22; Room 107, John H. Reagan Building, Austin

Texas Commission on the Arts; 2 p.m.; July 22; Room 213, State Capitol Building, Austin

Criminal Justice Policy Council; 3 p.m.; July 22; Room 107, John H. Reagan Building, Austin

Texas Historical Commission; 9 a.m.; July 23; Room 107, John H. Reagan Building, Austin

Juvenile Probation Commission; 10 a.m.; July 23; Room 213, State Capitol Building, Austin

Texas Department of Labor and Standards; 10 a.m.; July 24; Room 107, John H. Reagan Building, Austin

Board of Chiropractic Examiners; 10:30 a.m.; July 24; Room 213, State Capitol Building, Austin

Texas Board of Irrigators; 2 p.m.; July 24; Room 213, State Capitol Building, Austin

Please confirm above dates, times, and locations since experience has shown that some rescheduling always occurs.

Issued in Austin, Texas, on July 11, 1986.

TRD-8606808 Larry Kopp
Assistant Director for Budgets
Legislative Budget Office

Filed: July 11, 1986
For further information, please call (512) 463-1200.

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Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation, through the Austin State Hospital, is requesting bids for consultant services. The required services are a continuation of services currently provided by Adele Wallace, CSW, ACP. The department intends to award the contract to Ms. Wallace unless a better offer is submitted.

The contract requires the consultant to provide adult, child, and/or family psychotherapy to Austin State Hospital, Fort Bend County Outreach Center patients at Richmond. Consultant shall be required to assist the Outreach Center director with the development of treatment plans and updates, social histories and updates, and other related professional services as needed.

Consultant is required to provide services at the Outreach Center office in Richmond approximately two days per week, one of which must be Thursday between the hours of 8 a.m.-5 p.m. The contract is for September 1, 1986, through August 31, 1987. Bids should be submitted to show how much the applicant expects to be paid per hour.

All offers should be submitted to Bascom L. Hodges, Director of Community Programs, Austin State Hospital, 4110 Guadalupe, Austin, Texas 78751. Prospective bidders may obtain more information by writing to the same address or by calling (512) 452-0381. Any offers must be received on or before August 20, 1986, in order to be considered.

The consultant must have a master's degree in social work from a school of social work accredited by the Council of Social Work Education, and must be certified by the State Certification Board as a certified social worker, advanced clinical practitioner. The consultant must have a minimum of three years paid experience in child and family counseling/psychotherapy. Some experience in substance abuse counseling is preferred. Selection of the consultant shall be based on the qualifications and experience of each applicant.

Issued in Austin, Texas, on July 10, 1986.

TRD-8606811 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental Health
and Mental Retardation

Filed: July 11, 1986
For further information, please call (512) 465-4591.

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The Texas Department of Mental Health and Mental Retardation (TDMHMR) invites contract proposals to provide home and community based services. This request is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Department of Human Services (DHS) and the TDMHMR received approval from the Health Care Financing Administration (HCFA) for a waiver authorized by

the Social Security Act §1915(c), to provide home and community-based services. A broad set of Medicaid reimbursed services is covered in the categories of case management; respite services; homemaker services; habilitation services; nursing services; occupational therapy, physical therapy, speech and audiology services; and psychology services, and social services.

These waived services provide cost-effective alternatives to institutionalization to a limited number of supplemental security income eligible individuals who meet the intermediate care facilities mentally retarded level of care criteria. Waived services are available to a total of 150 eligible individuals during the first year, 300 the second year, and 450 clients the third year. The waiver period began effective September 1, 1985.

Copies of the request for proposal (RFP) are available on written request mailed to Linda M. Daniel, ICS Program Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, beginning July 22, 1986. A conference for persons interested in offering a proposal is scheduled for 9 a.m. to noon on July 22, 1986, at the Waller Creek Plaza, Shoal Creek Room, Executive Center, 500 IH 35 North, Austin, Texas (512) 480-8181. Attendance at this conference is not mandatory for submitting a proposal.

All questions concerning this RFP must reference this RFP and be submitted in writing, date stamped, and received by TDMHMR by 5 p.m. September 2, 1986.

The closing date for receipt of proposals by the TDMHMR is September 22, 1986. Offers must be date stamped at the TDMHMR Central Office by 4 p.m. on September 22, 1986.

The TDMHMR will select a provider or providers on the basis of a review process established for that purpose. Recommendations will be based on criteria included in the RFP.

Issued in Austin, Texas, on July 14, 1986.

TRD-8606904 Gary E. Miller
Commissioner
Texas Department of Mental Health
and Mental Retardation

Filed: July 14, 1986
For further information, please call (512) 465-4591.

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Texas Advisory Board of Occupational Therapy Examination Notice

Pursuant to the Rules of the Texas Advisory Board of Occupational Therapy, §373.1(c), public notice is given of the next scheduled examination of occupational therapy assistant to be administered by the American Occupational Therapy Association on July 26, 1986. The scores are scaled ranging from 300-600 with 450 being the passing score.

The examination standards of performance are those used by the American Occupational Therapy Association.

The examination will be held in various locations across the state. Any eligible person interested in taking the examination should contact the American Occupational Therapy Association, 1383 Piccard Drive, Suite 300, Rockville, Maryland 20850, (301) 948-9626.

Issued in Austin, Texas, on June 17, 1986.

TRD-8606837

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation Commission

Filed: July 11, 1986
For further information, please call (512) 445-8368.

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Texas Tourist Development Agency Consultant Contract Award

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Tourist Development Agency serves notice of award of contract for consulting services.

Texas Register Citation. May 16, 1986, 11 TexReg 2369.

Description of study to be provided. The selected consultant will provide 1985 calendar year estimate of the economic impact of travel on each of the 254 counties of Texas as well as the state-wide total. The research will include estimates of travel expenditures, travel generated payroll, travel generated employment, state and local tax receipts for each county, as well as the state as a whole. In addition, the percent change in each category for each county (based on 1984 results) will be provided.

Name and business address of selected consultant. U.S. Travel Data Center, 1899 L Street, Northwest, Washington, D.C., 20036.

Total value of contract. \$28,909.

Beginning date of contract. June 12, 1986.

Ending date of contract. September 1, 1986.

Due date of study. Not later than mid-September, 1986.

Issued in Austin, Texas, on June 12, 1986.

TRD-8606851 Larry Todd
Executive Director
Texas Tourist Development Agency

Filed: July 11, 1986
For further information, please call (512) 463-7400.

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Texas Water Commission Application for Provisionally-Issued Temporary Permits

Notice is given by the Texas Water Commission of provisionally-issued temporary permits during the period of July 23-July 11, 1986.

These permits were issued without notice and hearing pursuant to the Texas Water Code, §11.138, and Commission Rules 31 TAC §303.91-303.93.

The executive director has reviewed each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the applications as well as all existing water rights. It is further noted that these diversions are for not more than 10 acre-feet of water and for a period of not more than one year. If a complaint is received before or after diversions are commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will

be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of these permits may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed are the names of the permittees, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

Blocker Drilling Company; from the stream crossing near State Highway 123, approximately seven miles north of Karnes City, Karnes County; Cibilo Creek, tributary San Antonio River; 10 acre-feet; six month period; TP-5493; June 23, 1986

Haile & Haile, Inc.; from the stream crossing of US 277, approximately 20 miles southwest of Brackettville, Kinney County; Pinto Creek, tributary Rio Grande River; 10 acre-foot; 10 month period; TP-5494; June 23, 1986

T. J. Hall, Inc.; from the stream crossing of FM Road 62, approximately 22 miles northeast of Livingston, Polk County; unnamed creek, tributary Dabbs Branch, tributary of Caney Creek, tributary Neches River; two acre-feet; six month period; TP-5497; June 24, 1986

Jones G. Finke, Inc.; from the stream crossing FM Road 2977, approximately six miles south of Richmond, Fort Bend County; Big Creek, tributary Brazos River; one acre-foot; one year period; TP-5498; June 24, 1986

H. V. Caver, Inc.; from two stream crossings of State Highway 155, approximately 7½ and 2 miles south of Linden, Cass County; unnamed creek, tributary Hughes Creek, tributary of Black Cypress Creek, tributary Big Cypress Bayou and Jim Bayou; five acre-feet; eight month period; TP-5499; June 24, 1986

Wise Sullivan Construction; from the stream crossing of U.S. 287, approximately 12 miles southeast of Memphis, Hall County; Prairie Dog Town Red River; four acre-feet; one year period; TP-5500; June 30, 1986

Olmos Construction Company; from the stream crossing of IH 410, approximately eight miles southwest of San Antonio, Bexar County; Leon Creek, tributary Medina River, tributary San Antonio River; 10 acre-feet; one year period; TP-5501; July 1, 1986

Odell Geer Construction Company, Inc.; from the stream crossing of State Highway 317, approximately eight miles north of Belton, Bell County; Cedar Creek, tributary Leon River, tributary Little River, tributary Brazos River; one acre-foot; three month period; TP-5502; July 1, 1986

Henderson Petroleum Corporation; from the stream crossing near an unnamed county road, approximately 19 miles northwest of Rio Grande City, Starr County; Rio Grande; two acre-feet; two month period; TP-5503; July 2, 1986

Issued in Austin, Texas, on July 11, 1986.

TRD-8606807 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: July 11, 1986
For further information, please call (512) 463-7898.

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Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 7-11, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of July 7-11, 1986

Port of Houston Authority; sewage treatment plant; at 8405 Clinton Drive, adjacent to the Houston Ship Channel, on the north side of Houston, in Harris County; 11676-01; renewal

Aldine Independent School District, Houston; sewage treatment plant; in the southwest corner of the Orange Grove Elementary School campus at 4514 Mount Houston Road in Houston, Harris County; 12070-04; new

Co Gen Lyondell, Inc., Channelview; cogeneration plant; at 2330 Sheldon Road, adjacent to the ARCO Chemical Plant, approximately two miles north of Channelview, Harris County; 02845; new

County of Palo Pinto, Palo Pinto; wastewater treatment facilities; approximately 1,200 feet due north of U.S. Highway 180 on the east bank of Town Branch Creek in Palo Pinto, Palo Pinto County; 11698-01; renewal

San Jacinto Girl Scouts, Willis; wastewater treatment plant; approximately two miles northwest of Willis, 2.3 miles north along U.S. Highway 75 to Calvary Road, thence west for 2,000 feet to the camp entrance, the site is 350 feet north of the northwest corner of the camp's lake in Montgomery County; 13277-01; new

Lester A. Gallatin, Baytown; wastewater treatment facilities; one mile south of the intersection of State Highway 146 and IH 10 in Chambers County; 11534-01; renewal

City of Newark; new facility; adjacent to and northeast of FM Road 718 and approximately three miles northwest of the intersection of FM Road 718 and U.S. Highway 81 in Tarrant County; 13263-01; new

Prairie View A&M College, Prairie View; wastewater treatment facilities; in the northwest section of the Prairie View A&M campus at a point approximately one mile north of U.S. Highway 290 in Waller County; 11275-01; renewal

The City of Karnes City; wastewater treatment plant; approximately 7/8 mile north of the intersection of U.S.

Highway 181 and FM Road 1144 in Karnes County; 10352-01; renewal

Orange Service Corporation, Houston; wastewater treatment facilities; approximately five miles west of the intersection of U.S. Highway 71 and FM Road 620, approximately 1.5 miles northwest of the intersection of U.S. Highway 71 and Bee Creek Road in Travis County; 13281-01; amendment

SVS Utilities, Inc., Austin; wastewater treatment plant; approximately 1 1/4 miles north and 3/4 mile west of the crossing of IH 35 over the Blanco River in Hays County; 13269-01; new

Trinity River Authority of Texas, Onalaska; wastewater treatment plant; approximately 5,000 feet southwest of the intersection of U.S. Highway 190 and FM Road 3186, 1,500 feet east of the City of Onalaska in Polk County; 11298-01; amendment

Lakeside Village Water Company, Inc., Livingston; wastewater treatment facilities; approximately three miles south of the intersection of U.S. Highway 59 and State Highway 190, one mile south of the intersection of U.S. Highway 59 and FM Road 1988 and 500 feet east of U.S. Highway 59 in Polk County; 11697-01; renewal

IBP, Inc., Legal Division, Amarillo; wastewater treatment plant; on Highway 60 approximately 14 miles east of Amarillo and further defined as located opposite the Highland Park School and one mile west of the community of St. Francis, Potter County; 01873; amendment

Issued in Austin, Texas, on July 11, 1986.

TRD-8608860 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: July 11, 1986
For further information, please call (512) 463-7898.

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Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice

of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Fast Stop Stores, Inc., on July 9, 1986, assessing \$3,919 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Roger Schultz, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on July 10, 1986.

TRD-8608793 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: July 10, 1986
For further information, please call (512) 463-7898.

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Notice of Reopening of Record

Notice is hereby given that, in accordance with the provisions of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the Texas Water Commission will reopen the record to receive additional written comments on proposed 31 TAC 311, Subchapter E, relating to watershed protection of Segment 1428 of the Colorado River and Segment 1428, Onion Creek, and their tributaries. The proposal was published in the *Texas Register* on April 11, 1986. A hearing to take public comments was held May 2, 1986.

Written comments will be received up to and including August 15, 1986. Comments should be mailed to Patricia Barnhard, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087.

Issued in Austin, Texas, on July 11, 1986.

TRD-8608861 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: July 11, 1986
For further information, please call (512) 463-8070.

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