

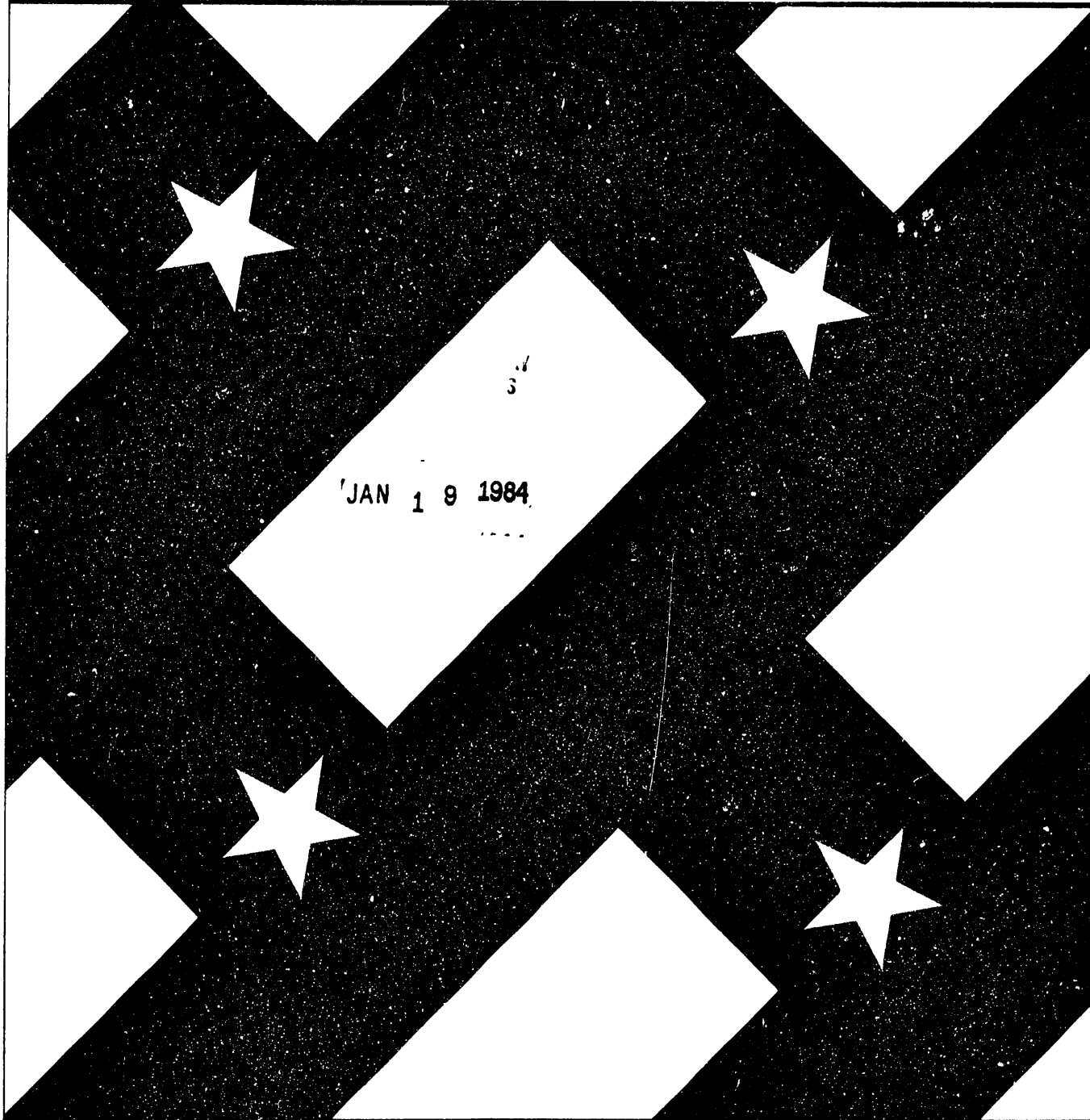
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Texas Register

Volume 9, Number 5, January 17, 1984

Pages 361 - 390



Highlights

The State Board of Insurance adopts on an emergency basis a new rule concerning examination and corporate custodian tax
Effective date - January 10 page 366

The Commission on Jail Standards proposes for permanent adoption amendments concerning

new construction rules Earliest possible date of adoption - February 17 page 369

The Texas Health and Human Services Coordinating Council proposes new rules in a chapter concerning general provisions. Earliest possible date of adoption - February 17 page 370

**Office of
the Secretary
of State**

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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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 ten sections of the *Register* represent various facets of state government. Documents contained within them include:

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 Tex-Reg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 Tex-Reg 3."

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

Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below).

TAC stands for the *Texas Administrative Code*,

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

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

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Secretary of State

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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 made and proclamations issued by the governor are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

Appointments Made January 2 Texas State Board of Medical Examiners

For a term to expire April 13, 1989:

Robert L. M. Hilliard
214 Country Wood
San Antonio, Texas 78216

Dr. Hilliard is replacing Dr. James Russell Winn of Uvalde, whose term expired.

For a term to expire April 13, 1985:

Cindy Jenkins
P.O. Box 65
Stowell, Texas 77661

Ms. Jenkins is replacing Walker C. Friedman of Fort Worth, whose nomination was not confirmed by the senate.

Issued in Austin, Texas, on January 2, 1984.

TRD-840268, Mark White
840275 Governor of Texas

Public Safety Commission

For a term to expire December 31, 1989:

Ruben R. Cardenas
1712 Larkspur
McAllen, Texas 78501

Mr. Cardenas is replacing Charles D. Nash of Austin, whose term expired.

Issued in Austin, Texas, on January 2, 1984.

TRD-840269 Mark White
 Governor of Texas

Teachers' Professional Practices Commission

For a term to expire August 31, 1985:

Yolanda Villarreal
P.O. Box 267
Robstown, Texas 78380

Ms. Villarreal is replacing Jerry Caddel of Lubbock, whose term expired.

Issued in Austin, Texas, on January 2, 1984.

TRD-840270 Mark White
 Governor of Texas

Texas Municipal Retirement System

To the Board of Trustees for a term to expire February 1, 1987:

Davis B. Brinson
3801 Touraine
Port Arthur, Texas 77640

Mr. Brinson is replacing Clyde McCollough, Jr., of San Antonio, who is deceased.

Issued in Austin, Texas, on January 2, 1984.

TRD-840271 Mark White
 Governor of Texas

Governor's Criminal Justice Education in Public Schools Project Advisory Committee

For terms to serve at the pleasure of the governor:

Betty Price Anderson
5017 15th
Lubbock, Texas

William L. Anderson
4703 McKnight
Texarkana, Texas

Charlene Bice
6100 Springleaf Circle
Fort Worth, Texas

Joan H. Brindley
720 West Nugent
Temple, Texas

Adolfo Chavez, Jr.
709 North Nevada
Weslaco, Texas

John Henry Clay
2814 John Street
Corpus Christi, Texas

Brad Duggan
8100 Forest Mesa
Austin, Texas

Delia P. Estrada
3025 Austin
Corpus Christi, Texas

Henry Gonzalez
6309 Capriola Drive
Austin, Texas

Neal R. Johnson
2404 Orleans
Cedar Park, Texas

Bob Keck
4203 Far West
Austin, Texas

Mary A. Lacy
8366 North Loop
El Paso, Texas

Melvin Martin
30 Dutton Circle
Abilene, Texas

Howard C. Meell
9222 Claridge
Houston, Texas

Louise J. Nelson
725 Cactus Drive
Round Rock, Texas

Patricia Hart Nunley—Chairman
3126 Windsor
Waco, Texas

Rick Taylor
106 15th Street
Hondo, Texas

Issued in Austin, Texas, on January 2, 1984.

TRD-840272 Mark White
Governor of Texas

Texas Board of Health

For a term to expire February 1, 1989:

Dennis K. McIntosh
Route 3, Box 402
Seguin, Texas 78155

Dr. McIntosh is replacing Dr. Raymond G. Garrett of Taylor, whose term expired.

Issued in Austin, Texas, on December 2, 1984.

TRD-840273 Mark White
Governor of Texas

Texas State Library and Archives Commission

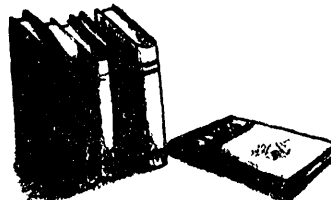
For a term to expire September 28, 1989:

T. Franklin Glass, Jr.
143 Stoney Creek Drive
Houston, Texas 77024

Mr. Glass is replacing Chilton O'Brien of Beaumont, who is deceased.

Issued in Austin, Texas, on December 2, 1984.

TRD-840274 Mark White
Governor of Texas



Emergency Rules

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

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

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

TITLE 28. INSURANCE Part I. State Board of Insurance

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

Powers and Duties Examination and Corporate Custodian and Tax

059.01 15 226

The State Board of Insurance adopts on an emergency basis new Rule 059.01 15 226, concerning requirements and instructions to the Texas Catastrophe Property Insurance Association and to insurers claiming a tax credit under the Insurance Code, Article 21 49, §19 (the Texas Catastrophe Property Insurance Pool Act).

The new rule requires the association to certify certain information to the board concerning assessments and claims paid under Article 21 49, it states that certain disputes are subject to Article 21 49, §9, it requires insurers or members as defined in Article 21 49, §5(c), to certify the gross premium tax credit to be allocated to each member or insurer within its group, and it sets out certain interpretations and requirements for an insurer to qualify for a tax credit under Article 21 49, §19.

It is the board's opinion that an imminent peril to the public welfare requires this rule to be adopted on an emergency basis so that appropriate instructions to

the insurance industry and the association can be adopted as soon as possible so that tax credits eligible under Article 21 49, §19, will be taken in accordance with law, that the board will be able to verify such tax credits, and that insurers will be aware of the tax credit properly allowable. The gross premium tax return is required by statute to be properly filed on or before March 1, 1984. To promote proper and legal filing of such returns, the board believes the instructions and requirements specified in the rule must be forwarded to the association and to insurers as quickly as possible. Insurers should not be in peril of violating the law through inadvertence or unavoidable time constraints if it can be avoided. This is an urgent matter not only for the insurers required to file tax returns, but it is also very important to the regulatory process and therefore to the welfare of the public in general.

This new rule is adopted on an emergency basis under the authority of the Insurance Code, Article 21 49, particularly §§5, 5A, 9, and 19 thereof, and the Insurance Code, Article 4 10. Article 21 49 specifies various requirements for the association to provide certain insurance in a catastrophe area or inadequate fire insurance area as those terms are defined in Article 21 49. Article 21 49, §5A, authorizes the State Board of Insurance to issue any orders which it considers necessary to carry out the purposes of Article 21 49. Article 21 49, §5(c), specifies the manner of participation in the association by member insurers. Article 21 49, §9, specifies the procedure for appeals. Article 21 49, §19, permits a tax credit for certain insured losses under the conditions specified in that section. The provisions of subsection (b) of the rule are interpretations of §19. The Insurance Code, Article 4 10, authorizes the State Board of Insurance to establish fair and reasonable rules appropriate for the augmentation and implementation of that article.

226. Certification of Assessments/Claims Paid, and Credit Against Premium Taxes for Members of the Texas Catastrophe Property Insurance Association under the Insurance Code, Article 21.49

(a) On or before the 15th day of February of each year, the Texas Catastrophe Property Insurance Association shall certify to the State Board of Insurance the total amount of assessments paid and the total amount of claims paid by the association during the preceding calendar year, which certification shall include a summary of the total amount of claims paid during the preceding calendar year showing the year or years in which the losses were incurred. In the event the aggregate amount of either assessments paid or claims paid on losses that were incurred in a single calendar year exceeds \$100 million, the association shall list the dollar amount of such excess of \$100 million that is attributable to each individual insurer. For the purpose of determining the amount attributable to each individual insurer, the association shall obtain from each member group composed of two or more individual member insurers a certification of the following: the percentage participation of each individual member insurer in the member group's assessment or assessments during the previous calendar year; and the total amount of money paid by each individual insurer of the member

group for each assessment during the previous calendar year. On or before the first day of February of each year, each individual insurer of a member group shall cause the foregoing information to be certified to the association. The books and records of each individual insurer must reflect the amounts as certified to the association.

(b) No insurer is eligible for a tax credit under Article 21.49, §19, unless its share of the assessment (as determined by the association) of total insured losses exceeding \$100 million in the year for which the tax credit is claimed has been paid. No insurer is entitled to a greater amount of aggregate tax credit than its share of total insured losses exceeding \$100 million which have been paid.

(c) Any dispute between an insurer and the association, as to the amount allowable as an admitted asset or for credit against premium taxes, is subject to the appeal provisions of Article 21.49, §9.

Issued in Austin, Texas, on January 10, 1984

TRD-840315

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: January 10, 1984

Expiration date: May 9, 1984

For further information, please call (512) 475-2960.

Proposed Rules

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

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

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION Part XI. Texas Department of Water Resources Chapter 371. Private Sewage Facilities Subchapter N. Cedar Creek Reservoir 31 TAC §371.294

The Texas Department of Water Resources proposes amendments to §371.294, concerning the fee schedule for the private sewage facility regulatory program around Cedar Creek Reservoir. The proposed amendments would raise the application and inspection fee from \$15 to \$25, would raise the percolation test fee from \$50 to \$100, would eliminate the transfer fee, and would institute a subdivision plan approval fee consisting of a \$50 charge for processing the application and a \$2.00 per acre (\$25 minimum) charge for site investigation.

These proposed amendments will increase the fee amounts to more fully reimburse the cost of the regulatory program. In 1982, the Tarrant County Water Control and Improvement District Number One, the licensing authority for Cedar Creek Reservoir, incurred costs totaling \$20,453.12 in performing its licensing functions and administering the licensing system. In 1982, the district received \$8,320 in fees from that program, and thus operated at a \$12,133.12 deficit.

The proposed increases are based on an analysis of the actual cost of administering the program at the Cedar Creek Reservoir in 1982 and a projection of those costs for 1984.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. There will be no fiscal implications to state government or small businesses. The effect on local government will be an estimated increase in revenue of \$10,800 each year in 1984-1988.

Mr. Hodges also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the continued protection of the public health and welfare and the water quality in and around the reservoir by ensuring through the licensing program that private sewage facilities will be installed properly and will function adequately and safely. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$60 per private sewage facility and \$75 per subdivision that will use private sewage facilities.

Comments on the proposal may be submitted to Jimmy Alan Hall, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The amendments are proposed under the Texas Water Code, §26.031(h), which provides the Texas Water Development Board with the authority to prescribe and

require the payment of reasonable fees for performing the licensing function and administering the licensing system for a private sewage facility regulatory program in a given area, and the Texas Water Code, §5 131 and §5 132, which provides the board with authority to promulgate rules

§371.294 *Fee Schedule* The following represents the approved fee schedule for the private sewage facilities regulatory program around Cedar Creek Reservoir

(1) **process application and make field inspection for a new or modified system—\$25.** [Application and inspection fee—\$15]

(2) **perform percolation test—\$100.** [Percolation test—\$50.]

(3) **transfer license—no charge.** [Transfer fee—\$5.00.]

(4) **subdivision plan approval:**

(A) **process application—\$50.**

(B) **site investigation per acre or fraction thereof—\$2.00 (\$25 minimum).**

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 January 10, 1984

TRD-840307 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
February 17, 1984

For further information, please call (512) 475-7851.

ance when planning exercise areas for county jails There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Robert O Viterna, Executive Director, Commission on Jail Standards, P O Box 12985, Austin, Texas 78711, (512) 475-2716

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115 1, which provide the Commission on Jail Standards with the authority to promulgate rules affecting county jails

§259 53 *Exercise Area.* A secure exercise area shall be provided. This may be a rooftop exercise area, an outside exercise area, or one included inside the facility. Outdoor exercise areas should be covered with expanded metal or some type of netting to prevent introduction of weapons/contraband A water closet and drinking fountain should be readily available **The area should contain at least 1,500 square feet of space.**

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

Issued in Austin, Texas, on November 30, 1983

TRD-840350 Mrs William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption
February 17, 1984

For further information, please call (512) 475-2716

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Commission on Jail Standards

Chapter 259. New Construction Rules

New Jail Design, Construction, and Furnishing Requirements

37 TAC §259 53

The Commission on Jail Standards proposes an amendment to §259 53, concerning recreational area space in county jail facilities

Robert O Viterna, executive director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule There will be no fiscal implications for small businesses

Mr Viterna also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the provision of additional guid-

New Lockup Design, Construction, and Furnishing Requirements

37 TAC §259.127

The Commission on Jail Standards proposes an amendment to §259 127, concerning location of processing areas within the facility

Robert O Viterna, executive director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule There will be no fiscal implications for small businesses

Mr Viterna also has determined that for each year of the first five years the rule as proposed is in effect there will be no public benefit anticipated as a result of enforcing the rule as proposed This is an administrative change to the rules There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Robert O Viterna, Executive Director, Commission on Jail Standards, P O Box 12985, Austin, Texas 78711, (512) 475 2716

The amendment is proposed under Texas Civil Statutes, Title 18, Article 5115 1, which provide the Com-

mission on Jail Standards with the authority to promulgate rules affecting county jails.

§259.127. Processing Area Lockups shall have a processing area located inside the security perimeter [inmate occupied area], but away from the inmate living areas and day rooms. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing in and out of inmates. A telephone shall be available for detainees to make the constitutionally recognized phone calls. Processing areas should be provided with drinking fountains and water closets. Panels or partitions may be erected at the booking desk, counter, or area to insure privacy and increase separation of males, females, juveniles, and adults during a multiple booking operation.

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

Issued in Austin, Texas, on November 30, 1983

TRD-840351 Mrs. William Cree
Chairman
Commission on Jail Standards

Earliest possible date of adoption

February 17, 1984

For further information, please call (512) 475-2716.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part XIII. Texas Health and Human Services Coordinating Council

The Texas Health and Human Services Coordinating Council proposes new §§391 1-391.6, 392 1-392 4, 393.1, and 394 1, concerning general provisions in the operation of the council, the officers and meetings of the council, the committee structure of the council, and the amendment of the operational rules of the council. These initial rules set forth the operational procedures proposed by the council for executing its responsibilities in the administration of the Human Resources Code, Title 9. The 68th Legislature, 1983, of the State of Texas, through the enactment of Senate Bill 711, amended the Human Resources Code by adding Title 9, which established the Texas Health and Human Services Coordinating Council.

Lynn H. Leverty, executive director, has determined that for the first five year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules. There is also no cost of compliance with the rules for small businesses.

Ms. Leverty also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a more effective and efficient internal operation of the council as a publicly

supported state agency. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Lynn H. Leverty, Executive Director, Texas Health and Human Services Coordinating Council, P.O. Box 12428, Austin, Texas 78711.

Chapter 391. General Provisions

40 TAC §§391 1-391.6

The new sections are proposed under Texas Civil Statutes, Article 6252-13a, which provide the Texas Health and Human Services Coordinating Council with the authority to promulgate rules necessary to meet its statutory responsibilities.

§391.1. Purpose The purpose of the council is to develop and propose a state policy framework to focus and coordinate the planning and implementation of health and human services in Texas. In carrying out this purpose, the council will monitor the delivery of such related services and evaluate the extent to which the services are effectively addressing the needs of Texas residents.

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

Chairman—The chairman of the council; a position occupied by the governor.

Council—The Texas Health and Human Services Coordinating Council.

Executive director—The executive director of the Texas Health and Human Services Coordinating Council.

Title 9—The Texas Human Resources Code, Title 9.

§391.3. Functions and Responsibilities. The council, pursuant to Title 9, shall be responsible for the review and analysis of health and human services in order to more effectively plan and coordinate the delivery of these services. In particular the council may carry out the following

(1) establish and maintain a comprehensive central data base covering public and private sector health and human services that assures that

(A) health and mental health communications and records privileged under Acts of the 66th Legislature, 1979, Chapter 239 (Texas Civil Statutes, Article 5561h), the Medical Practice Act, Texas Civil Statutes, Article 4495b; and the Texas rules of evidence remain confidential and privileged,

(B) personally identifiable health and mental health communications and records of persons involved in the receipt or delivery of health or human services are confidential and privileged; and

(C) a private source is not required to provide confidential health and mental health communications or records unless a law specifically requires disclosure,

(2) conduct and contract for studies of significant health and human services that may include needs assessments, monitoring and tracking services among agencies, cost analyses, forecasting, consideration of current problems of target populations, long-term results of

services, and issues of multilevel or multiagency service delivery;

(3) serve as the primary state resource in planning and coordinating health and human services;

(4) analyze federal, state, county, municipal, agency, and public/private sector relationships to coordinate efforts to plan and deliver health and human services;

(5) provide a central information and referral source concerning health and human services;

(6) review existing and proposed policies and action of federal agencies to determine the health and human services impact on Texas and recommend to the governor and the legislature alternative policies and action consistent with state health and human services policy;

(7) provide advice to agencies, organizations, and governmental entities concerning the analysis of needs and the development, coordination, and evaluation of health and human services;

(8) conduct regular and comprehensive reviews and analyses of health and human services policy and make such recommendations as deemed necessary to the governor and to the legislature;

(9) before December 1 of each even numbered year, file a report with the governor and the legislature concerning the activities of the council.

§391.4. Membership. Pursuant to the enabling legislation, the council shall consist of.

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives;

(4) the chair of the Texas Board of Human Resources;

(5) the chair of the Texas Board of Health;

(6) the chair of the Texas Board of Mental Health and Mental Retardation;

(7) the chair of the State Board of Education;

(8) two additional board chairs of state agencies delivering health and human services, to be appointed by the governor;

(9) two senators appointed by the lieutenant governor;

(10) two members of the house of representatives appointed by the speaker of the house;

(11) two members of the general public appointed by the governor,

(12) two members of the general public appointed by the lieutenant governor, and

(13) two members of the general public appointed by the speaker of the house

§391.5 Terms of Appointment Pursuant to Title 9, council members specifically designated in the legislation serve permanent terms, and appointed members serve two-year terms. However, a person is not eligible for more than four terms as an appointed member

§391.6 Vacancies In the case of a vacancy of a member designated by the legislation, the individual subsequently elected or appointed to that position shall automatically be a member of the council. In addition,

vacancies of members appointed by the governor, lieutenant governor, and speaker of the house shall be filled by the respective appointing official

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 January 11, 1984.

TRD-840346

Lynn H. Leverty
Executive Director
Texas Health and Human
Services Coordinating Council

Earliest possible date of adoption

February 17, 1984

For further information, please call (512) 475-1306.

Chapter 392. Officers and Meetings

40 TAC §§392.1-392.4

The new sections are proposed under Texas Civil Statutes, Article 6252-13a, which provide the Texas Health and Human Services Coordinating Council with the authority to promulgate rules necessary to meet its statutory responsibilities.

§392.1. Chairman. The governor, as the designated chairman, has the legislative authority to:

(1) preside at council meetings at which he is present;

(2) call the regular quarterly meetings as well as special meetings of the council;

(3) appoint an executive director; and

(4) appoint the Medical Care Advisory Committee.

§392.2. Vice-Chairman. The lieutenant governor shall serve as the legislatively designated vice-chair of the council and preside at council meetings at which he is present and at which the governor is absent

§392.3. Adjunct Vice-Chairman The speaker of the house of representatives, pursuant to the enacting legislation, will preside at council meetings at which he is present and at which the governor and lieutenant governor are absent.

§392.4 Meetings Pursuant to Title 9, regular meetings shall be held no less frequently than quarterly. Special meetings of the council shall be held as deemed appropriate by the chairman

(1) Notice of all council meetings will be provided to members not less than 10 days before the day of the meeting

(2) Meetings shall be publicly announced seven days in advance and be open and accessible to the general public, as required by the Administrative Procedures and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(3) At any council meeting, a quorum shall consist of the majority of the members. Proxies are not to be counted for the purpose of a quorum

(4) All members have a single vote

(5) Members are expected to attend all scheduled meetings. In the event of an emergency which prevents

the members' attendance, a proxy may be designated by writing the chairperson in advance of the meeting for that meeting only. Such proxy shall not vote.

(6) Any issue of the council, except the change of operating rules, shall be decided by majority vote of the council members present.

(7) A member of the council is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the council in accordance with state statutes.

(A) The lieutenant governor, speaker of the house, and members from the senate and house of representatives shall be reimbursed from the appropriate fund of the members' respective house of the legislature.

(B) Agency members shall be reimbursed from the funds of the members' agency.

(C) Public members shall be reimbursed from the council's funds appropriated for that purpose.

(8) Minutes of the proceedings for each meeting will be recorded and maintained in permanent files in the council's office. A summary of the recorded minutes will be prepared and distributed to each member prior to the next scheduled meeting. The minutes and agenda as well as any supporting and informational material of any meeting of the council shall be made available to the public upon written request to the council's office.

(9) Meetings of the council shall be governed by Robert's Rules of Order except as otherwise required by these rules, or other applicable state laws and state regulations.

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 January 11, 1984.

TRD-840347 Lynn H. Leverty
Executive Director
Texas Health and Human
Services Coordinating Council

Earliest possible date of adoption
February 17, 1984
For further information, please call (512) 475-1306.

Chapter 393. Committees

40 TAC §393.1

The new section is proposed under Texas Civil Statutes, Article 6252-13a, which provide the Texas

Health and Human Services Coordinating Council with the authority to promulgate rules necessary to meet its statutory responsibilities.

§393.1. *Committees* The council may create committees of the council to carry out specific functions other than those functions mentioned in Title 9.

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 January 11, 1984.

TRD-840348 Lynn H. Leverty
Executive Director
Texas Health and Human
Services Coordinating Council

Earliest possible date of adoption
February 17, 1984
For further information, please call (512) 475-1306.

Chapter 394. Amendment of Rules

40 TAC §394.1

The new section is proposed under Texas Civil Statutes, Article 6252-13a, which provide the Texas Health and Human Services Coordinating Council with the authority to promulgate rules necessary to meet its statutory responsibilities.

§394.1. *Amendment of Rules* Any rules promulgated by the Texas Health and Human Services Coordinating Council may be amended at any regularly scheduled meeting of the council by a majority of the total membership of the council and in compliance with the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on January 11, 1984.

TRD-840349 Lynn H. Leverty
Executive Director
Texas Health and Human
Services Coordinating Council

Earliest possible date of adoption
February 17, 1984
For further information, please call (512) 475-1306.

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing with the *Register*.

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

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

Withdrawn Rules

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part 1. Texas Department of Human Resources

Chapter 3. Aid to Families with Dependent Children

Job Training and Work Experience

40 TAC § 3.5216

§3.5216, concerning job training and work experience. The text of the new section as proposed appeared in the November 11, 1983, issue of the *Texas Register* (8 TexReg 4709)

Issued in Austin, Texas, on January 10, 1984

TRD-840330

Susan L. Johnson
Administrator
Policy Development Support
Division
Texas Department of Human
Resources

Filed: January 10, 1984

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

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption new

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.

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

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. Aid to Families with Dependent Children

Job Training and Work Experience

40 TAC §§3.5201-3.5215, 3.5217-3.5224

The Texas Department of Human Resources (DHR) adopts new §§3.5201, 3.5202, 3.5209-3.5211, 3.5214, 3.5215, 3.5217, and 3.5218, with changes to the proposed text published in the November 11, 1983, issue of the *Texas Register* (8 TexReg 4709). Sections 3.5203-3.5208, 3.5212, 3.5213, and 3.5219-3.5224 are adopted without changes and will not be republished. The DHR is withdrawing proposed new §3.5216, which was also published in the November 11, 1983, issue of the *Texas Register* (8 TexReg 4709).

These new sections describe the policies of the Job Training and Work Experience Program. The department will operate the program on a pilot basis that is scheduled to begin in January 1984. The program is based on House Bill 1299, 68th Legislature, 1983 (Human Resources Code, Chapter 3, Subchapter C), and federal approval obtained under the Social Security Act, §1115.

The program is designed to prepare aid to families with dependent children (AFDC) recipients for and place them into permanent employment through periods of job training and/or work experience. The program is

voluntary for AFDC recipients. It will be offered to AFDC recipients in Dallas, Nueces, McLennan, Smith Ector, and Midland Counties. Aid to families with dependent children recipients in Dallas, Nueces, McLennan, and Smith Counties who are mandatory registrants must participate in other employment services unless they have volunteered for or are participating in the Job Training and Work Experience Program. Aid to families with dependent children recipients in Ector and Midland Counties are not required to register for or participate in other employment services.

During public meetings held in the pilot sites, the DHR received oral comments from individuals representing the public, state agencies, the governor's office, the lieutenant governor's office, and legislators. The DHR did not receive any written comments.

Although the majority of commenters favored the pilot test, several commenters expressed concerns and recommendations about specific portions of the proposed sections.

The following is a summary of the comments and the DHR's response to each comment.

Commenters on §3.5201 and §3.5202 stated that the intent of House Bill 1299 was to require that the DHR establish a site(s) with total voluntary participation in the pilot test and other employment programs.

The DHR agrees with this comment and has reworded §3.5201 and §3.5202. Although registration to participate in an employment program is required for some sites under the federal WIN rules, the DHR will pilot test the Job Training and Work Experience Program in two additional sites, Ector and Midland Coun-

ties, where the required WIN participation rules do not apply. In these counties, AFDC recipients will not be required to register for or participate in other employment services

Commenters on §3 5210 requested that the DHR clarify when the provider must furnish health insurance coverage to the participant as a part of permanent employment

The DHR agrees with this comment. Section 3 5210 is reworded to specify that the provider must ensure that the health insurance coverage is available no later than the day after the last day of the participant's Medicaid coverage, or when the participant qualifies to participate in the provider's existing health insurance program as a part of employment, whichever is sooner

Commenters on §3 5211 suggested that the DHR allow a third party, such as a nonprofit community agency, to pay the transportation and babysitting allowance to the AFDC recipient. Commenters stated that this would reduce the provider's administrative burden

The DHR agrees with this comment. Section 3 5211 is reworded to specify that the DHR may contract with a third party to make the payment to the recipient. To facilitate administration of the pilot test, §3 5211 is also reworded to include the methodology for establishing the transportation and babysitting allowance instead of the specific amount of the allowance.

Commenters on §3 5214 also suggested that the DHR allow a third party to pay the transportation and job-related expense allowance to the participant during job training. They stated that this would reduce the provider's administrative burden

The DHR agrees with this comment. Section 3 5214 is reworded to specify that the DHR may contract with a third party to make the payment to the participant. To facilitate administration of the pilot test, §3 5214 is also reworded to include the methodology for establishing the transportation and job-related expense allowance instead of the specific amount of the allowance

Commenters on §3 5216 suggested that §3 5216 should be deleted. They stated that paying recipients a transportation and job-related expense allowance during work experience would be inequitable to other employees of the provider. They also stated that wages paid recipients during work experience should cover transportation and job related expenses. They felt that eliminating this allowance would reduce administrative expenses and facilitate provider participation

The DHR agrees with these comments and is withdrawing proposed §3 5216. Section 3 5215 is also reworded to delete a reference to the transportation and job related expense allowance during work experience

The DHR has made the following additional changes to the proposed rules. Section 3 5209 is reworded to

include minor editorial changes. Section 3 5217 is reworded to clarify the methodology for determining the daily grant diversion payment. Section 3 5218 is reworded to specify reimbursement by the DHR to a third party. Section 3 5218 is also reworded to specify that the DHR pays the provider or the third party an administrative fee for each allowance paid recipients for an interview or during job training

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

§3.5201. Pilot Sites

(a) The rules contained in this subchapter apply to pilot sites in:

- (1) Dallas County,
- (2) Ector County,
- (3) McLennan County,
- (4) Midland County,
- (5) Nueces County, and
- (6) Smith County

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

§3.5202. Participation in Employment Services Programs

(a) Aid to families with dependent children recipients who live in a pilot site may volunteer to participate in the Job Training and Work Experience Program as an alternative to participation in any other state or federal employment and job training programs. Aid to families with dependent children recipients may volunteer to participate at any time during the pilot test of the program (January 1984-February 1985)

(b) Aid to families with dependent children recipients in Dallas, Nueces, McLennan, and Smith Counties who are mandatory registrants must participate in other employment services unless they have volunteered for or are participating in the Job Training and Work Experience Program. Aid to families with dependent children recipients in Ector and Midland Counties are not required to register for or participate in other employment services.

§3.5209. Service Content and Requirements. Services purchased through the Job Training and Work Experience Program are intended to qualify the participant for permanent employment in the assignment or in a similar position with the provider. Permanent employment is defined as a job that

- (1) requires no AFDC grant diversion,
- (2) pays at least the federal minimum wage, and
- (3) averages at least 30 hours or more a week.

§3.5210. Provider Participation Requirements

(a) The provider must ensure that the AFDC recipient's participation does not

- (1) result in the displacement of an employee,
- (2) relate to political, electoral, or partisan activities,

(3) violate applicable federal, state, or local health and safety standards,

(4) result from or is not associated with a strike, lockout, or other bona fide labor dispute, and

(5) violate an existing labor agreement between an employer and employee

(b) The provider must offer health insurance coverage for the participant and the participant's children as a part of the permanent job position. The provider must ensure that the health insurance coverage is available beginning:

(1) no later than the day after the last day of the participant's Medicaid coverage, or

(2) when the participant qualifies to participate in the provider's existing health insurance program as a part of employment, whichever is sooner

(c) The provider must ensure that AFDC recipients are eligible to participate in the same employee benefits, including health insurance coverage, at the same time as other employees who occupy the same or similar positions.

(d) The provider must ensure that the AFDC recipient does not participate in job training for less than 20 hours a week nor for more than 40 hours a week. The provider must ensure that the AFDC recipient does not participate in work experience for less than 30 hours a week. The provider must not require the recipient to participate in work experience for more than 40 hours a week. An AFDC recipient may volunteer to work more than 40 hours a week during work experience. The provider must pay the AFDC recipient for the overtime. The provider must ensure that the overtime complies with applicable federal and state laws, regulations, and policies. If overtime is ordinarily a part of permanent employment related to the position, the provider may base the recipient's selection on his willingness to work overtime during work experience.

(e) Providers must identify to the DHR the types of employment they can offer

(f) Providers may identify additional job requirements for participants

§3.5211. Interview and Decision.

(a) The provider must notify the DHR via the job order form of each available position. The DHR may refer up to three qualified AFDC recipients to the provider for an interview. The provider must notify the DHR via the job training and work experience interview and participation form of his decision to select or reject each AFDC recipient. The provider must indicate the starting date for job training, work experience, or permanent employment which he and the AFDC recipient have agreed upon. An AFDC recipient may decline a specific position.

(b) The AFDC recipient receives a cash allowance to cover the costs of transportation and babysitting for the interview. The DHR establishes the amount of the allowance by computing 7.0% of the average monthly Texas AFDC grant per family, excluding special payments, in September of each year. The result is rounded to the nearest whole \$5.00. The amount of the allowance is effective from November 1 of that year through October 31 of the following year. At the DHR's option, the allowance is paid in cash to the recipient by the provider

at the interview or by a third party acting under a written agreement with the DHR. The provider or the third party must obtain a signed receipt from the recipient for the payment. The provider or the third party is eligible for reimbursement.

§3.5214. Transportation and Job-Related Expense Allowance

(a) The participant receives a maximum of two cash allowances as reimbursement for transportation and job-related expenses during job training. The DHR establishes the amount of each allowance by computing 42% of the average monthly Texas AFDC grant per family, excluding special payments, in September of each year. The result is rounded to the nearest whole \$5.00. The amount of the allowance is effective from November 1 of that year through October 31 of the following year. The allowances are paid to the participant according to the following schedule.

(1) one allowance when the participant reports on the starting date,

(2) one additional allowance on the first training day of the month following the month in which the starting date occurs, if the participant is still in job training.

(b) At the DHR's option, the allowances are paid in cash to the participant by the provider or a third party acting under a written agreement with the DHR. The provider or the third party must obtain a signed receipt from the participant for each payment. The provider or the third party is eligible for reimbursement.

§3.5215. Work Experience Phase

(a) Work experience provides the participant with subsidized work experience needed to qualify him for permanent employment with the provider. If the provider determines that an AFDC recipient is ready for permanent employment after the interview or after the completion of job training, work experience is not mandatory.

(b) The provider must ensure that the work experience assignment lasts until the participant has achieved enough proficiency to qualify him for permanent employment. Work experience assignments may not last for more than 120 calendar days.

(c) The provider must provide workers' compensation insurance coverage to the participant during work experience.

(d) The provider must pay the participant at least the federal minimum wage during work experience (gratuities, if usually a part of compensation, may be included as income).

(e) The provider must not reduce the compensation he pays to the participant by considering the

(1) participant's AFDC grant, food stamps, or Medicaid coverage,

(2) participant's receipt of any other DHR services, or

(3) provider's grant diversion payment

(f) The provider must provide close supervision and direction to the participant during work experience to:

(1) improve the participant's present skill level,

(2) bring the participant's skills to a level that is competitive in the work environment, and

(3) prepare the participant for permanent employment

(g) The provider must notify the DHR via the job training and work experience interview and participation form within seven calendar days when the:

(1) participant starts permanent employment after work experience,

(2) provider determines that the participant is not qualified for permanent employment after work experience, or

(3) AFDC recipient ceases to participate in work experience.

(h) The last date for participants to begin work experience is four months before the ending date of the agreement.

§3.5217. Grant Diversion Payment. The DHR pays the provider a grant diversion payment for each calendar day that an AFDC recipient participates in work experience. This payment may continue for 120 calendar days from the starting date of work experience. The DHR determines the amount of the grant diversion payment during October of each year. The amount is effective from November 1 of that year through October 31 of the following year. The amount of the daily grant diversion payment is 12 times the average monthly Texas AFDC grant per family, excluding special payments, in September of each year, divided by 365. The result is rounded to the nearest 10 cents.

§3.5218. Units of Service. The DHR pays the provider a grant diversion payment during work experience. The DHR also pays the provider or a third party as follows:

(1) a reimbursement for the transportation and babysitting allowance paid to a recipient for an interview;

(2) a reimbursement for the transportation and job-related expense allowance(s) paid to a participant during job training;

(3) an administrative fee for each allowance paid to recipients for an interview or during job training. The DHR establishes the amount of the administrative fee by computing 3.0% of the average monthly Texas AFDC grant per family, excluding special payments, in September of each year. The result is rounded to the nearest whole \$5.00. The amount of the administrative fee is effective from November 1 of that year through October 31 of the following year.

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 January 10, 1984

TRD-840329

Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Effective date: January 31, 1984

Proposal publication date: November 11, 1983

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

Open Meetings

Agencies with statewide jurisdiction must give at least seven days' notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Alcoholic Beverage Commission

Monday, January 23, 1984, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Suite 210, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve the December 12, 1983, minutes, hear the administrator's and staffs' report of agency activity, and approve affidavits of destruction of tested alcoholic beverages.

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

Filed: January 10, 1984, 1:07 p.m.
TRD-840313

Texas Board of Architectural Examiners

Monday, January 23, 1984, 9 a.m. The Texas Board of Architectural Examiners will meet in Suite 107, 8213 Shoal Creek Boulevard, Austin. Items on the agenda include approval of the minutes, revocations, nonpayment of renewal fee, examinations, reciprocal registrations, rules and regulations, legislation, a joint policy statement, artwork for certificates and letterhead, rein-

statements, alleged violations, resolutions for past board members, interviews for the position of executive director, election of officers and future board meeting.

Contact: Philip D. Creer, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78758, (512) 458-1363.

Filed: January 11, 1984, 10 a.m.
TRD-840352

Criminal Justice Policy Council

Monday, January 23, 1984, 9 a.m. The Criminal Justice Policy Council will meet in the Appropriations Room 310, State Capitol, Austin. Items on the agenda summary include introduction of appointees by the lieutenant governor, speaker, and governor; introduction of the executive director, the governor's charge to the council; the lieutenant governor's and speaker's remarks; the executive director's report; decision items; and the governor's summary.

Contact: Phyllis Pinegar, Sam Houston Building, 201 East 14th Street, Room 410, Austin, Texas 78701, (512) 475-0606.

Filed: January 10, 1984, 11:25 a.m.
TRD-840309

Coordinating Board, Texas College and University System

Tuesday, January 24, 1984, 10:30 a.m. The Administrative Council of the Coordinating Board, Texas College and University System will meet in CB Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Items on the agenda include consideration of a proposed amendment to 19 TAC §25.34 (g), concerning basic procedural and administrative practices, an institutional program review, receipt and consideration of a report from the Special Ad Hoc Committee, and the executive secretary's report.

Contact: James McWhorter, P. O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: January 11, 1984, 2:17 p.m.
TRD-840367

Texas Commission for the Deaf

Friday and Saturday, January 20 and 21, 1984, 5:30 p.m. and 9 a.m. respectively. The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf will meet in Room 212, 510 South Congress Avenue, Austin. Items on the agenda include approval of the previous meeting.

minutes, review of certification applications/certificates and proposed rules of operation, discussion of grievance procedures, consideration of recommendations for a new BEI member and hearing the chairman's report. The board will also meet in executive session to discuss certification materials for Levels I-V.

Contact: Fred R. Taimmen, 510 South Congress Avenue, Austin, Texas 78704, (512) 475-2492

Filed: January 11, 1984, 10 a.m.
TRD-840353

Texas Education Agency

Advisory committees of the State Board of Education of the Texas Education Agency will meet in the Joe Kelly Butler Board Room, TEA North Building, 1200 East Anderson Lane, Austin. Items on the agenda include reviews of and recommendations concerning textbook Proclamation 61 and proposed new rules in the Texas Administrative Code, Title 19, Chapter 75, concerning curriculum; and a preliminary review of the proposed standards for teacher education. Dates, times, and advisory committees follow

Thursday, January 19, 1984, 10 a.m. Public School Professional Personnel Advisory Committee

Friday, January 20, 1984, 10 a.m. Public School Boards of Trustees Advisory Committee

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

Filed: January 11, 1984, 4:13 p.m.
TRD-840376, 840377

Select Committee on Public Education

Wednesday, January 18, 1984, 8 a.m. The Subcommittee on Finance of the Select Committee on Public Education will meet in the Lalique Ballroom, The Registry Hotel, 15201 Dallas Parkway, Dallas. According to the agenda, the subcommittee will conduct an organizational meeting.

Contact: Jim Shear, Office of the Comptroller of Public Accounts, LBJ Office Building, 111 East 17th Street, Austin, Texas, (512) 475-7061

Filed: January 10, 1984, 4:35 p.m.
TRD-840337

Wednesday, January 18, 1984, 9 a.m. The Select Committee on Public Education will

meet in the Lalique Ballroom, The Registry Hotel, 15201 Dallas Parkway, Dallas. Items on the agenda include reports from the subcommittees on Organization and Management, Finance, Legislative Action, Teaching Profession, and Educating the Child; and a presentation by the Texas Coaches Association

Contact: Rebecca Naugle, 1000 Mercantile Dallas Building, Dallas, Texas 75201, (214) 760-5791.

Filed: January 10, 1984, 4:35 p.m.
TRD-840338

Texas Employment Commission

Wednesday, January 18, 1984. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Times and agendas follow

9 a.m. Items on the agenda include an architectural design of the new headquarters building and a public comment period

1 p.m. According to the agenda summary, the commission rescheduled a meeting to consider prior meeting notes; hear reports of administrative staff on program operations, funding, and legislation; conduct a public comment period; discuss sharing the cost with other agencies to study federal funding formulas which impact on Texas, review the State Purchasing and General Services Commission's proposal regarding purchase of TEC properties; hold a preliminary discussion of an evaluation system for the administrator position, discuss the general counsel position and legal representation for the commission, and the Department of Labor's request for an attorney general's opinion on a proposed commission rule; and set the date and agenda items for the next meeting. The commission will also meet in executive session to consider premises leases and contracts and a status report on litigation relating to outstanding suits and attorney general opinion requests. The meeting was originally scheduled for January 11, 1984, as published at 9 TexReg 287.

Contact: Pat Joiner, TEC Building, Room 656, Austin, Texas, (512) 397-4514

Filed: January 10, 1984, 3:42 p.m.
TRD-840335, 840336

Thursday, January 19, 1984, 9 a.m. The Texas Employment Commission will hold a rescheduled meeting in Room 644, TEC Building, 15th Street and Congress Avenue,

Austin. According to the agenda summary, the commission will discuss prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 3, and set the date of next meeting. The meeting was originally scheduled for January 17, 1984.

Contact: Courtenay Browning, TEC Building, 15th Street and Congress Avenue, Room 608, Austin, Texas 78778, (512) 397-4415.

Filed: January 11, 1984, 4:06 p.m.
TRD-840375

Finance Commission of Texas

Wednesday, January 18, 1984, 10 a.m. The Banking Section of the Finance Commission of Texas will meet at 2601 North Lamar Boulevard, Austin. Items on the agenda include bank capital policy; a limited examination proposal; loan production offices; and departmental operations concerning organization, a bank examiners conference, special audits, and personnel.

Contact: Archie P. Clayton III, 2601 North Lamar Boulevard, Austin, Texas, (512) 475-4451.

Filed: January 10, 1984, 2:38 p.m.
TRD-840319

Texas Health Facilities Commission

Friday, January 20, 1984, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications

Declaratory Ruling

The University of Texas Health Science Center at Dallas, Dallas
AH83-0727-064

Notices of Intent to Acquire Existing Health Care Facilities

Delwood Nursing Center, Inc., a private Texas corporation
AN83-1129-401

Med West Healthcare Management Corporation, a South Dakota corporation, Omaha, Nebraska
AN83-1205-406

AN83-1205-407

AN83-1205-408

AN83-1205-409

AN83-1205-410

AN83-1205-411
AN83-1205-412
AN83-1205-413
AN83-1205-414
AN83-1205-415
AN83-1205-416

Lifemark Corporation or one of its wholly-owned subsidiaries, Houston
AH83-1212-427

AMISUB(Lifemark), Inc., a wholly-owned subsidiary of American Medical International, Inc., a Delaware corporation, Beverly Hills, California
AH83-1212-423

Amendments of Certificate of Need Orders
West Texas Medical Center, Abilene
AH81-0812-012A(113983)

Southwood Community Hospital,
Shenandoah

AH81-0731-013A(112183)

Methodist Hospital, Lubbock
AH81-1223-023A(111783)

Sharpstown General Hospital, Houston
AH81-0427-027A(113083)

Free State Crestwood, Inc., Wills Point
AN82-0510-054A(112183)

Certificates of Need

Greenview Manor Nursing Home, Waco
AN83-0630-664

Brookhaven Nursing Home, Ferris
AN83-0630-670

Notice of Intent to Acquire Major Medical
Equipment

Tower Diagnostic Services, a to-be-
formed Texas limited partnership,
Waco

AO83-1128-400

Contact: Judith A Monaco, P O Box
50049, Austin, Texas, 78763, (512) 475-6940

Filed: January 11, 1984, 9 16 a.m.
TRD-840343

Texas Historical Commission

Monday, January 23, 1984, 8:30 a.m. The Main Street Committee of the Texas Historical Commission will meet at the Villa Capri Motor Hotel Coffee Shop, 2400 IH 35 North, Austin. According to the agenda, the committee will discuss the progress of Main Street cities, the 1984 conference, the February 24 and 25 hearing of the Committee on Cultural and Historical Resources, and funding for 1983 and 1984.

Contact: Anice Read, P O Box 12276,
Austin, Texas 78711, (512) 475-3092

Filed: January 10, 1984, 1 24 p.m.
TRD-840314

Texas Department of Human Resources

Friday, January 20, 1984. The Texas Council of Child Welfare Boards of the Texas Department of Human Resources will meet at 1821 Rutherford Lane, Austin. Times, rooms, and agenda summaries follow.

8:30 a.m. In Room 3A2, the council will meet in executive session.

10 a.m. In Room 5A3, the council will consider minutes, reports of the treasurer; committee reports concerning issues, legislative, public information, and education items; the Child Abuse and Neglect Month/Week, 1984, a filmstrip, an update on child protective services, arising issues, and reports from regions.

Contact: James C Marquart, P O Box 2960, Austin, Texas, (512) 835-0440, ext 2214

Filed: January 12, 1984, 9 03 a.m.
TRD-840413

Friday, January 27, 1984, 9 a.m. The Advisory Council for Social Work Certification of the Texas Department of Human Resources will meet in Salons F, G, and H, Marriott Hotel, 1600 Airway Boulevard, El Paso. According to the agenda summary, the council will approve the December 2, 1983, minutes, hear a staff report, discuss a proposal on speciality recognition, the draft of public information pamphlet, and handbook revisions regarding the new law, and a summary of the next meeting date.

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

Filed: January 12, 1984, 9 03 a.m.
TRD-840414

State Board of Insurance

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

Friday, January 20, 1984, 1:30 p.m. Docket 7540—application by Sanus Texas Health Plan, Inc., Dallas, for a certificate of authority to operate a health maintenance organization in the State of Texas.

Monday, January 23, 1984, 1:30 p.m. Docket 7547—reinsurance agreement whereby Singleton Funeral Insurance Company, Lubbock, will be reinsured by Amer-

ican Family Life Insurance Company, Austin.

Contact: Tom I McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: January 11, 1984, 4:43 p.m.
TRD-840378, 840379

Texas Department of Labor and Standards

Wednesday, January 18, 1984, 2 p.m. The Boiler Division of the Texas Department of Labor and Standards will meet in Room 100B, John H Reagan Building, 105 West 15th Street, Austin. According to the agenda, the division will consider proposed air conditioning and contractors rules.

Contact: Booker T Morris III, P O Box 12517, Austin, Texas 78711, (512) 475-0155

Filed: January 10, 1984, 3:04 p.m.
TRD-840327

Texas Legislative Council

Friday, January 27, 1984, 10 a.m. The Election Code Study Committee and Election Code Advisory Committee of the Texas Legislative Council will meet in Room 309, House Appropriations Committee Room, State Capitol, Austin. According to the agenda, the committees will conduct an organizational meeting.

Contact: Glen Shuffler, P O Box 12128,
Austin, Texas 78711, (512) 475-2736

Filed: January 11, 1984, 11 47 a.m.
TRD-840361

Texas Department of Mental Health and Mental Retardation

Wednesday, January 18, 1984, 2 p.m. The Personnel Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet in Room 295, 909 West 45th Street, Austin. Items on the agenda include the reappointment of the Denton State School superintendent and consideration of the appointment of a director at the Laredo State Center and the superintendent at Rusk State Hospital.

Thursday, January 19, 1984. Committees of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retar-

dition and the full board will meet in the auditorium, 909 West 45th Street, Austin Times. committees and agendas follow

8:30 a.m. The Business Committee will discuss allocation of federal mental health block grant funds and quarterly budget additions and revisions for fiscal year 1984

8:45 a.m. The Executive Committee will consider the naming of the ceramics workshop building on the campus of the Corpus Christi State School the "Matthew Swantner Vocational Training Building," proposed construction of the addition to the Dennis Transition Center at the San Antonio State Hospital, the sale of an oil and gas lease, and San Angelo State School property

9 a.m. The Texas Board of Mental Health and Mental Retardation will consider approval of November 18, 1983, minutes, appoint board committees, elect a vice-chairperson of the board, hear the commissioner's monthly report, quarterly reports on lapsed funds and employee status, reports on energy conservation, the fiscal year 1986 and 1987 biennium budget, the Houston Psychiatric Hospital, and other reports, consider allocation of federal mental health block grant funds for fiscal year 1984, quarterly budget additions and revisions of fiscal year 1984, and the naming of the ceramics workshop building on the campus of the Corpus Christi State School the "Matthew Swantner Vocational Training Building", discuss proposed construction of an addition to the Dennis Transition Center at the San Antonio State Hospital, the sale of an oil and gas lease, San Angelo State School property, and the reappointment of the Denton State School superintendent, consider appointments of a director at the Laredo State Center, and a superintendent at Rusk State Hospital, hear citizens' comments, and consider the status of pending or contemplated litigation

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

Filed: January 10, 1984, 3:22 p.m.
TRD-840331-840334

Board of Nurse Examiners

Tuesday-Thursday, January 24-26, 1984, 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

reports of the treasurer and the executive secretary, conduct disciplinary, informal, and reinstatement hearings, consider an education report concerning survey visits, annual reports, a clinical agency site visit, faculty petitions, curriculum changes, and enrollment and graduation data, an examination, old and new business, and miscellaneous items concerning the history of the board

Contact: Margaret Rowland, 1300 East Anderson Lane, Room C-225, Austin, Texas 78752, (512) 835-4800

Filed: January 11, 1984, 10 a.m.
TRD-840354

Texas Optometry Board

Thursday, January 19, 1984, 4 p.m. The Texas Optometry Board will meet at the Marriott Hotel, near the Astrodome, Houston. According to the agenda summary, following a meeting of the Rules Committee at 2 p.m. and all committees meeting at 3 p.m., the board will consider reports of the secretary-treasurer, committees, legal counsel, and executive director, old business, concerning an attorney general opinion on separation of offices, and new business, concerning correspondence of a licensee and appearance of a licensee in regard to renewal of license. The board will also meet in executive session in compliance with the Open Meetings Act, Article 6252-17, §2(e), to discuss contemplated and pending litigation with the board attorney. On January 20 and 21, 1984, the board will administer the Texas Board Examination at the University of Houston.

Contact: Lois Ewald, 1300 East Anderson Lane, Suite C-240, Austin, Texas 78752, (512) 835-1938

Filed: January 11, 1984, 1:40 p.m.
TRD-840362

Texas Parks and Wildlife Department

Thursday, January 12, 1984, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department made an emergency addition to the agenda of a meeting held in Building "B", Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. The addition concerned the status of the 1983 coastal fish kill. The emergency status was necessary because urgent public necessity requires con-

sideration of the status of the saltwater fishery in the aftermath of the massive fish kill caused by cold weather to properly manage the resource

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802

Filed: January 10, 1984, 2:36 p.m.
TRD-840318

Thursday, January 12, 1984, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department made an emergency addition to the agenda of a meeting held at Building B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. The addition concerned proposed emergency rule changes relating to the 1983 coastal fish kill. The emergency status was necessary due to the urgent public necessity that required consideration of proposed emergency rules to adequately protect saltwater fish stocks depleted by a massive fish kill caused by cold weather.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802

Filed: January 11, 1984, 2:20 p.m.
TRD-840363

Texas State Board of Podiatry Examiners

Thursday, January 19, 1 p.m. The Texas State Board of Podiatry Examiners will meet in Suite 503, Executive Office Building, Austin. According to the agenda, the board will discuss complaint files, applications for the use of assumed names, a letter concerning nitrous oxide, election of board officers, discussion concerning master keys on exams, the national conference in San Francisco, California—September 1984, renewals not paid in 1983, cancellation of licenses, and inspection of credentials of the candidates to take the examination.

Friday and Saturday, January 20 and 21, 1984, 9 a.m. daily. The Texas State Board of Podiatry Examiners will meet at the Sheraton Crest Inn, 111 East First Street, Austin. Items on the agenda include examinations for licensure on Friday, continuation of written examinations and completion of oral examinations on Saturday, and

Texas Register

compilation of the grades by the board members

Contact: Sandra Marshall, 411 West 13th Street, #504, Austin, Texas 78701, (512) 475-1770

Filed: January 11, 1984, 2:18 p.m.
TRD-840369

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, Texas. Days, times, and dockets follow

Friday, January 20, 1984, 10 a.m. A prehearing conference in Docket 5529—inquiry into compliance *vel non* of Apache Shores Utility Corporation with matters ordered in Docket 4611 and into the rates charged and services rendered by Apache Shores Utility Corporation

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

Filed: January 11, 1984, 2:18 p.m.
TRD-840370

Tuesday, January 24, 1984, 10 a.m. A second prehearing in Docket 5540—application of AT&T Communications of the Southwest, Inc., for authority to change rates

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

Filed: January 10, 1984, 2:31 p.m.
TRD-840310

Thursday, January 26, 1984, 9:30 a.m. A prehearing in Docket 5560—application of Gulf States Utilities Company for authority to change rates

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

Filed: January 11, 1984, 10:01 a.m.
TRD-840355

Tuesday, January 31, 1984, 10 a.m. A prehearing in Docket 5542—petition of Diamond Shamrock Chemical Company for an investigation into certain practices of Houston Lighting and Power Company

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

Filed: January 11, 1984, 10:01 a.m.
TRD-840356

Wednesday, February 1, 1984, 3 p.m. An examiner's order and notice of meetings to hear public comment in Docket 5560—application of Gulf States Utilities Company for authority to change rates

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

Filed: January 11, 1984, 2:17 p.m.
TRD-840371

Friday, February 3, 1984, 10 a.m. A third prehearing conference in Docket 5540—application of AT&T Communications of the Southwest, Inc., for authority to change rates

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

Filed: January 10, 1984, 2:31 p.m.
TRD-840317

Friday, February 17, 1984, 1:30 p.m. A second prehearing conference in Docket 5076—application of Kalita Point Utilities Company to purchase Indian Hill Harbor Sewer System in Polk County

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

Filed: January 11, 1984, 2:39 p.m.
TRD-840368

Monday, March 12, 1984, 10 a.m. A hearing in Docket 5540—application of AT&T Communications of the Southwest, Inc., for authority to change rates

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

Filed: January 10, 1984, 2:31 p.m.
TRD-840320

Thursday, March 29, 1984, 10 a.m. A hearing on the merits in Docket 5076—application of Kalita Point Utilities Company to purchase Indian Hill Harbor Sewer System in Polk County

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

Filed: January 11, 1984, 2:18 p.m.
TRD-840372

Tuesday, April 3, 1984, 10 a.m. A hearing on the merits in Docket 5476—application of E.B.J.V., Inc., doing business as Southern Oaks Water System, for a water and

sewer certificate of convenience and necessity within Montgomery County

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

Filed: January 10, 1984, 2:31 p.m.
TRD-840321

University of Texas System

Friday, January 13, 1984, 11 a.m. The Intercollegiate Athletics Council of the University of Texas at Austin met in emergency session at Bellmont Hall 240, San Jacinto Street between 21st and 23rd Streets, Austin. According to the agenda, the council met in executive session to consider personnel matters and potential litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(g). Following the executive session, the council met in open session and considered approval of the December 12, 1983, minutes; discussed items from the executive session, approved team schedules, concerning a schedule change for baseball, approved budgets and budget changes, concerning approval of the 1984-1985 budget and salaries and the Southwest Conference Swimming and Diving Championship budget; approved athletics ticket policies and policy changes, concerning student football ticket prices for the Oklahoma game, received reports on the status of ongoing development plans, approved awards and awards policies, letter awards policies, concerning letter awards for football and cross country, and the Lan Hewlett Academic Award, discussed items approved from previous council meetings; and considered old business, and new business, concerning varsity alumni baseball game information. The emergency status was necessary due to the 1984-1985 budget which needed to be approved by the council by January 13, 1984

Contact: Haila Kauffman, P.O. Box 7399, Austin, Texas 78712, (512) 471-1332

Filed: January 10, 1984, 11:06 a.m.
TRD-840312

Veterans Land Board

Friday, January 20, 1984, 3 p.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the December 15, 1983,

minutes, and approval of lenders for the Veterans Housing Assistance Program

Contact: Harmon Lisnow, Stephen F Austin Building, Room 738, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-3766

Filed: January 11, 1984, 3 47 p m
TRD-840374

Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin Days, times, and agendas follow

Tuesday, January 17, 1984, 10 a.m. According to the emergency revised agenda, the commission will consider applications by the Lower Colorado River Authority to construct and maintain dams on an unnamed tributary of Big Sandy Creek, tributary of the Colorado River, Colorado River Basin, for mining and irrigation purposes in Bastrop County. The emergency status is necessary for the applicant to meet certain construction deadlines

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

Filed: January 10, 1984, 2 52 p m
TRD-840322

Tuesday, January 24, 1984, 10 a.m. According to the agenda, the commission will conduct a hearing on RE-0220 of Dallas County Flood Control District 1 for consideration of approval of a proposed plan of reclamation

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

Filed: January 10, 1984, 10 45 a m
TRD-840308

Friday, February 10, 1984, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the application of Boca Chica Water Supply, Inc, seeking to amend its portion of Certificate of Adjudication 23-151A to change purpose of use from irrigation to municipal use, to change place of use, and to change point of diversion from the Rio Grande, Rio Grande Basin, in Cameron County

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

Filed: January 11, 1984, 10.10 a.m.
TRD-840358

Friday, February 24, 1984, 9 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 consider the application of Emile Jamail Properties, Inc, 151 South First Street, Austin, Texas 78704, to the Texas Department of Water Resources for proposed Permit 12840-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 1.2 million gallons per day from the proposed Davis Spring Branch Wastewater Treatment Plant, which is to serve a proposed 611 acre development of residential, office, and commercial acreage

Addition to the above agenda

Application of Bill Milburn, Inc, 11911 Burnet Road, Austin, Texas, 78758, to the Texas Department of Water Resources for proposed Permit 12747-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day from the proposed Anderson Mill West Sewage Treatment Plant, which is to serve a proposed residential community

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

Filed: January 10, 1984, 2 54 p m
TRD-840323, 840324

Wednesday, February 29, 1984, 9 a.m. The Texas Water Commission will meet in the meeting room, Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont. According to the agenda summary, the commission will consider the application of Olin Corporation, P O Box 30, Beaumont, Texas 77704, to the Texas Department of Water Resources for an amendment to proposed Permit 00647, which authorizes a discharge of treated stormwater runoff at a volume variable with rainfall from the operation of a sulfuric acid plant. The applicant requests an increase in the ammonia limit from 10 milligrams per liter to 30 milligrams per liter as a daily maximum concentration. The permit as proposed by the executive director continues the current permit limits of 10 milligrams per liter daily maximum concentration for ammonia and, additionally, includes a compliance schedule which would ultimately establish the ammonia limit at two milligrams per liter daily maximum concentration. Depending upon information presented, the permit could ultimately contain a daily maximum concentration limit for ammonia as requested by the applicant, as proposed by the executive

director, or as the commission may otherwise deem necessary

Addition to the above agenda

Application of the City of Orange, P O Box 520, Orange, Texas 77630, to the Texas Department of Water Resources for proposed Permit 10626-05 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day from the proposed IH 10 Wastewater Treatment Plant, which is to serve a recreational and commercial development

Contact: Michael F Field, P O Box 13087, Austin, Texas 78711, (512) 475-1339

Filed: January 10, 1984, 2 55 p m
TRD-840325, 840326

Thursday, March 1, 1984, 9 a.m. The Texas Water Commission will meet in the community room basement, Johnson County Courthouse, Cleburne. According to the agenda summary, the commission will consider the application of Lawrence W McMurry, Route 1, Box 18, Crowley, Texas 76036, to the Texas Department of Water Resources for proposed Permit 12819-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 37,500 gallons per day from a proposed wastewater treatment plant which will serve the needs of a proposed mobile home park

Contact: Kaylene A Ray, P O Box 13087, Austin, Texas, 78711, (512) 475-1339

Filed: January 11, 1984, 2 42 p m
TRD-840373

Texas Department of Water Resources

Wednesday, January 18, 1984, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda summary include approval of the minutes, the present status of the development fund manager's report, extensions of loan commitments to the Cities of Carthage, Cooper, San Juan, and Cedar Park, financial assistance to the Cities of Gatesville and Grandview and Harris County Municipal Utility District 50, a contract with the Texas Department of Health for health monitoring services, a contract with the Environmental Protection Agency accepting a federal grant under the Clean Water Act, §104(g)(1), concerning an on-site assistance program for small, non-

compliant communities, adoption of proposed amendments to the Texas Administrative Code, Title 31, Chapter 335, relating to industrial solid waste, and Chapter 341, relating to consolidated permitting requirements, rules for regulation of private sewage facilities within Medina, Bastrop, and Waller Counties, and a briefing on the influence of fresh water inflows upon Texas bays and estuaries

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: January 10, 1984, 10:45 a.m.
TRD-840310

Texas Youth Commission

Thursday, January 19, 1984, 9 a.m. The board of the Texas Youth Commission will meet at 8900 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will discuss malpractice insurance for doctors, a long-range plan, budget cycle instructions, mandatory retirement, the new orphan's trust, hear the board liability presentation and the student death report, and discuss ACA accreditation. The board will also meet in executive session to discuss litigation.

Contact: Ron Jackson, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111

Filed: January 10, 1984, 10:41 a.m.
TRD-840306

Regional Agencies

Meetings Filed January 10

The Region VIII Education Service Center, Board of Directors, will meet at 100 North Riddle Street, Mount Pleasant, on January 26, 1984, at 7 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-8551.

The Wise County Appraisal District, Board of Directors, met in emergency session at 206 South State, Decatur, on January 17, 1984, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

FRD-840311

Meetings Filed January 11

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on January 19, 1984, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841

The Region VII Education Service Center, Board of Directors, will meet at the Holiday Inn, Highway 259 South, Henderson, on January 19, 1984, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071

FRD-840357

Meetings Filed January 12

The Austin-Travis County Mental Health and Mental Retardation, Operations and Planning Committee, will meet in the board room, 1430 Collier Street, Austin, on January 17, 1984, at 12:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Grayson County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Grayson County Courthouse, Sherman, on January 18, 1984, at noon. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on January 19, 1984, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822

The Heart of Texas Council of Governments, Executive Committee, will meet in the conference room, 320 Franklin Avenue, Waco, on January 26, 1984, at 12:30 p.m. Information may be obtained from Mary McDow, 320 Franklin, Waco, Texas 76701, (817) 756-6631

The Mills County Appraisal District will meet at the Mills County Courthouse, Goldthwaite, on January 19, 1984, at 6:30 p.m. Information may be obtained from Doran F. Lemke, Box 565, Goldthwaite, Texas 76844, (915) 648-2253

The Northeast Texas Municipal Water District, Board of Directors, met at 1003 Linda Drive, Daingerfield, on January 16, 1984, at 7 p.m. Information may be obtained from Homer Lanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on January 26, 1984, at 4 p.m. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 447-5405

The Trinity River Industrial Development Authority, Board of Directors, will meet at 5300 South Collins, Arlington, on January 18, 1984, at 9:30 a.m. Information may be obtained from Ramona A. Talena, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343

The Wood County Appraisal District, Board of Directors, will meet in the conference room, 217 North Main, Quitman, on January 19, 1984, at 1:30 p.m. Information may be obtained from W. Carson Wages, Quitman, Texas 75783, (214) 763-4946

TRD-840411

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

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

In Addition

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of January 2-6, 1984

Information relative to the applications listed as follows, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously stated address, and at the regional office for the air quality control region within which the proposed facility will be located

Listed are the names of the applicants and the cities in which the facilities are located, type of facilities, location of the facilities (if available), permit numbers, and type of application—new source or modification

Tropicana Energy Company, Fort Worth, storage tanks, 12625 Calloway Cemetery Road; 6862B, modification

Tropicana Energy Company, Fort Worth, storage tanks, 12625 Calloway Cemetery Road; 6238B, modification

Tropicana Energy Company, Fort Worth, storage tanks, 12625 Calloway Cemetery Road; 7067B, modification

Texaco, Inc., Snyder, gas sweetening unit, Star Route, Box 26, 9413, modification

Amoco Production Company, Sundown, flare for tertiary gas injection site, Frazier Unit, 9414; new source

Texaco, Inc., Port Arthur, delayed cooking unit, Houston Avenue, 9415, new source

Texaco, Inc., Port Arthur; amine and sulfur recovery units, Houston Avenue; 9416; new source

Victoria Readymix Concrete Company, Inc., Port Lavaca, concrete batch plant; 2049 West Main; 2257B; new source

Victoria Readymix Concrete Company, Inc., Edna; ready mix concrete plant; Edna, Jackson County, 6072A, modification

Issued in Austin, Texas, on January 9, 1984

TRD 840305 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed January 10, 1984
For further information, please call (512) 451-5711,
ext 354.

State Commission for the Blind Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the State Commission for the Blind hereby furnishes this consultant contract award. The consultant proposal request appeared in the September 6, 1983, issue of the *Texas Register* (8 TexReg 3516). A description of the study is as follows:

The consultant will complete a modification to the assessment component of the present Assessment-Placement-Training System. This will include

- (1) design and implement and reliability and validity studies factor,
- (2) analyze the assessment components of the Assessment-Placement-Training System,
- (3) design tests and procedures, and
- (4) staff training and implementation procedures.

The consultant contract is awarded to Jack G. Dial, Ph.D., Consulting and Clinical Neuropsychology, 5415 Maple Avenue, Suite 400, P.O. Box 45628, Dallas, Texas 75245

The total value of the contract is \$16,000. The beginning date of the contract is January 2, 1984. The ending date of the contract is December 31, 1984.

The consultant will provide the commission with a statement of services rendered completed within 30 days of the completion of the consultant's obligations (no later than January 30, 1985).

In compliance with Texas Civil Statutes, Article 6252-11c, §6(b), relating to restriction on former employees of a state agency, the consultant, Jack G. Dial, Ph.D., was employed by the University of Texas Health Science Center in Dallas from January 1975-September 1983. His ending salary was approximately \$22,500 for 60% time plus time allocations for private practice. Dr. Dial was an assistant professor in the Department of Rehabilitation Science, School of Allied Health Sciences and the Graduate School of Biomedical Sciences. He taught courses in vocational evaluation, work adjustment, medical aspects of disability, and rehabilitation research.

Issued in Austin, Texas, on January 9, 1984

TRD 840285 John C. Wilson
Executive Director
State Commission for the Blind

Filed January 9, 1984

For further information, please call (512) 475-6810.

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

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

Should any person wish to become a party to any of the previously-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day

that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

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

Jasper Hospital District for Jasper Memorial Hospital, Jasper

AH81-1231-058A(120583)

CN/AMD—Request for an extension of the completion deadline from December 16, 1983, to April 16, 1984, in Certificate of Need AH81-1231-058, which authorized the certificate holder to construct a 6,500 square foot building addition and to renovate 720 square feet in the existing building for the expansion of the following areas: radiology, emergency room, laboratory, EKG/EKG, and respiratory

University of Texas Health Center at Tyler, Tyler

AA83-1221-461

DR—Request for a declaratory ruling that a certificate of need is not required for the University of Texas Health Center at Tyler to reorganize the health center's existing patient treatment modalities. Existing space in the health center will be allocated to provide a coordinated and centralized Comprehensive Care Program for patients suffering from chronic obstructive pulmonary disease. No new services will be offered, and the total project cost is \$20,000.

Issued in Austin, Texas, on January 11, 1984

TRD 840344 Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed January 11, 1984

For further information, please call (512) 475-6940.

Application before the Texas Health Facilities Commission for Petition for Reissuance of Certificate of Need

The Texas Health Facilities Commission gives notice of an application (including a general project description) for petition of reissuance of certificate of need which has been filed with the commission.

The commission may require a hearing on a petition for reissuance of certificate of need when it is determined that good cause exists for such a hearing. A request for a hearing on a petition for reissuance of certificate of need must

be submitted to the commission within 15 days after publication of notice and show reason why a hearing should be held. Requests for a hearing are to be mailed to the chairman of the commission, P O Box 50049, Austin, Texas 78763, and must be postmarked no later than the day prior to the last day allowed for filing requests for hearing.

The petition will be approved only if the commission determines that it qualifies under the criteria of Texas Civil Statutes, Article 4418h, §3 13, and 25 TAC §§509 81-509 85 and §§513 51-513 53.

In the following list, the applicant is listed first, the file number second, and the relief sought and description of the project third.

Piney Woods Acres, Corrigan
AN82-1206-247R(122283)
PFR—Petition for reissuance of Certificate of Need AN82-1206-247, which authorized the certificate holder to construct, equip, and operate a 48,859 square foot 120-bed nursing facility to contain 60 ICF-III beds, 30 skilled nursing beds, and 9,560 square feet of shelved in space for the future addition of 30 beds.

Issued in Austin, Texas, on January 11, 1984

TRD-840345 Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed January 11, 1984

For further information, please call (512) 475-6940

Texas Housing Agency Request for Proposals

The Texas Housing Agency is requesting bids from qualified businesses in the Austin metropolitan area for preparation and printing of its 1983 annual report to the legislature and governor. It covers the period of September 1, 1982-August 31, 1983. The report would include program and financial information. This request is not filed under the provisions of Texas Civil Statutes, Article 6252-11c.

A company that wishes to submit a proposal may receive detailed written information by contacting James M. Williams, Deputy Administrator, Texas Housing Agency, 411 West 13th Street, Suite 700, Austin, Texas 78701, (512) 475-0812. The agency must receive all bids in its office by 5 p.m. on Friday, January 27, 1984.

Issued in Austin, Texas, on January 10, 1984

TRD 840339 Stan Kantrowitz
General Counsel
Texas Housing Agency

Filed January 10, 1984

For further information, please call (512) 475-0812.

Texas Department of Human Resources Withdrawal of Request for Consultant Services

The Texas Department of Human Resources is withdrawing its request for consultant services for the Texas Refugee Resettlement Program. This notice was published in the January 3, 1984, issue of the *Texas Register* (9 TexReg 87).

Issued in Austin, Texas, on January 11, 1984

TRD 840342 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed January 11, 1984

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

Texas Department of Mental Health and Mental Retardation Correction of Error

A consultant proposal request submitted by the Texas Department of Mental Health and Mental Retardation contained an error as submitted in the January 6, 1984, issue of the *Texas Register* (9 TexReg 195). Under Contract Award Procedures, page 198, the date of the bidders' conference conducted by the department should be February 7, 1984, instead of February 27, 1984.

Railroad Commission of Texas Public Hearing

The Railroad Commission of Texas will conduct a public hearing on the application of FISI Pipeline Project, 1221 McKinney, P O Box 2521, Houston, Texas 77252, (713) 759-4533, for a certificate of public convenience and necessity to transport coal by pipeline through the following Texas counties: Lipscomb, Hemphill, Wilbarger, Wichita, Archer, Young, Jack, Palo Pinto, Hood, Somervell, Bosque, McLennan, Bell, Milam, Lee, Fayette, Ochiltree, Roberts, Hutchinson, Carson, Potter, Randall, Castro, Lamb, Gonzales, Guadalupe, Wilson, Bexar, Colorado, Austin, Fort Bend, Brazoria, Harris, Liberty, Jefferson, and Orange.

The public hearing will be in the nature of a prehearing conference to designate parties and narrow issues. The hearing will commence at 9 a.m. on January 25, 1984, and continue on January 26, 1984, if necessary. The hearing will be held at the Railroad Commission Building, 1124 IH 35 South, Austin, or, if a suitable size hearing room is not available, at another location in Austin. Individuals wishing to attend the prehearing conference may contact the following listed number.

The public hearing will be conducted in compliance with the Administrative Procedure and Texas Register Act. Any person directly affected by this application may appear and participate. Cross examination of participants will not be allowed, although the presiding examiner may ask questions of any person appearing.

For further information, please contact Stephen P. Webb, Hearing Examiner, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1336.

Issued in Austin, Texas, on January 10, 1984

TRD 840340 Walter Wendlandt
Acting Director
Transportation Division
Railroad Commission of Texas

Filed: January 10, 1984
For further information, please call (512) 445-1186

San Jacinto River Authority Consultant Contract Award

This notification of award of contract is filed in compliance with Texas Civil Statutes, Article 6252-11c. This contract was awarded after publication of a request for statement of qualifications in the October 21, 1983, issue of the *Texas Register* (8 TexReg 4387).

The contract is for providing professional engineering services for the completion of a comprehensive flood control planning study for the upper watershed of the San Jacinto River. The study includes Spring, Lake, Caney, Peach Creeks, West Fork, East Fork, and Larkington-Luce Bayou. This area encompasses all of Montgomery County and parts of Liberty, Grimes, San Jacinto, Walker, and Waller Counties.

The contract is awarded to Wayne Smith and Associates, Inc., 13426 Indianapolis, Houston, Texas 77015.

The contract amount is \$289,600. The contract commences on January 10, 1984, and will be completed August 20, 1985.

A draft final report will be prepared not later than May 15, 1985, and the final published report will be available not later than August 20, 1985.

Issued in Conroe, Texas, on January 6, 1984

TRD-840288 Michael E. Cavalier
Chief Engineer
San Jacinto River Authority

Filed: January 9, 1984
For further information, please call (409) 588-1111

Texas Tech University Consultant Proposal Request

Texas Tech University (TTU) is one of the four major comprehensive universities in Texas offering undergrad-

uate, graduate, and professional degrees. The university and Texas Tech University Health Sciences Center (TTUHSC) are situated on an 1,800-acre campus in Lubbock, a metropolitan area of over 200,000. Diversity is the mark of Texas Tech. The university has six colleges, a graduate school, and a school of law. The TTUHSC has schools of medicine, nursing, and allied health. Colleges and schools are housed in modern accommodations on a stately, handsomely landscaped campus.

The University. In addition to the Lubbock campus, TTU operates a 900-acre agricultural Lubbock County Field Laboratory, the 13,000-acre Texas Tech University Center at Amarillo which emphasizes beef cattle research, and the 411-acre Texas Tech University Center in Junction in the Texas hill country.

Health Sciences Center. The TTUHSC includes a school of medicine with regional academic health centers at Amarillo, El Paso, Lubbock, and the Permian Basin (Odessa), a school of nursing, and a school of allied health. The medical school offers the doctor of medicine degree and masters and doctoral degrees in five sciences basic to medicine. The TTUHSC emphasizes primary care and health care delivery to rural areas.

In accordance with the provisions of Texas Civil Statutes, Article 6252-11(c), Texas Tech is requesting proposals for services of a consultant to assist with the development of a communications plan.

Scope of Work. The consultant will provide a thorough and complete evaluation of TTU/TTUHSC (all sites) and Lubbock General Hospital and affiliated communication systems, study long-range needs, and recommend options to meet needs.

The objective is to maximize communication services quality and future growth/flexibility with controlled and planned costs, to include all communication functions (voice, data, video, facsimile, energy management, alarms), to include all transmission media (wire, co-ax, microwave, satellite, fiber optics), and to include all switching/addressing-routing alternatives.

Contact. Individuals or firms interested in submitting proposals may contact R. D. Whipple, Project Coordinator, Texas Tech University, P.O. Box 4301, Lubbock, Texas 79409, (806) 742-2000.

Submission of Proposal. A proposal sent by mail should be addressed to R. D. Whipple, Project Coordinator, Texas Tech University, P.O. Box 4301, Lubbock, Texas 79409. Hand-delivered proposals will be accepted daily between 8:30 a.m. and 4:30 p.m. Central Standard Time, except Saturdays, Sundays, and holidays at the office of R. D. Whipple, Project Coordinator, Texas Tech University, South Center Doak Hall, Lubbock, Texas. One original and six copies of the proposal are required. Due date for proposals is Tuesday, February 28, 1984, at 4 p.m. Central Standard Time. Proposals received after that time will not be considered.

A preproposal conference will be held on Tuesday, January 24, 1984, at 10 a.m. in Room 168, Drane Hall, Texas Tech University, Lubbock.

Proposal Requirements. To be evaluated, the following item, of information must be included in a consultant's proposal

- (1) proposed plan of work for the engagement (timetable, tasks, staff requirements, deliverables);
- (2) references from similar consulting engagements;
- (3) names of people to be used in this engagement and a complete resume of each,
- (4) guaranteed completion time quoted in working days/weeks after date of award, and
- (5) proposed fee for the engagement

Proposals that cover the scope of work through shared responsibilities between consultant and university personnel will be accepted

Evaluation Criteria. Criteria to be used to evaluate proposals will include, but not necessarily be limited to, the following

- (1) thorough knowledge and experience with university and health care delivery communication requirements, systems, and procedures,
- (2) voice, video, and data communications using modern switching and transmission technologies,
- (3) experience in successfully evaluating, designing, developing, and implementing communication system applications in a similar environment,
- (4) understanding of the specific needs of ITU and TTUHSC for a communications development plan;
- (5) staff experience as reflected in the resumes of the people assigned to the project,
- (6) references from similar consulting engagements;
- (7) quality of proposal's technical approach to accomplish project requirements, and
- (8) reasonableness of proposed cost of services in relation to work described

Contract Award Procedures. Final selection will be made by the assistant vice-president for computing and communication services based upon evaluations and recommendations provided by a panel of university personnel. The university will award a contract to the firm or organization which is considered to be best able to perform the needed services. However, the university reserves the right to reject, in total or part, any and/or all proposals received if it is considered to be in the best interest of the university. Issuance of this request in no way constitutes a commitment by the university to award a contract

Issued in Lubbock, Texas, on January 6, 1984

TRD-840277 E. E. Payne
Vice-President of Finance and
Administration
Texas Tech University

Filed, January 9, 1984
For further information, please call (806) 742-2000.



Texas Department of Water Resources Consultant Proposal Request

Introduction. As required by Texas Civil Statutes, Article 6252 11c, the Texas Department of Water Resources (TDWR) announces that it wishes to retain the services of a consultant to perform site investigation and feasibility studies for the Geneva Industries (Fuhrmann Energy Corporation) site and hereby invites offers of consulting firms for the project described herein. The state retains the option to continue with the selected consultant for design and construction management if funds become available for these phases. This project is being conducted by the TDWR through a cooperative agreement with the Environmental Protection Agency and pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), referred to as "Superfund," and the Texas Water Code, Chapter 26, Subchapter H.

The Geneva Industries (Fuhrmann Energy Corporation) Superfund site is located at 9334 Caniff Road in Houston, approximately one mile east of Hobby Airport. The facility has been owned by five different companies and produced at different times diphenyl, chlorinated biphenyls (PCB), phenoxy phenol, and fuel oil. Poor housekeeping practices led to numerous spills of biphenyl, xylene, toluene, and PCB. These spills and the presence of lagoons and buried drum landfills have resulted in large areas of contaminated soil and ground water. The EPA has recently completed a planned removal action to remove contaminated liquids, remove all above-ground drums, dispose of PCB lagoon sludges, improve site drainage to eliminate runoff of PCB contaminated stormwater, and to temporarily cover areas of the site with a clay cover with a design life of one year.

Objectives. The objectives of the investigation and feasibility studies are to characterize the site and develop and evaluate alternative remedial measures.

Budget and Contract Term. The maximum budget allowable for this contract is \$496,880, with \$321,880 allocated for site investigation and \$175,000 for feasibility studies. Approximately 10% of each amount should be considered as contingency funds. The contract period for these services shall be until March 1, 1985. An anticipated schedule is included in the consultant proposal request (CPR). It is anticipated that the contract will be awarded by March 16, 1984.

Procedure for Selecting Consultant. The TDWR will select a minimum of three candidates for award of this contract on the basis of demonstrated competence and qualifications such as, but not limited to, experience in this or similar work and ability to complete the work in the designated time frame. The selected candidates will be ranked by conducting a detailed evaluation of the candidate's proposal, using criteria such as, but not limited to, demonstrated technical experience, financial stability, and available facilities and equipment, the competence, related experience, and availability of personnel to be assigned to the project, the proposed technical approach

to the project, including appropriate technical methods, tools, solutions, and approaches to the particular problems and objectives of the project, and the consultant's safety, chain-of-custody, and quality assurance/quality control plans, and the proposed management plan, schedule, and manpower plan.

At the state's option, candidates may be required to submit "best and final" technical approaches, clarification, additional information, and/or a personal presentation. Final selection will be made according to 40 Code of Federal Regulations §33.505.

Additional Information. Microfiche copies of the file are available through: Sheldon Siebel, Records and Library Services Section, (512) 475-3086. A visit to the site will be held on January 27, 1984, at 10:30 a.m., at the site location, 9334 Caniff Road, Houston. Level C personal safety equipment will be required for all persons wishing to participate.

A copy of the CPR may be obtained in one of three ways:

(1) by certified mail to Robert Chapin, Texas Department of Water Resources, P. O. Box 13087, Austin, Texas 78711;

(2) by express mail with a prepaid self-addressed return envelope, or

(3) in person with a signed letter of receipt at Room 1029G, Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

Five copies of the proposal must be received at the previously stated address before 5 p.m. on February 17, 1984. Proposals submitted in response to this request must address the work scope as described in the statement of work. Any additions, alterations, or options must be clearly identified. All contracting procedures shall be conducted in accordance with all applicable state and federal rules.

Issued in Austin, Texas, on January 10, 1984

TRD-840341

Seth C. Burnitt
Deputy Director
Texas Department of Water
Resources

Filed: January 11, 1984

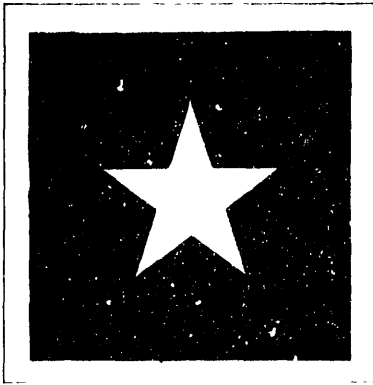
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