

6-11

# TEXAS REGISTER

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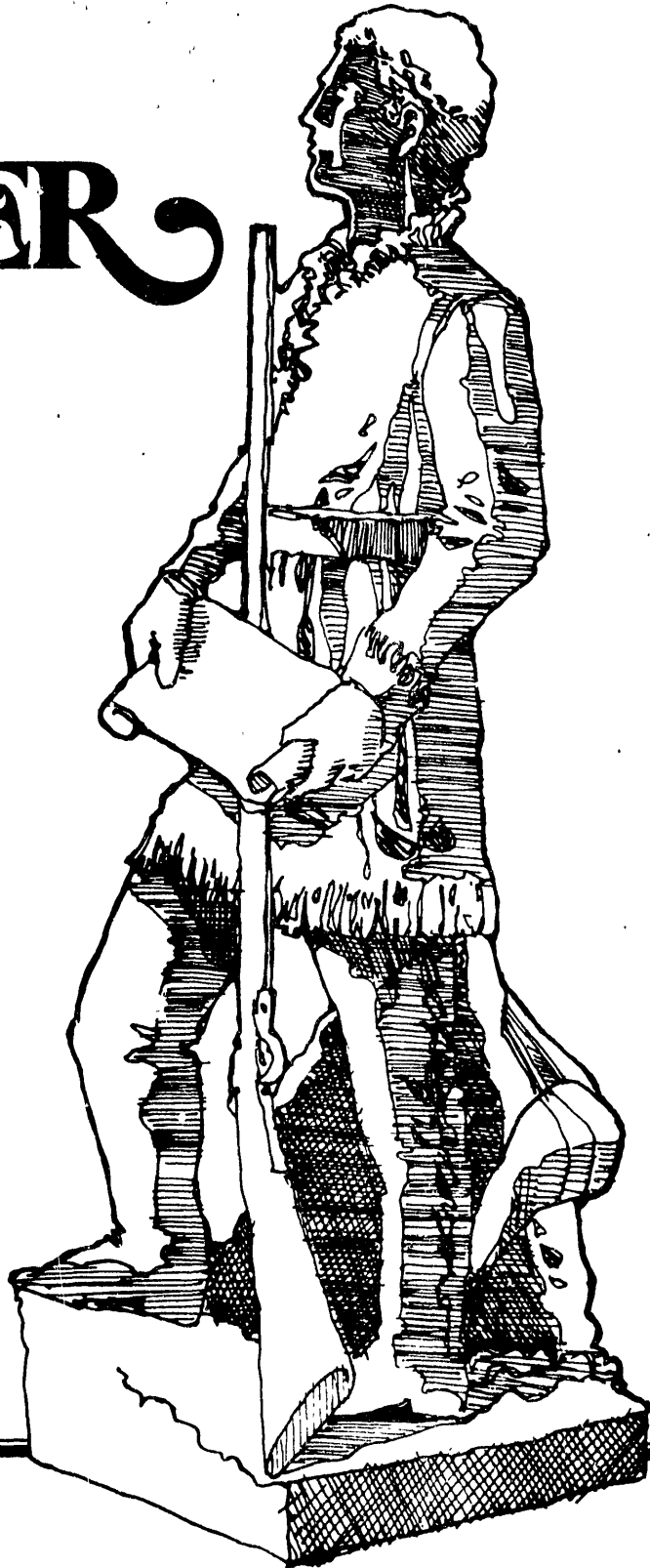
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Office of the Secretary of State

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TEXAS DOCUMENTS

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles A.ected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 22, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)  
TAC is the *Texas Administrative Code*  
§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 4, Jan. 81

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**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 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

*Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

# TEXAS REGISTER

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*George W. Strake, Jr.*  
Secretary of State

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## Appointments

### Adjutant General of Texas

*For a two-year term to expire January 16, 1983:*

Major General Willie L. Scott  
Travis County  
Austin, Texas

Major Scott is being reappointed.

### Assistant Adjutant General for Air

*For a two-year term to expire January 16, 1983:*

Brigadier General Belisario D. J. Flores  
Bexar County  
San Antonio, Texas

Brigadier General Flores is being reappointed.

### Assistant Adjutant General for Army

*For a two-year term to expire January 16, 1983:*

Brigadier General Willard Dimock Hill, Jr.  
Travis County  
Austin, Texas

Brigadier General Hill is being reappointed.

### Texas Historical Commission

*For a six-year term to expire January 1, 1987:*

Mrs. Albert G. Hill  
Dallas County  
Dallas, Texas

Mrs. Hill will be replacing Jack C. Kellam of Van, Van Zandt County, whose term expired.

### State Board of Insurance

*To be a member effective January 31, 1981, for a six-year term to expire January 31, 1987:*

Lyndon Olson, Jr.  
McLennan County  
Waco, Texas

Mr. Olson is being reappointed.

### Texas Board of Irrigators

*To be members for six-year terms to expire January 31, 1987:*

Douglas Hawthorne  
Dallas County  
Dallas, Texas

Hugh Rushing, Jr.  
Travis County  
Austin, Texas

Messrs. Hawthorne and Rushing, Jr., are being reappointed.

### Metric System Advisory Council

*To be a member for a term to expire August 29, 1981:*

Charles E. Haddock  
Dallas County  
Dallas, Texas (representing trade and labor organizations)

Mr. Haddock will be replacing Francis N. O'Bryan of Houston, Harris County, whose term expired.

### State Pension Review Board

*To be a member effective January 31, 1981, for a six-year term to expire January 31, 1987:*

Everett L. Anschutz  
Hays County  
Wimberley, Texas

Mr. Anschutz being reappointed.

### Board of Vocational Nurse Examiners

*To be a member for a six-year term to expire September 6, 1985:*

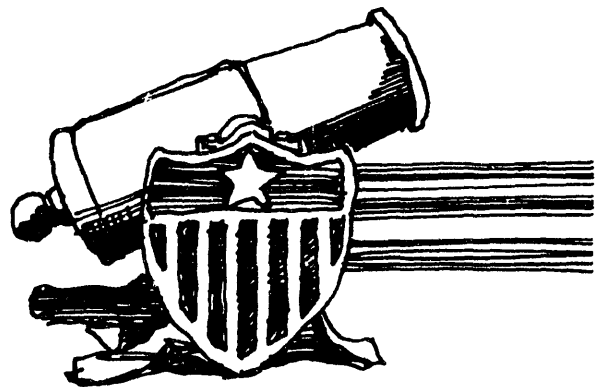
Max E. Johnson, M.D.  
Bexar County  
San Antonio, Texas

Dr. Johnson will be replacing Dr. R. D. Douglas, Jr., of Jefferson, Marion County, who is deceased.

Issued in Austin, Texas, on January 28 and 29, 1981.

Doc. No. 810842, & William P. Clements, Jr.  
810843, & Governor of Texas  
810885

For further information, please call (512) 475-3021.



An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

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## NONCODIFIED

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### Texas Department of Health

#### Texas Board of Health

#### Public Employee Organizations

301.01.04.001-.004

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The department repeals on an emergency basis subject Rules 301.01.04.001-.004 which are being replaced on an emergency basis by a new set of Rules .005-.008. The reason for this emergency action is that the District Court, 126th Judicial District, Travis County, Texas, on January 15, 1981, enjoined the department from enforcing that portion of its rules which prohibit use of department facilities by a public employee organization based upon an organization's claim of a right to strike until such time as the rules are changed. Therefore, the subject rules are being repealed and replaced by a new set.

This repeal is under authority of Articles 4418a and 6252-13a, Texas Revised Civil Statutes.

- .001. Purpose.
- .002. Application.
- .003. Definitions.
- .004. Use of Facilities.

Doc. No. 810844

#### 301.01.04.005-.008

The department adopts on an emergency basis subject Rules 301.01.04.005-.008 which will replace the department's existing rules on the subject, Rules 001-.004. The reason for this emergency action is that the District Court, 126th Judicial District, Travis County, Texas, on January 15, 1981, enjoined the department from enforcing that portion of its rules which prohibit use of department facilities by a public employee organization based upon an organization's claim of a right to strike until such time as the subject rules are changed. The new rules have been written to comply with the court's order and will remain in effect for 120 days from filing with the *Register* unless earlier replaced by permanent rules.

These rules are adopted under authority of Articles 4418a and 6252-13a, Texas Revised Civil Statutes.

.005. *Purpose.* The purpose of these rules is to prescribe uniform procedures regarding the use of department facilities by public employee organizations or associations who represent public employees.

.006. *Application.* These rules apply to all facilities of the department.

.007. *Definitions.*

(a) "Department" means the Texas Department of Health.

(b) "Facilities" means an institution or physical plant under the control and management of the Texas Board of Health. This term encompasses both real and personal property and includes specifically but is not limited to all meeting rooms, cafeterias, parking lots, outdoor grounds, bulletin boards, intradepartmental mail service, and printing/duplication equipment wherever located within the State of Texas.

(c) "Public employee organization or association" means an organization or association whose purpose is to represent public employees

(d) "Represent" means to stand in the place of or to exercise a right of a public employee.

.008. *Use of Facilities.* Department facilities may not be used at any time by a public employee organization or association.

Issued in Austin, Texas, on February 5, 1981.

Doc. No. 810845      A. M. Donnell, Jr., M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: February 5, 1981

Expiration Date: June 5, 1981\*

(\*or unless earlier replaced  
by permanent rules)

For further information, please call (512) 458-7236.

### Long-Term Care

#### Minimum Licensing Standards for Adult Day Care and Adult Day Health Care Facilities 301.54.13

Article 4442a-1 Vernon's Texas Civil Statutes, known as the Adult Day Care Act, provides for the regulation of certain adult day care facilities and certain adult day health care facilities. The purpose of the Act is to establish programs of

quality day care and day health care that will enable elderly and handicapped persons with medical or psychological impairments to maintain maximum independence and to prevent premature or inappropriate institutionalization. An emphasis is made on establishing facilities throughout the state that offer services and are accessible to economically disadvantaged persons.

The Texas Department of Human Resources is in the process of adopting rules, as authorized by Article 4442a-1, for implementing the Act, and setting standards for eligibility of persons to attend a facility, scope of services provided, supervision of persons attending a facility, health and welfare of persons attending a facility, professional staff of a facility, adequate and healthful food services, consultation services, and prohibition of racial discrimination.

The Texas Department of Health, under Article 4442a-1, is the agency responsible for licensing the facilities coming under the scope of the Act, and is responsible for adopting rules for the licensing procedures and setting standards for the safety and sanitation requirements for a licensed facility.

The provision of adult day care and adult day health care is a major component in the array of methodologies being implemented by the Texas Department of Human Resources for the provision of care services for elderly and handicapped individuals other than care services provided in institutions. The Texas Legislature has specifically called for the development of such alternate care services and for the discontinuance of the institutional Intermediate Care Facility II (ICF-II) level of care under the Medicaid Program. The ICF-II level was essentially deleted March 1, 1980, and available public funded services for needy aged and handicapped persons who formerly would have met the ICF-II level of care criteria have been urgently needed.

In the development of standards pursuant to the Act, the Texas Department of Human Resources and the Texas Department of Health have closely coordinated activities, since the operation of adult day care and adult day health care facilities is contingent on meeting standards of both agencies. The two agencies completed necessary coordination for the issuance of proposed standards in December 1980. The proposed standards of the Texas Department of Human Resources for adult day health care facilities were published in the January 9, 1981, issue of the *Texas Register*. The intent of the Texas Department of Human Resources is to implement the program on March 1, 1981, if at all possible so that urgently needed services under the Act can be provided at the earliest possible date.

So that services can be provided to eligible elderly and handicapped persons in accordance with such time schedule, the Texas Board of Health has adopted emergency rules covering the licensing procedures and standards relating to safety and sanitation for a licensed facility. For the reader's reference, the applicable companion rules of the Texas Department of Human Resources are known as the minimum standards for adult day activity services and the minimum standards for day activity and health services. The reader may contact Suzette Ashworth, assistant commissioner for Community Care Services, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, for additional information on those companion rules.

These emergency rules are being issued pursuant to Article 4442a-1, Vernon's Texas Civil Statutes.

#### .001. Introduction.

(a) Authority. The minimum licensing standards for adult day care and adult day health care facilities are promulgated under the authority of Article 4442a-1, Vernon's Texas Civil Statutes.

(b) Purpose. The purpose of these standards is to provide licensing procedures and a safe and sanitary environment for clients of adult day care and adult day health care facilities.

(c) Application of rules. Application and eligibility for licensing apply to both adult day care and adult day health care facilities except where indicated.

(1) To be eligible for licensing, a facility initially and on a continuing basis must comply, as appropriate for the care provided, with the Minimum Standards for Adult Day Activity Services, Rule 326.64.90.026, or the Minimum Standards for Day Activity and Health Services, Chapter .49, promulgated under Article 4442a-1 by the Texas Department of Human Resources together with these standards promulgated under Article 4442a-1 by the Texas Department of Health.

(2) The application for license to operate a facility under Article 4442a-1 is not necessarily contingent on the facility participating in state funded vendor programs. A facility, regardless of income or reimbursement sources, which applies for a license and complies with applicable standards promulgated under Article 4442a-1 may be eligible for licensing.

#### (d) Definitions.

(1) Adult. A person 18 years of age or older.

(2) Adult day care facility. A facility which provides counseling, recreation, or food, or any combination of these services on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

(3) Adult day health care facility. A facility that provides health care or physical therapy or both and that may also provide adult day care services on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

(4) Client. A person who meets the Texas Department of Human Resources criteria for eligibility in adult day care or adult day health care.

(5) Director. Person responsible for the overall operation of a facility.

(6) Elderly person. A person 65 years of age or older.

(7) Handicapped person. A person whose physical or mental functioning is sufficiently impaired to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

(8) Licensing agency. The Texas Department of Health.

(9) Safety. Action taken to protect from injury or loss of life due to such conditions as fire, electrical hazard, unsafe building or site conditions, and the presence of hazardous materials.

(10) Sanitation. Action taken to protect from illness, the transmission of disease, or loss of life due to unclean surroundings, the presence of disease-transmitting insects or ro-

dents, unhealthful conditions or practices in the preparation of food and beverage, or the care of personal belongings.

#### .002. Licensing Procedures.

##### (a) General requirements.

(1) Approval from the Texas Health Facilities Commission is not necessary to acquire or construct a new building or to acquire or modify an existing building for the purpose of providing adult day care services. Expansion of service of an adult day care facility licensed under Article 4442a-1 is not subject to approval of the Texas Health Facilities Commission.

(2) Approval from the Texas Health Facilities Commission is necessary to acquire or construct a new building or to acquire or modify an existing building for the purpose of providing adult day health care services. Expansion of services of an adult day health care facility licensed under Article 4442a-1 is subject to approval of the Texas Health Facilities Commission.

(3) Copies of these rules and the Texas Department of Human Resources' Minimum Standards for Adult Day Activity Services, Rule 326.64.90.026, or the Minimum Standards for Day Activity and Health Services, Chapter .49, as appropriate, shall be made available to all facility personnel and to clients and or client's responsible parties. Personnel shall be instructed on the requirements of the law and regulations pertaining to their respective duties.

##### (b) Application.

(1) Each applicant for state license to operate an adult day care facility or an adult day health care facility shall make application upon a form made available by the licensing agency and accompanied by a fee of \$25. The application shall be completed in all detail. The applicant shall be of good moral character, be financially responsible, and have physical and mental capability to conduct the operations of the facility pursuant to standards, rules, and regulations adopted by the Texas Board of Health and the Texas Department of Human Resources. Applicants shall also meet qualifications as designated in the appropriate standards of the Texas Department of Human Resources.

(2) Prior to expiration date of a license, the licensing agency will furnish a renewal application which shall be completed in all detail and together with a renewal fee of \$25, filed with the licensing agency prior to the expiration date of the existing license.

(3) The original or renewal application for license shall include written approval of the local health officer and the local fire authority having jurisdiction based on the facility and operation meeting local applicable health and fire ordinances; such approval shall be on forms or in manner as determined by the licensing agency.

(4) The submission of false information by any applicant for an original or renewed state license shall constitute grounds for the denial or revocation of a state license.

(5) The use of subterfuge or other evasive means such as filing for license through a second party when an individual is disqualified for licensing shall constitute grounds for the refusal or revocation of a state license.

(6) Habitual drunkenness, addiction to narcotics, disorderly conduct, or the violation of any law involving moral turpitude on the part of the owner, director, or employees engaged in the operations and functions of a facility may constitute grounds for withholding or revoking the state license.

(7) Consuming alcoholic beverages on the premises or while on duty in a licensed facility by the owner, director, or employees engaged in the operation and functions of a facility may constitute grounds for revoking the state license.

(8) Abuse or punishment of clients in the facility will not be tolerated. Substantiated evidence of the owner, director, or any staff member willfully inflicting injury, physical suffering, or mental anguish on any client in a facility shall constitute grounds for revocation and/or suspension of license.

(9) At the discretion of the licensing agency, any owner, director, or employee who may work in an adult day care facility or an adult day health care facility may be required at any time to secure an examination of himself or herself by a physician licensed by the Texas State Board of Medical Examiners and secure in evidence thereof a statement signed by such physician to the effect that such examination has been made and that to the best of his or her knowledge, the person examined was found on that date to be free of any transmissible condition or any disease and any physical or mental debility which would preclude the person examined from discharging his or her duties proficiently in the facility. Such examination shall be actual and thorough and conducted within the framework of practical scientific procedures for the determination of the existence of communicable disease or the existence of incapacitating physical or mental debility.

#### .003. Planning and Construction Procedures.

##### (a) General.

(1) No construction shall be started until the working drawings and specifications are approved by the licensing agency.

(2) All construction shall be done in accordance with the approved completed drawings or plans. Any deviations therefrom must have prior approval of the licensing agency.

(3) Before licensure, the facility shall be approved by the local fire marshal and health authority having jurisdiction for compliance with local ordinances or requirements.

(4) On prior approval of the licensing agency, alternative building arrangements may be made, commensurate with the needs of the individuals being cared for by the facility.

(b) Submission of preliminary plans. When construction is contemplated for new buildings, additions, conversion of buildings not licensed by the licensing agency, or remodeling of existing licensed facilities, one copy of the preliminary proposed plans shall be submitted to the licensing agency for review and approval prior to the preparation of working drawings. The plans shall be drawn to scale, shall include a plot plan or, when appropriate, a plan showing surrounding areas, and shall indicate the usages of all spaces, sizes of areas and rooms, and the kind and location of fixed equipment.

(c) Submission of final plans. Before construction is begun, working drawings and specifications in sufficient detail to interpret compliance with these standards shall be submitted in duplicate to the licensing agency for review and approval. These documents shall be prepared according to accepted architectural practice. The plot plan or surrounding area plan shall show all structures or usages within 20 feet of the facility. The drawings and specifications shall show general construction, finish schedules, fixed equipment, and any other pertinent information that the licensing agen-

cy may require. Written approval of the local health authority and of the fire marshal having jurisdiction shall be submitted. If the local governmental unit has a building official charged with the enforcement of a local building code, that authority's written approval of the final drawings and specifications is required. Written assurance will be obtained from local authorities (health officer, fire marshal, building department) that local codes and ordinances are complied with.

#### .004. Safety.

##### (a) Environmental safety.

(1) The physical plant safety requirements are designed to provide safety to the clients, participants, or adult individuals receiving day care or day health care identified in certain standards for adult day care and adult day health care promulgated by the Texas Department of Human Resources in standards listed as follows: Minimum Standards for Adult Day Activity Services, Rule 326.64.90.026, and Minimum Standards for Day Activity and Health Services, Chapter 49.

(2) The facility shall conform to all applicable state laws and local codes and ordinances as pertain to this occupancy. When such laws, codes, and ordinances are more stringent than these standards the more stringent requirements shall govern. Should state laws or local codes or ordinances be in conflict with the requirements of these standards, the licensing agency shall be so informed so that these conflicts may be legally resolved.

(3) The safety features of the physical plant must comply with Section 504 of the Rehabilitation Act of 1973. Facilities that receive payment other than federal funds need only comply with Sections 21, 22, and 23 of the Act.

(4) There shall be provided not less than 35 square feet for each ambulatory client and not less than 50 square feet for each nonambulatory client. This space shall be exclusive of the kitchen and food service area, rest rooms, bath areas, offices, corridors, stairways, storage areas, and outdoor space.

(5) Requirements for a facility which is part of a licensed nursing home or custodial care home building.

(A) An adult day care facility or an adult day health care facility which is a part of a licensed nursing home or custodial care home building fire section shall meet the physical plant safety requirements that are necessary for the patient-use areas of that nursing home or custodial care home.

(B) If the facility described in subparagraph (A) of this paragraph is a new addition to and becomes a part of the nursing home or custodial care home building fire section, the safety requirements will be as required for a new addition to that building fire section under Article 4442c, Vernon's Texas Civil Statutes.

(C) An adult day care facility or an adult day health care facility which is a part of a licensed nursing home or custodial care home operation but is in a separate building fire section shall meet not less than the physical plant safety requirements for an adult day health care facility in a free-standing or detached building.

(6) Requirements for a facility in a free-standing or detached building or in a building fire section separate from a licensed nursing home or custodial care home.

(A) The principles of the Life Safety Code, of the National Fire Protection Association, 1976 edition, 470

Atlantic Avenue, Boston, Massachusetts 02210, under Sections 9-5.3, 1976, Life Safety Code child day care centers, and operating features under 17-3.4, 1976, Life Safety Code day care centers, shall be used in establishing life safety requirements for adult day care facilities and adult day health care facilities with the interpretations and exceptions as listed in subparagraphs (B) and (C) of this paragraph.

(B) Interpretations of Section 9-5.3, 1976, Life Safety Code.

(i) The principles of 9-5.3, 1976, Life Safety Code shall apply to any size facility requiring licensing, being four or more clients or participants.

(ii) The principles of 9-5.3, 1976, Life Safety Code relating to children three years of age and over shall apply.

(iii) All references under Section 9-5.3, 1976, Life Safety Code to other sections, subsections, or paragraphs of the Life Safety Code shall apply as intended under Section 9-5.3, 1976, Life Safety Code.

(iv) References to existing buildings shall be interpreted to refer to buildings or portions thereof operating as a hospital, nursing home, custodial care home, personal care home, or adult day care or adult day health care facility on the date of application for license, not heretofore licensed under this licensing program.

(C) Exceptions to Section 9-5.3, 1976, Life Safety Code.

(i) Automatic transmission of fire alarm to the fire department serving the facility will not be required.

(ii) Smoke detection system will be powered by facility electrical system and be interconnected with the fire alarm system.

(iii) Special protective, electrical receptacle covers will not be required.

(iv) National Fire Protection Association 96 publication is not applicable if the facility has residential-type cooking equipment.

(v) Sections specifically pertaining to age under three years do not apply.

(D) For new construction, the licensing agency will require conformance to the following codes:

(i) The National Building Code, 1976 edition, recommended by the American Insurance Association, 85 John Street, New York, New York 10038, using the occupancy child day care centers. The following subparagraphs of the designated sections, are not applicable: 332.1, general; 332.1(b); 332.1(d); 332.10, floor coverings and interior finish (entire section); 332.11, hazardous areas; 332.11(c); 332.11(d); 332.13, automatic sprinkler systems; 332.13(b); 332.17, electrical receptacles; 332.17(a).

(ii) The National Standard Plumbing Code, 1978 edition, as published by the National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street, N.W., Washington, D.C. 20036.

(iii) The National Electrical Code is specified under the Life Safety Code.

(E) Any requirements of the Life Safety Code and the National Building Code, which may be in conflict, will be resolved by the licensing agency.

(F) An existing building either occupied as an adult day care center or facility or an adult day health care center or facility at the time of initial inspection by the licensing agency or converted to occupancy as an adult day care or an adult day health care facility shall meet all local



requirements pertaining to that building for that occupancy. The licensing agency may require the facility sponsor or licensee to submit evidence that local requirements are satisfied.

(G) Adult day or adult day health care facilities shall be of recognized permanent type construction as distinguished from movable buildings or construction. Buildings shall be structurally sound with regard to actual or expected dead, live, and wind loads. The licensing agency may require submission of evidence to this effect.

(H) Electrical and mechanical systems shall be safe and in working order. The licensing agency may require the facility sponsor or licensee to submit evidence to this effect, consisting of a report of the fire marshal or city/county building official having jurisdiction or a report of a registered professional engineer.

(I) The facility shall conform to all applicable state laws and local codes and ordinances as pertain to this occupancy. When such laws, codes, and ordinances are more stringent than these standards for adult day care or adult day health care facilities, the more stringent requirements shall govern. Should state laws or local codes or ordinances be in conflict with the requirements of these standards, the licensing agency shall be so informed so that these conflicts may be legally resolved.

(J) Modifications to requirements.

(i) For facilities operating as adult day care or adult day health care facilities at the time of first application for licensure under this program, the licensing agency may modify those requirements, which, if strictly applied, would clearly be impractical in the judgment of the licensing agency. Any such modifications will be allowed only to the extent that reasonable life safety against the hazards of fire, explosion, structural, or other building failure and panic are provided and maintained.

(ii) For existing buildings and structures which are converted to adult day care or adult day health care occupancy, the licensing agency may modify those requirements, which, if strictly applied, would clearly be impractical in the judgment of the licensing agency. Any such modifications will be allowed only to the extent that reasonable life safety against the hazards of fire, explosion, structural, or other building failure and panic are provided and maintained.

(b) Personal safety.

(1) Fire safety.

(A) Fire safety shall be observed at all times.

(B) Storage items shall be neatly arranged and placed to minimize fire hazard. Gasoline, volatile materials, paint, and similar products shall not be stored in the building housing clients except as may be approved by the local fire marshal. Accumulations of extraneous material and refuse shall not be permitted.

(C) The building shall be kept in good repair; electrical, heating, and cooling systems shall be maintained in a safe manner. Use of electrical appliances, devices, and lamps shall be such as not to overload circuits. Any extension cords in excess of six feet shall be shielded or protected.

(D) All fires shall be reported to the licensing agency within 72 hours; however, any fire causing injury or death to a client shall be reported immediately. A telephone report shall be followed by a written report on a form which will be supplied by the licensing agency.

(E) Emergency evacuation plan. The facility shall develop and conspicuously post throughout the facility an emergency evacuation plan approved by the local fire marshal having jurisdiction and the licensing agency. The emergency evacuation plan shall be updated and resubmitted for approval every two years.

(F) Smoking regulations. Smoking regulations shall be established and conspicuously posted in the facility. All smoking shall be supervised. Ash trays of noncombustible material and safe design shall be provided.

(G) Emergency fire lane. The facility shall have an emergency fire lane for access of fire apparatus if required by local authorities.

(H) Telephone. There shall be at least one telephone in the facility available to either staff or clients to use in case of an emergency. Emergency telephone numbers shall be posted conspicuously at or near the telephone.

(I) Gas lines. An annual pressure test of facility gas lines from the meter shall be provided. Any unsatisfactory conditions shall be corrected promptly.

(2) General safety.

(A) Site conditions. All exterior site conditions shall be designed, constructed, and maintained in the interest of clients safety. Newly constructed ramps shall not exceed 1:12 slope. Ramps, walks, and steps shall be of slip-resistant texture and be smooth and uniform, without irregularities. Guard rails, fences, and hand rails shall be provided as required.

(B) Stair rails. All stairways shall have substantial hand rails.

(C) Floors of tubs and showers. Any tubs or showers for client use shall have nonslip bottoms or floor surfaces, either built in or applied to the surface.

(D) Elevators. Elevators for client use shall be assured in safe condition.

(E) An adequate supply of hot water shall be provided. The hot water system connected to all patient use fixtures shall deliver warm water not hotter than 120°F at the fixture. Hot water for other sanitary usages shall be provided at the temperatures required for the appliance or fixture served or for the operation involved.

(F) Unsafe occupancies or activities. There shall be no occupancies or activities adversely affecting the safety of the clients in the buildings or on the premises of the facility.

.005. Sanitation.

(a) General.

(1) Waste water and sewage shall be discharged into a state-approved municipal sewage system; any exception shall be as approved by the Texas Department of Health.

(2) Water supply shall be as approved by the Texas Department of Health. Quantity and pressure shall be as necessary to serve the needs of the facility.

(3) Waste, trash, and garbage shall be disposed from the premises at regular intervals in accordance with state and local practices. Excessive accumulations are not permitted. Outside containers shall have tight fitting lids left in closed position. Containers shall be maintained in a clean and serviceable condition.

(4) The building and grounds shall be kept neat and free of refuse, litter, extraneous materials, and unsightly or injurious accumulations.

(5) The facility will make every effort possible to guard against insects, rodents, rainwater, and other conditions adversely affecting a sanitary environment or the well-being of the client.

(6) A pest control program shall be provided by qualified facility staff or by contract with a licensed pest control company. The least toxic and least flammable effective chemicals shall be used. Documented evidence of routine efforts to remove rodents and insects shall be maintained.

(7) The facility shall be kept free of offensive odors, accumulations of dirt, rubbish, dust, and hazards. Floors shall be maintained in good condition and cleaned regularly; walls and ceilings shall be structurally maintained, repaired, and repainted or cleaned as needed. Storage areas, attics, and cellars shall be free of refuse and extraneous materials.

(8) There shall be complete and separate rest room facilities for men and women. Bathing and hand washing facilities, including hot and cold water, soap, and individual towels shall be provided. There shall be not less than one toilet and one lavatory for every 10 clients or fraction thereof. Multiple toilets shall be compartmented. All toilets shall be equipped with grab bars. A minimum of one bathing unit shall be provided.

(9) All bathrooms, toilet rooms, and other odor-producing rooms or areas for soiled and insanitary operations

shall be ventilated to the exterior for odor control. The use of windows is not permissible.

(10) In kitchens and laundries, there shall be procedures which prevent cross contamination between clean and soiled utensils and clean and soiled linens.

(b) Kitchen.

(1) The rules on food service sanitation of the Texas Department of Health and local health ordinances or requirements shall be observed in the storage, preparation, and distribution of food; in the cleaning of dishes, equipment, and work area; and in the storage and disposal of waste.

(2) For kitchens serving 10 or more clients, separate handwashing fixtures including hot and cold water, soap, and individual towels, preferably paper towels, shall be provided in kitchen areas in accordance with the rules on food service sanitation of the Texas Department of Health.

Issued in Austin, Texas, on February 4, 1981.

Doc. No. 810822 Robert Bernstein, M.D., F.A.C.P.  
Commissioner of Health  
Texas Department of Health

Effective Date: February 5, 1981

Expiration Date: June 5, 1981\*

(\*or unless earlier replaced  
by permanent rules)

For further information, please call (512) 458-7706.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

**Symbology**—Changes to existing material are indicated in **bold italics**. [Brackets] indicate deletion of existing material.

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## CODIFIED

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### TITLE 1. ADMINISTRATION

#### Part IV. Office of the Secretary of State

#### Chapter 79. Corporations

#### Corporate Name Availability

(Editor's note: The symbols underscored in subsection (d) of §79.31 (004.20.02.001) below represent new language added to the subsection.)

The Office of the Secretary of State proposes to amend §§79.31, 79.32, 79.34, 79.35, 79.37-79.44, 79.50-79.53, and 79.55 (004.20.02.001, .002, .004, .005, .007-.014, .020-.023, and .025) of this title (relating to Corporate Name Availability). Section 79.33 (.003) of this title (relating to Grossly Offensive Name) is not proposed for amendment but is repeated here for the sake of continuity. In addition, new §§79.47 and 79.50 of this title (relating to Corporate Name Availability), regarding foreign words and professional corporations and associations, are proposed. The existing language of these sections is proposed for repeal in a separate submission and new sections are proposed in order to ensure consistency of the subject matter.

This proposal is part of a general revision of the sections regarding the availability of corporate names developed under the framework of Article 2.05 of the Texas Business Corporation Act and Article 1396-2.04 of the Texas Nonprofit Corporation Act. Some of the existing sections regarding corporate name availability fail to clarify certain problem areas,

while other sections or their examples are no longer valid. In addition, there are some problem areas regarding corporate names which are not addressed by the existing sections. The amendment of these existing sections and proposal of two new ones will serve in part to bring the rules of corporate name availability into conformance with modern practice and procedure.

The staff of the Financial Management Division of the Office of the Secretary of State has determined that there will be no fiscal implications to the state or units of local government as a result of this proposal.

Public comment is invited and may be submitted by telephoning or writing Bill Didlake, director, Corporations Division, Office of the Secretary of State, P.O. Box 13697, Austin, Texas 78711, (512) 475-5891.

These amendments and new sections are proposed under the authority of Article 9.03, Texas Business Corporation Act, and Article 1396-9.04, Texas Nonprofit Corporation Act.

§79.31 (004.20.02.001). *Characters of Print Acceptable in Names.*

(a) Corporate names may consist of letters of the **Roman** [English] alphabet, Arabic numerals, and certain symbols capable of being reproduced on a standard English language typewriter, or combination thereof.

(b) [Letters of the English alphabet include] Only upper-case or capital letters[.] **with** no distinction as to type face or font **will be** [is] recognized.

(c) (No change.)

(d) The symbols recognized as part of a name may include:

! " \$ % ' ( ) \* ? # = @ [ ] / + & , and - .

[A space or spaces after words, letters, numerals, or symbols may be considered as part of the name.]

§79.32 (004.20.02.002). *False Implication of Governmental Affiliation; False Implication of Purpose.*

(a) The corporate name may not be one that might falsely imply governmental affiliation. **Example: Texas Real Estate Commission, Inc.**

(b) **The corporate name may not imply a purpose which would be unlawful for the type of corporation being organized to conduct.**

(1) **The word "insurance" must be accompanied by other words which remove the implication that the corporate purpose is to be an insurer. The name may include the phrase "insurance agency" or "insurance agent."**

(A) **Example: John Hancock Insurance Company would not be filed.**

(B) **Example: John Hancock Insurance Agency, Inc., would be filed.**

(2) **The words "bail bond" and "surety" imply an unlawful purpose as corporations with these powers must be incorporated under the Texas Insurance Code and these words may not be used in the name of a business corporation.**

(A) **Example: Ace Bail Bonds, Inc.**

(B) **Example: A-1 Surety Company.**

§79.33 (004.20.02.003). *Grossly Offensive Name.* The corporate name may not be one that is deemed to be so grossly offensive as to be unacceptable as a corporate name.

**§79.34 (004.20.02.004). Words of Incorporation.** Words of incorporation include "company," "corporation," "incorporated," and, in the case of a foreign corporation, "limited," and their acceptable abbreviations. The acceptable abbreviations are respectively: "Co.," "Corp.," "Inc.," and "Ltd." *The words "companies," "corporations," "incorporation," and "unlimited" when used alone are not acceptable.*

**§79.35 (004.20.02.005). Categories of Name Similarity.** There are *three* [five] categories of name similarity [as follows]:

- (1)-(3) (No change.)
- [(4) Similar not requiring letter of consent.
- [(5) Not similar.]

**§79.36 [§79.37 (004.20.02.007)]. "Same" Defined.** Corporate names are the "same" if a comparison of the names[, written as provided in §79.36 (.006) of this title (relating to Written Comparison of Names),] reveals no difference.

**§79.37 [§79.38 (004.20.02.008)]. "Deceptively Similar" Defined.** Corporate names are "deceptively similar" if on comparison of the names *by the secretary of state*[, written as provided in §79.36 (.006) of this title (relating to Written Comparison of Names),] there is an apparent difference, but the difference *is* [or differences are of] such [character] that the names are likely to be confused. [by persons giving oral or written information to this office, or by persons in the Office of the Secretary of State who are attempting to enter into or retrieve from the records of this office corporate information, or by persons attempting to receive written or oral information from the Office of the Secretary of State, or by judicial or law enforcement officers, or by persons in the general public who are attempting to identify a corporation solely on the basis of written or oral communications concerning its name. Confusion can exist even though one or both parties to an oral or written communication have information concerning only one of the names which might on comparison be found to be "deceptively similar."]

**§79.38 [§79.39 (004.20.02.009)]. "Deceptively Similar" Name Not Acceptable.** A proposed corporate name which is deemed to be "deceptively similar" to a corporate name [already] on file *with the secretary of state* [in this office] cannot be [accepted or] filed *even though the existing corporation may grant a letter of consent*. [A proposed corporate name which is deemed to be "deceptively similar" to a corporate name already on file in this office cannot be filed even with a letter of consent from the corporation whose similar name is already on file in this office.]

**§79.39 [§79.40 (004.20.02.010)]. Name "Deceptively Similar" When.** A proposed corporate name is deemed to be "deceptively similar" to a corporate name [already] on file if any of the following conditions exist:

(1) The difference in the names consists in the use of different words of incorporation. Example: Sampson, Inc., is [deemed to be] "deceptively similar" to Sampson Corporation.

(2) The difference in names consists in the use of different particles of speech. Example: The Slaughter Co. is [deemed] "deceptively similar" to Slaughter Co.

(3) The difference consists in the use of periods, spaces, and symbols.

(A) Example: The following names are "deceptively similar":

- (i) AGX Corp.
- (ii) A G X Corp.

- (iii) A.G.X. Corp.
- (iv) A\*G\*X Corp.
- (v) AG&X Corp.
- (vi) A&GX Corp.
- (vii) AG-X Corp.

(B) Example: Fair View Rest Home, Inc., is "deceptively similar" to Fairview Rest Home, Inc.

[(4) The difference consists in inverted order of substantially the same words.

[(A) Example: Van Lines of North America is "deceptively similar" to North American Van Lines.

[(B) Example: Club Caravan is "deceptively similar" to Caravan Club.

[(C) Example: Instrument Company of Texas is "deceptively similar" to Texas Instrument Company.]

[(4) [(5)] The difference consists in the presence or absence of letters which do not alter the names sufficiently to make them readily distinguishable.

(A) Example: Exxon, Exxonn, or Exxons are "deceptively similar" to Exxon.

(B) Example: Centennial Alarm Systems Corp. is "deceptively similar" to Sentennial Alarm Systems, Inc.

(C) Example: Chemtech Corporation is "deceptively similar" to Kemtek Incorporated. [Example: The following names are "deceptively similar."]

- [(A) Exxon.
- [(B) Exxon.
- [(C) Exxonn.
- [(D) Exxons.]

**§79.40 [§79.41 (004.20.02.011)]. "Similar Requiring Letter of Consent" Defined.** Corporate names are "similar requiring letter of consent" if a comparison of the names *by the secretary of state*[, written as set forth in §79.36 (.006) of this title (relating to Written Comparison of Names),] reveals similarities *which may tend to be misleading as to the identity or affiliation of the corporation*, but not to the extent that the names are the "same" or "deceptively similar." [; nevertheless, there exist striking similarities so that a person who did not know the exact name or did not know the full name of a corporation about which he was giving or receiving information is likely to be given information about a different corporation having a similar name, or is likely to transmit information which will be applied to a different corporation having a similar name.]

**§79.41 [§79.42 (004.20.02.012)]. "Similar Requiring Letter of Consent" Acceptable with Letter.** A proposed name which is deemed to be "similar requiring [a] letter of consent" cannot be [accepted or] filed without a letter of consent. *No waiver of a required letter of consent will be allowed even though it may appear that the existing corporation is not actively engaged in business, is about to change its name, be dissolved, forfeited, or merged out of existence.*

**§79.42 [§79.43 (004.20.02.013)]. Form of Consent.** No particular form of consent is required. The consent must be in writing and signed by an officer or authorized agent *of the consenting corporation*. Consent given orally or by telegraph cannot be accepted. Consent from more than one corporation may be required in some instances. [Ideally, the consent will be written on the corporation's letterhead and signed by its president.] *The letter of consent must not state conditions; it must give unequivocal consent.*

**§79.43** [§79.44 (004.20.02.014)]. *“Similar Requiring Letter of Consent” When.* A proposed corporate name *is* [may be deemed] “similar requiring [a] letter of consent” if any of the following conditions exist:

(1) The proposed corporate name is the “same” as, or “deceptively similar” to, a corporate name on file except for a geographical designation at the end of the name.

(A) Example: Bull and Bear Club of San Antonio would need a letter of consent from Bull and Bear Club.

(B) Example: *San Antonio Bull and Bear Club would not need a letter of consent from Bull and Bear Club.*

(2) The first two or more words of proposed corporate name are the “same” as, or “deceptively similar” to, the first two words of a corporate name [already] on file *but are not frequently used in combination.*

(A) Example: Houston Service and Supply, Inc., would need a letter of consent from Houston Service, Inc.

(B) Example: *Sunset Oil Co. would need a letter of consent from Sunset Oil and Gas, Inc.*

(C) Example: *First Texas Mortgage and Title Company would need a letter of consent from First Texas Mortgage Company.*

(D) Example: *Hot Dog Publications, Inc., would not need a letter of consent from Hot Dog Enterprises Corp.*

(3) *The proposed corporate name is the “same” as, or “deceptively similar” to, a corporate name on file except for a numerical expression which implies that the proposed corporation is an affiliate of or in a series with the existing corporation.* [Names containing a fictitious, fanciful, or arbitrary word may not be available without a letter of consent, although the name might seem to be available under other rules.] Example: *A letter of consent from an existing corporation named United Company would be required in order to file any of the following:*

(A) United IV.

(B) United No. 7.

(C) United Phase Two.

[Example: Entex Production Company is not available without a letter of consent from Entex, Inc.]

(4) *If the corporate name on file has only one significant word and the proposed corporate name consists of the same word followed by some other significant word, the proposed corporate name is not “similar requiring letter of consent.”* Example: *A letter of consent from an existing corporation named United Company would not be required in order to file any of the following:*

(A) United Sales.

(B) United Service.

(C) United Supply.

(D) United Industries.

(E) United Associates.

(F) United International.

(G) United Systems.

(H) United Products.

(I) United Productions.

(5) *The proposed corporate name contains the same words as an existing corporate name but the words are inverted.*

(A) Example: *Energy Ventures, Inc., would need a letter of consent from Ventures Energy Corp.*

(B) Example: *Austin Auto Parts, Inc., would need a letter of consent from Auto Parts of Austin, Incorporated.*

**§79.44** [§79.50 (004.20.02.020)]. *Alphabet Names.* Where a name or a unit of name consists of initials only or letters of the alphabet, the combination of initials will be considered as one word for the purpose of applying name availability rules.

(1) Example: The following are different “words” and are not considered to be similar:

(A) A&A.

(B) AAA.

(C) AAAA.

(D) A&B.

(E) AAB.

(F) AAAC.

(2) Example: A&B Supply is *not similar* [“similar not requiring letter of consent”] when compared to A&B, Inc.

(3) Example: A&B Electric Supply is “similar requiring letter of consent” when compared to A&B Electric Co.]

**§79.45** [§79.51 (004.20.02.021)]. *Surnames.*

(a) A surname is considered to be a “word.” Where a proposed corporate name contains a surname as the second “word” and contains a given name or initials as a first “word” which is different from the first “word” of an existing corporation, the name is *not similar* [“similar not requiring letter of consent”].

(1) Example: E. G. Williams Electric Company is *not similar* [“similar not requiring letter of consent”] when compared to Williams Electric Company.

(2) Example: Jim Smith, Inc., is *not similar* [“similar not requiring letter of consent”] when compared to Smith, Inc.

(3) Example: *Ralph A. Johnson, Inc., is not similar when compared to Ralph Johnson, Inc.*

(b) *The use of a surname, or surnames, as part of a proposed corporate name is not similar if there is some other sufficient basis for distinction of the two corporate names.* Example: *Davis & Davis, P.C., is not similar when compared to Davis & Davis Publications, Inc.*

**§79.46** [§79.52 (004.20.02.022)]. *Exception for Churches.* *Corporate names of churches will not be considered similar if there is some sufficient basis for distinguishing the name from an existing corporate name.* [Where the names of churches are “similar requiring letter of consent” by reason of the fact that the names are the same except for different geographical designations at the end of the name, nevertheless a letter of consent will not be required.] Example: [Persons proposing to incorporate a church named] First Baptist Church of Wimberley *is not similar when compared to* [would not be required to obtain a letter of consent from] First Baptist Church of Austin.

**§79.47.** *Foreign Words Nontranslated.*

(a) Although corporate names may consist in whole or in part of words in a foreign language which utilize letters of the Roman alphabet, such words will not be translated for purposes of determining corporate name availability.

(1) Example: Tejas Enterprises, Inc., is not similar when compared to Texas Enterprises, Inc.

(2) Example: Casa Blanca Productions, Inc., is not similar when compared to White House Productions, Inc.

(b) Where the difference in the names consists in the use or omission of different particles of speech, although in a foreign language, the names will be considered "deceptively similar."

(1) Example: Las Brisas Corp. is "deceptively similar" when compared to Brisas, Inc.

(2) Example: La Boutique, Inc., is "deceptively similar" when compared to Le Boutique, Co.

**§79.48** [§79.53 (004.20.02.023)]. *Matters Not Considered.* Only the proposed corporate name and the names of active (not dead, [or] dissolved, or *forfeited*) corporations on file are considered in determining name availability. Among matters not considered are the following:

(1) Whether [or not] the purpose of a proposed corporation is the same as or similar to the purpose of an existing corporation.

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

(4) Whether an "opinion" as opposed to a *final determination* ["ruling"] has previously been expressed by an employee of the secretary of state in response to an oral or written request.

(5) Whether [or not] an existing corporation is actively engaged in business, or has a telephone listing, or a location of a place of business.

(6) Whether [or not] an existing corporation is about to change its name, or be dissolved, or merged out of existence.

(7) Whether [or not] a response to an inquiry can be obtained from an existing corporation.

(8) Whether [or not] the applicant has ordered stationery, opened a bank account, signed a contract, or otherwise altered his position in the expectation, hope, or belief that the proposed name would be available.

(9) Whether [or not] the applicant is more or less important, extensive, widely known, or influential than an existing corporation.

(10) Whether [or not] the applicant has a prior or superior right to the use of a name apart from what might be shown on inspection of the names of active corporations on file in the corporate records of *the secretary of state* [this office].

(11) Whether [or not] infringement or unfair trade practice has occurred or might occur.

**§79.49** [§79.55 (004.20.02.025)]. *Final Determination of Name Availability.* [Who May Express "Opinions."] An employee of the *Corporations* [Corporation] Division may express an opinion on name availability in response to a written, telephone, or other oral request, but such an opinion is not a [ruling or] final determination that the name will or *will not* be available or that *a document* [the name will be not available or that an instrument] containing such name will or will not be accepted for filing and stamped filed. *A final determination is made only when the document is submitted for filing.*

**§79.50.** *Professional Corporations and Associations.* Corporate names of professional corporations and professional associations are governed by these sections and by the laws or ethics regulating the practice of the professional service rendered through the professional corporation or professional association.

Doc. No. 810824

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Office of the Secretary of State proposes to repeal §§79.36, 79.45-79.49, 79.54, and 79.56-79.59 (004.20.02.006, .015-.019, .024, and .026-.029) of this title (relating to Corporate Name Availability). This repeal is part of a general revision of the sections regarding the availability of corporate names developed under the framework of Article 2.05 of the Texas Business Corporation Act and Article 1396-2.04 of the Texas Nonprofit Corporation Act. Some of the existing sections regarding corporate name availability fail to clarify certain problem areas, while other rules or their examples are no longer valid. In addition, there are some problem areas regarding corporate names which are not addressed by the existing sections. The repeal of these sections will serve in part to bring the rules of corporate name availability into conformance with modern practice and procedure.

The staff of the Financial Management Division of the Office of the Secretary of State has determined that there will be no fiscal implications to the state or units of local government as a result of repeal of these sections

Public comment is invited and may be submitted by telephoning or writing Bill Didlake, director, Corporations Division, Office of the Secretary of State, P.O. Box 13697, Austin, Texas 78711, (512) 475-5891.

This repeal is proposed under the authority of Article 9.03, Texas Business Corporation Act, and Article 1396-9.04, Texas Nonprofit Corporation Act.

**§79.36** (004.20.02.006). *Written Comparison of Names.*

**§79.45** (004.20.02.015). *"Similar Not Requiring Letter of Consent" Defined.*

**§79.46** (004.20.02.016). *A Name "Similar Not Requiring Letter of Consent" is Acceptable.*

**§79.47** (004.20.02.017). *"Similar Not Requiring Letter of Consent," When.*

**§79.48** (004.20.02.018). *"Not Similar" Defined*

**§79.49** (004.20.02.019). *"Not Similar" Acceptable.*

**§79.54** (004.20.02.024). *"Ruling" Versus "Opinion."*

**§79.56** (004.20.02.026). *Form of "Opinion."*

**§79.57** (004.20.02.027). *"Opinion" Not Final.*

**§79.58** (004.20.02.028). *Who May Make "Ruling."*

**§79.59** (004.20.02.029). *Form of "Ruling"*

Issued in Austin, Texas, on January 23, 1981.

Doc. No. 810825 H. David Hemdon  
Assistant Secretary of State

Proposed Date of Adoption: March 16, 1981  
For further information, please call (512) 475-2015.

## TITLE 13. CULTURAL RESOURCES

### Part IV. Texas Antiquities Committee

#### Chapter 45. State Archeological Landmarks

#### Protection of State Archeological Landmarks

The Texas Antiquities Committee proposes amendments intended to ensure protection of sunken or abandoned pre-20th

Century ships and wrecks of the sea. These proposed amendments are scheduled for consideration at a meeting of the Texas Antiquities Committee no earlier than 30 days after publication. These amendments are proposed due to public request.

According to committee staff, these amendments will have no fiscal implications for units of state or local government. There will be no need for increased personnel or funding for the Texas Antiquities Committee as a result of these amendments.

Public comment is invited and encouraged. Comments may be submitted orally at the above-cited meeting of the committee, and written comments may be submitted by delivering them to the Texas Antiquities Committee, 1511 North Colorado Street, Austin, or by mailing them to the Texas Antiquities Committee, P.O. Box 12276, Austin, Texas 78711. Written comments must be received before the next committee meeting. The date of the next meeting will be published in the *Texas Register*.

These amendments are proposed under the authority of Chapter 191, Texas Natural Resources Code (1978).

**§45.5 (355.20.10.005). Conduct of Activities.**

(a) All persons shall conduct or cause to conduct their activities in certain designated state land tracts in Texas' submerged lands in a manner *designed to* [which will] avoid damage to a state archeological landmark in Texas' submerged lands, and which will protect and preserve the archeological resources of Texas.

(b) When a person submits an application for a permit from the U.S. Army Corps of Engineers, Galveston District, the proposed activity shall be described *by the applicant* in sufficient detail to enable the committee to review the U.S. Army Corps of Engineers, Galveston District, public notice publication, and determine if the proposed activity is located in one of the state land tracts which is designated in §45.4(b)-(d) (.004(b)-(d)) of this title (relating to State Land Tracts Designated by the Committee as Containing State Archeological Landmarks in Texas' Submerged Lands).

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

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

Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810896 Terry Phares  
Administrative Secretary  
Texas Historical Commission

Proposed Date of Adoption: March 16, 1981  
For further information, please call (512) 475-3092.

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 3. Oil and Gas Division

##### Conservation

In response to the petition of Southern Pacific Transportation Company, the Railroad Commission of Texas proposes amend §3.39 (051.02.02.039) of this title (relating to Proration and Drilling Units: Contiguity of Acreage and Exception Thereto) which pertains to assignment of noncontiguous

acreage where noncontiguity is caused by rights-of-way. The proposed amendments are the exact language requested by the petitioner. These amendments are proposed to provide for notice and opportunity for hearing for railroad companies owning mineral interests in right-of-way tracts that might be affected by the granting of an exception to the contiguous acreage requirement. The proposed amendments also state that before granting an exception, the commission will determine that it is necessary to prevent waste or confiscation.

It is the opinion of the division's staff that these proposed amendments have no fiscal implications for any unit of state or local government.

Public comment is invited and will be accepted for 30 days following publication of these proposed amendments in the *Texas Register* and should be submitted to Sandra K. Joseph, attorney, Oil and Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

These amendments are proposed under the authority of Title 3, Oil and Gas, Texas Natural Resources Code

**§3.39 (051.02.02.039). Proration and Drilling Units: Contiguity of Acreage and Exception Thereto**

(a) (No change.)

(b) An exception to the contiguous acreage provision may be granted at the operator's request if acreage that is to be included in the proration or drilling unit is separated by a long, narrow right-of-way tract (*including railroad right-of-way*). *The application shall state the existence and identity of any railroad right-of-way.*

(c) *Such exception shall be granted only after at least 10 days' notice has been given to any railroad company affected thereby and proof of such notice filed with the commission and after public hearing at which a representative of such affected railroad company may appear and be heard and after the commission has determined that an exception to such rule is necessary either to prevent waste or to protect property belonging to the applicant from confiscation.*

Issued in Austin, Texas, on February 5, 1981.

Doc. No. 810880 John W. Camp  
General Counsel  
Railroad Commission of Texas

Proposed Date of Adoption: March 16, 1981  
For further information, please call (512) 445-1136.

## Chapter 5. Transportation Division

### Subchapter N. Household Goods Carriers

The commission, pursuant to a petition filed by Towne Van Lines, Inc., institutes a rulemaking proceeding to consider whether or not to amend existing §5.255 (051.03.14.005) of this title (relating to Inventory on Each Shipment). This rule, as proposed by the company, contained provisions dealing with the preparation of an inventory on shipments of household goods or personal effects; uncrated used office furniture and uncrated used office, etc.; equipment and office stationery; uncrated electronic equipment and component parts; uncrated medical and hospital equipment; uncrated scientific instruments and equipment, and special ordered and custom manufactured uncrated new fixtures for offices, etc. The commission takes no position for or against the proposal at this time.

Towne Van Lines, Inc., proposed to amend the wording of §5.255 (.005) of this title (relating to Inventory on Each Shipment) to allow the carrier to adopt the shipper's inventory in lieu of preparing a separate carrier inventory on shipments of household goods and uncrated equipment. The commission staff has modified the company's proposed language to exclude household goods and personal effects shipments from the rule's provisions.

The Transportation Division staff has determined that the proposed amendments will have no fiscal implication for any unit of state or local government.

Public comment is invited and may be submitted in writing to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

These amendments are proposed under the authority of Texas Revised Civil Statutes Annotated, Article 911b, Section 4 (Vernon's 1964).

**§5.255 (051.03.14.005). Inventory on Each Shipment.** Each specialized carrier of household goods or personal effects shall prepare an inventory of each shipment which it originates and shall deliver a copy thereof to the owner or his agent. Each specialized carrier of uncrated used office furniture and uncrated used office, etc., equipment and office stationery, uncrated electronic equipment and component parts, uncrated medical and hospital equipment, uncrated scientific instruments and equipment, and special ordered and custom manufactured uncrated new fixtures for offices, etc., shall prepare an inventory of each shipment which it originates and shall deliver a copy thereof to the owner or his agent. *The inventory, whether prepared by the carrier or by another, shall be endorsed by the carrier, and the carrier shall be solely responsible for its accuracy.* The original or a legible copy of the inventory will be attached to the bill of lading in the carrier's files. The inventory must reflect at least the following:

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

Issued in Austin, Texas, on February 2, 1981.

Doc. No. 810881 Owen T. Kinney, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: March 16, 1981  
For further information, please call (512) 445-1330.




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## NONCODIFIED

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### Coordinating Board, Texas College and University System

#### Program Development

#### Private Degree Granting Institutions Operating in Texas 251.02.20

The Coordinating Board, Texas College and University System proposes to amend Rule 251.02.20.004 dealing with rules for private nonaccredited institutions operating in Texas. The purpose of the proposed amendments are to strengthen and clarify the board's minimum standards in furtherance of the purposes established under Subchapter G, Chapter 61, of the Education Code.

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comments are invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12738, Austin, Texas 78711.

These amendments are proposed under the authority of the board governing the issuance of certificates of authority (Vernon's Texas Codes Annotated 61.301-17).

#### .004. Minimum Standards for Nonexempt Institutions.

(a) The board shall require each institution to provide an acceptable comprehensive statement of its educational objectives and to demonstrate its fitness to operate and maintain itself in accordance with the following minimum standards:

(1) That the quality, content, and sequence of each course, curriculum, or program of instruction, training, or study are appropriate to the purpose of the institution and are such [as] *that the institution may reasonably and adequately achieve the stated objectives of the course or program. Substantially all of the courses in the areas of specialization and at least 1/2 of the general education and/or supporting courses required for each degree program must be offered by the institution, provided such courses are appropriate to the level of the institution.*

(2) (No change.)

(3) That there are a sufficient number of full-time faculty to insure:

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

(D) *As a minimum, sufficient full-time faculty means for each program of study at least one full-time teaching faculty member whose field of preparation is appropriate to that program of study.*

(4) That the institution has adequate space, equipment, instructional materials, library facilities, and financial resources to provide education of good quality.



(5)-(9) (No change.)

(10) That the institution is financially *stable and will be able* to fulfill its commitments to students. *The institution will be evaluated to determine if it has sufficient reserves so that together with tuition and fees from currently enrolled students it would be able to complete its obligations to currently enrolled students if it were unable to admit any new students.*

(11) That neither the institution or its agents engage in advertising, *recruiting*, sales, collection, *financial* credit, or other practices of any type which are false, deceptive, misleading, or unfair.

(12) (No change.)

(13) That the institution has a fair and equitable cancellation and refund policy [in keeping with generally accepted practices of institutions of higher education].

(14) *That membership of the board must include individuals who represent the public interest and who derive no financial gain from the operations of the institution.*

(15) *That there is sufficient distinction among the roles and personnel of the board and of the administration to ensure the appropriate separation of these functions.*

(16) *That taken as a whole, regardless of whether each standard has been individually met, the institution must demonstrate in the totality of its operations that it is qualified to grant the programs and degrees it offers.*

(17) *The bases of judgment for the application of these standards are generally accepted practices of accredited institutions of higher education in Texas and the United States as defined by institutional and specialized accrediting bodies and the several academic professional societies which have established standards for their members (e.g., the National Association of College and University Business Officers, American Association of Collegiate Registrars and Admissions Officers, et al.).*

(b) (No change.)

Doc. No. 810854

## Student Services

### Tuition Equalization Grants Program 251.05.05

The Coordinating Board, Texas College and University System proposes to amend Rules 251.05.05.004 and .005. It is recommended that the Institutional Agreement form, the form for determining reasonable expenses of students, and other similar forms presently included as a part of the rules and regulations of the Tuition Equalization Grants Program should be deleted from the rules, and that references to those forms in the body of the rules shall read "on a form to be prescribed by the commissioner."

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comments are invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

These amendments are proposed under the authority of Subchapter B, Chapter 56, Vernon's Texas Codes Annotated (56.010-16).

#### .004. *Approved Institutions.*

(a) Approval. The board shall approve only such private or independent colleges, universities, associations, agencies, institutions, and facilities as are located within this state, which meet program standards and accreditation comparable to public institutions as well as those described in Rule .003 of these rules. An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive tuition equalization grants in the following fiscal year. Each approved institution must enter into an agreement with the board, the terms of which *shall be prescribed by the commissioner* [are outlined in Rule .008 of these rules].

(b) (No change.)

(c) Designation of tuition equalization grants officer. The commissioner shall designate a tuition equalization grants officer to serve at each approved institution as agent for the board. The tuition equalization grants officer shall certify all tuition equalization grants transactions and activities with respect to the Act and shall be responsible for all records and reports reflecting the transactions with respect to the Act [see Rule .009 of these rules]. *Certification shall be on such forms as may be prescribed by the commissioner.*

(d)-(f) (No change.)

#### .005. *Eligible Students.*

(a) Criteria. To be eligible for a tuition equalization grant, a person must:

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

(4) Establish financial need in accordance with the following procedures.

(A) (No change.)

(B) Reasonable expenses for a student. Reasonable expenses for a student at an approved institution shall be determined by the commissioner after consultation with representatives of the approved institution. Lists of reasonable expenses for typical students shall be submitted to the commissioner by the approved institution prior to April 1 of each year for use in the following summer session and in the following academic year. The lists shall follow *such format as may be prescribed by the commissioner* [the formats outlined in Rule .010 and .011 of these rules]. Each approved institution may submit as many lists of reasonable expenses as is required to properly reflect the different typical expense categories of students attending the approved institution. When more than one list is submitted, each list should be labeled so as to identify the category of students to be served by that list. In completing individual applications, the amount of "reasonable expenses" must be adjusted downward from those listed for a typical student when necessary to reflect the circumstances of the applicant. If the amount listed for a typical student must be increased to properly reflect the reasonable expenses of an individual applicant, the justification for the increased amount must accompany the individual application with such increased amount subject to approval or disapproval by the commissioner.

(C) (No change.)

(5)-(11) (No change.)

(b) (No change.)

Doc. No. 810856

## State Student Incentive Grant Program 251.05.06

The Coordinating Board, Texas College and University System proposes to amend Rule 251.05.06.002. It is recommended that the Institutional Agreement form, the form for determining reasonable expenses of students, and other similar forms presently included as a part of the rules and regulations of the State Student Incentive Grants Program be deleted from the rules and that reference to those forms in the body of the rules shall read "on a form to be prescribed by the commissioner."

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comments are invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

These amendments are proposed under the authority of Subchapter B, Chapter 56, Vernon's Texas Codes Annotated (56.010-16).

**.002. Exceptions to Tuition Equalization Grant Rules.** The conditions outlined in this rule are intended to cause compatibility between the Tuition Equalization Grants Program rules and regulations and the federal regulations for the State Student Incentive Grant Program. Conditions which apply in the State Student Incentive Grant Program which differ from and override similar conditions in the Tuition Equalization Grants Program are:

(1) Students qualifying for a state student incentive grant must:

(A)-(D) (No change.)

(E) Affirm eligibility for the grant at the time of disbursement by signing the Student Affirmation form [outlined in Rule .003 of these rules]. **The format of such form shall be prescribed by the commissioner.**

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

Doc. No. 810857

## Texas Public Educational Grants Program 251.05.07

The Coordinating Board, Texas College and University System proposes to amend Rules 251.05.07.006 and .007. It is recommended that the Institutional Agreement form, the form for determining reasonable expenses of students, and other similar forms presently included as a part of the rules and regulations of the Texas Public Education Grants Program be deleted from the rules, and that references to those forms in the body of the rules shall read "on a form to be prescribed by the commissioner."

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comments are invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

These amendments are proposed under the authority of Subchapter B, Chapter 56, Vernon's Texas Codes Annotated (56.010-16).

### .006. Matching Grants.

(a) (No change.)

(b) The board shall approve for purposes of making matching grants through this program only those public institutions that set aside funds for use as Texas Public Educational Grants, as provided in Section 56.033 of the Texas Education Code, and whose guidelines for the administration of the Texas Public Educational Grants Program have been approved by the board in accordance with these rules. An institution must be approved by April 1 (except that the deadline for approval for the 1975-1976 academic year shall be February 1, 1976) in order for qualified students to receive Texas Public Educational-State Student Incentive Grants in the following year. Each approved institution must enter an agreement with the board, terms of which **shall be prescribed by the commissioner** [are outlined in Rule .010 of these rules].

(c)-(e) (No change.)

### .007. Eligible Students. To be eligible for a Texas Public Educational-State Student Incentive Grant, a person must:

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

(4) Establish financial need in accordance with the following procedures.

(A) (No change.)

(B) Reasonable expenses for a student. Reasonable expenses for a student at an approved institution shall be determined by the commissioner after consultation with the representatives of the approved institution. Lists of reasonable expenses for typical students shall be submitted to the commissioner by the approved institution prior to April 1 of each year for use in the following academic year. The lists shall follow **such format as may be prescribed by the commissioner** [the format outlined in Rule .011 of these rules]. Each approved institution may submit as many lists of reasonable expenses as is required to properly reflect the different typical expenses categories of students attending the approved institution. When more than one list is submitted, each list must be labeled so as to identify the category of students to be served by that list. In completing individual applications, the amount of "reasonable expenses" must be adjusted downward from those listed for a typical student when necessary to reflect the circumstances of the applicant. If the amount listed for a typical student must be increased to properly reflect the reasonable expenses of individual applicant, then justification for the increased amount must accompany the individual application with such increased amount subject to approval or disapproval by the commissioner.

(C) (No change.)

(5)-(10) (No change.)

Doc. No. 810858

**Hinson-Hazlewood College Student Loan Program for All Loans Made before Fall Semester 1971, and Which Are Not Subject to the Provisions of the Federally Insured Student Loan Program 251.05.14**

The Coordinating Board, Texas College and University System proposes to amend Rules 251.05.14.007. It is recommended that the Institutional Agreement form, the form for determining reasonable expenses of students, and other similar forms presently included as a part of the rules and regulations of the nonfederally insured portion of the Hinson-Hazlewood College Student Loan Program be deleted from the rules, and that references to those forms in the body of the rules shall read "on a form to be prescribed by the commissioner."

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from these changes.

Public comments are invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

These amendments are proposed under the authority of Subchapter B, Chapter 56, Vernon's Texas Codes Annotated (56.010-16).

**.007. Amount of Loan.**

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

(d) Reasonable expenses for a student. Reasonable expenses for a student at an eligible institution shall be determined by the commissioner after consultation with representatives of the eligible institution. Lists of reasonable expenses for typical students shall be submitted to the commissioner by the eligible institution prior to April 1 of each year for use in the following summer session and in the following academic year. The lists shall follow *such format as may be prescribed by the commissioner* [the formats outlined in Rules .021 and .022 of these rules]. Each eligible institution may submit as many lists of reasonable expenses as is required to properly reflect the different typical expenses categories of students attending the institution. When more than one list is submitted, each list should be labeled so as to identify the category of students to be served by that list. On individual loan applications, the amounts listed for typical students must be adjusted downward when necessary to reflect the circumstances of the applicant. If a listed amount must be increased to properly reflect the reasonable expenses of an individual applicant, then justification for the increased amount must accompany the individual application with such increased amount subject to approval or disapproval by the commissioner.

(e)-(h) (No change.)

Issued in Austin, Texas, on January 30, 1981.

Doc. No. 810859      Kenneth H. Ashworth  
                                  Commissioner for Higher Education  
                                  Coordinating Board, Texas College and  
                                  University System

Proposed Date of Adoption: April 24, 1981  
 For further information, please call (512) 475-2033.

**Texas Department of Health**

**Texas Board of Health**

**Public Employee Organizations**

**301.01.04.001-.004**

(Editor's note: The Texas Department of Health proposes for permanent adoption the repeal of Rules 301.01.04.001-.004, which it adopts on an emergency basis in this issue. Notice of the repeal appears in the Emergency Rules section.)

The department proposes to repeal Rules 301.01.04.001-.004 because the department is also proposing to adopt new Rules 301.01.04.005-.008 in order to clarify the department's procedures regarding the use of department facilities by organizations who represent public employees, and to ensure consistent treatment of all such organizations by the department.

The department has determined that this proposed repeal has no known fiscal implications to the State of Texas or units of local government (source: department's Program Budgetary Services Division).

Public comments are invited and should be submitted in writing no later than 30 days after publication in the *Register* to Hal L. Nelson, chief, Legal and Claims Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

These rules are proposed for repeal under authority of Articles 4418a and 6252-13a, Texas Revised Civil Statutes.

Doc. No. 810866

**301.01.04.005-.008**

(Editor's note: The Texas Department of Health proposes for permanent adoption Rules 301.01.04.005-.008, which it adopts on an emergency basis in this issue. The text of the rules appears in the Emergency Rules section.)

The department proposes to adopt subject Rules 301.01.04.005-.008 which will replace the existing emergency Rules .005-.008 on the same subject. The purpose of the proposed rules is to clarify the department's procedures regarding the use of department facilities by organizations who represent public employees, and to ensure consistent treatment of all such organizations by the department.

The department has determined that these proposed new rules have no known fiscal implications to the State of Texas or units of local government (source: department's Program Budgetary Services Division).

Public comments on the proposed rules are invited and should be submitted in writing no later than 30 days after publication in the *Register* to Hal L. Nelson, chief, Legal and Claims Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

These rules are proposed under authority of Articles 4418a and 6252-13a, Texas Revised Civil Statutes.

Issued in Austin, Texas, on February 5, 1981.

Doc. No. 810846      A. M. Donnell, Jr., M.D.  
Deputy Commissioner  
Texas Department of Health

Proposed Date of Adoption: March 16, 1981  
For further information, please call (512) 458-7236.

## Long-Term Care

### Minimum Licensing Standards for Adult Day Care and Adult Day Health Care Facilities 301.54.13

(Editor's note: The Texas Department of Health proposes for permanent adoption Rules 301.54.13.001-.005, which it adopts on an emergency basis in this issue. The text of the rules appears in the Emergency Rules section.)

Article 4442a-1, Vernon's Texas Civil Statutes, known as the Adult Day Care Act, provides for the regulation of certain adult day care facilities and certain adult day health care facilities. The purpose of the Act is to establish programs of quality day care and day health care that will enable elderly and handicapped persons with medical or psychological impairments to maintain maximum independence and to prevent premature or inappropriate institutionalization. An emphasis is made on establishing facilities throughout the state that offer services and are accessible to economically disadvantaged persons.

The provision of adult day care and adult day health care is a major component in the array of methodologies being implemented by the Texas Department of Human Resources for the provision of care services for elderly and handicapped individuals other than care services provided in institutions.

The Texas Department of Human Resources is in the process of adopting rules, as authorized by Article 4442a-1, for implementing the Act, and setting standards for eligibility of persons to attend a facility, scope of services provided, supervision of persons attending a facility, health and welfare of persons attending a facility, professional staff of a facility, adequate and healthful food services, consultation services, and prohibition of racial discrimination.

The Texas Department of Health, under Article 4442a-1, is the agency responsible for licensing the facilities coming under the scope of the Act, and is responsible for adopting rules for the licensing procedures and setting standards for the safety and sanitation requirements for a licensed facility.

Therefore, the Texas Department of Health now proposes rules covering licensing procedures and the safety and sanitation requirements for a licensed facility. For the reader's reference, the applicable companion rules of the Texas Department of Human Resources are known as the minimum standards for adult day activity services and the minimum standards for day activity and health services. The reader may contact Suzette Ashworth, assistant commissioner for Community Care Services, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, for additional information on those companion rules.

Based on the number of clients estimated by the Texas Department of Human Resources to be served over the next five years and the estimated number of facilities involved, staff of the Texas Department of Health has estimated the costs to enforce or administer the rules of the Texas Department of Health to be \$38,651 for fiscal year 1981, \$53,289 for fiscal year 1982, \$66,258 for fiscal year 1983, \$75,431 for fiscal year 1984, and \$86,473 for fiscal year 1985. The Texas Department of Human Resources has estimated the costs for implementing that agency's companion rules and to pay for services provided by the facilities to clients eligible to receive such services.

Public comment is invited and should be submitted to Cesar M. Elizondo, M.D., chief, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, no later than 30 days after publication in this *Register*.

A public hearing will be conducted on the proposed rules on February 27, 1981, at 10 a.m. at the Texas Department of Health Auditorium, 1100 West 49th Street, Austin, Texas. All interested persons in attendance at the hearing will have opportunity to present testimony relevant to the subject; however, excessive or repetitious testimony should be avoided. Associations or other groups are requested to select one spokesperson to present the viewpoints of the association or group. Persons testifying are urged to reduce their testimony to writing.

These rules are proposed pursuant to Article 4442a-1, Vernon's Texas Civil Statutes.

Issued in Austin, Texas, on February 4, 1981.

Doc. No. 810823      Robert Bernstein, M.D., F.A.C.P.  
Commissioner of Health  
Texas Department of Health

Proposed Date of Adoption: March 16, 1981  
For further information, please call (512) 458-7706.

## Texas Health Facilities Commission

### Appropriateness Review

#### Health Services 315.30.02

The Texas Health Facilities Commission proposes to amend Rule 315.30.02.080 in this subchapter. Specifically, the proposal is to revise the definition of alcoholism and to change the titles of the detoxification service definitions. The rule amendment is intended to modify the definitions in order to clarify and simplify the review of alcoholism services for appropriateness. The commission has been petitioned to adopt such rule amendments by the Texas District Branch of the American Psychiatric Association (Texas Psychiatric Society). In order to maintain consistency of the language within the service definitions, an additional title change is proposed to reflect similar terminology. The Texas Psychiatric Society represents that with the proposed addition, Rule .080 of the appropriateness review rules will be more precise and will allow for a better evaluation of the appropriateness of alcoholism services.

The proposed amendments, according to representatives of the Texas Psychiatric Society, would have no fiscal implications for units of local government or the state.

Public comment is invited and will be accepted until March 20, 1981. Written comments should be addressed to John R. Neel, general counsel, Texas Health Facilities Commission, P.O. Box 15023, Austin, Texas 78761.

These amendments are proposed under the authority of Article 4418(h), Texas Revised Civil Statutes.

*.080. Alcoholism. A disease in which the use of alcohol adversely affects some aspects of the user's life. Alcoholism treatment focuses on reducing existing cases of alcoholism in a given population.* [A disease of unknown cause, without recognizable anatomical signs, manifested by addiction to or dependence on alcohol.] Universal alcoholism treatment and rehabilitation services include:

- (1) (No change.)

(2) *Hospital* [Medical] care detoxification services. A specialized unit or facility which provides 24-hour supervised care under the direction of a physician in a hospital or other suitably equipped medical setting.

(3) *Nonhospital* [Nonmedical] care detoxification services. A specialized unit or facility that provides treatment by utilization of rest, fluids, medications, counseling, and nursing care to restore physiological functions.

- (4)-(7) (No change.)

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810867

William R. Keener

Chairman

Texas Health Facilities Commission

Proposed Date of Adoption: March 16, 1981

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

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

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## CODIFIED

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### TITLE 22. EXAMINING BOARDS

#### Part VI. Texas State Board of Registration for Professional Engineers

##### Chapter 131. Practice and Procedure

###### General

The Texas State Board of Registration for Professional Engineers amends §131.17 (383.01.01.017) of this title (relating to National Council) to allow members of the engineers board to act as delegates to the National Council of Engineering Examiners.

This amendment is adopted under the authority of Section 8, Article 3271, Vernon's Annotated Texas Statutes.

§131.17 (383.01.01.017). *National Council.* The board may affiliate with the National Council of Engineering Examiners. The executive director may be ex officio, the delegate of the board to the council.

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810886      Woodrow W. Mize, P.E.  
Executive Director  
Texas State Board of Registration  
for Professional Engineers

Effective Date: February 27, 1981

Proposal Publication Date: November 7, 1980

For further information, please call (512) 475-3141.

### Part XV. Texas State Board of Pharmacy

#### Chapter 301. Fraud, Deceit, and Misrepresentation

The Texas State Board of Pharmacy amends §301.2(7) (393.11.00.002(7)) of this title (relating to Records To Be Maintained by a Pharmacy), concerning a permit to maintain central records. The proposed changes were published in the December 26, 1980, issue of the *Texas Register* (5 TexReg 5044) to conform to the language in the Federal Controlled Substances Act.

Pursuant to the authority of Article 4542a, Texas Revised Civil Statutes, the Texas State Board of Pharmacy adopts the following amendments.

§301.2 (393.11.00.002). *Records To Be Maintained by a Pharmacy.* The records to be maintained by a pharmacy pursuant to Sections 5 and 6 of the Texas Dangerous Drug Law and §301.1(f) (.001(f)) of this title (relating to Fraud, Deceit, and Misrepresentation) shall include, be defined, and maintained as follows:

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

(7) Permit to maintain central records. Any pharmacy that uses a centralized record-keeping system provided in subparagraph (B) of paragraph (4) of these sections must first submit written notification by registered or certified mail to the regional director of the Drug Enforcement Administration as required by Section 1304.04(a) of Title 21 of the Code of Federal Regulations and submit a copy of this written notification to the Board of Pharmacy.

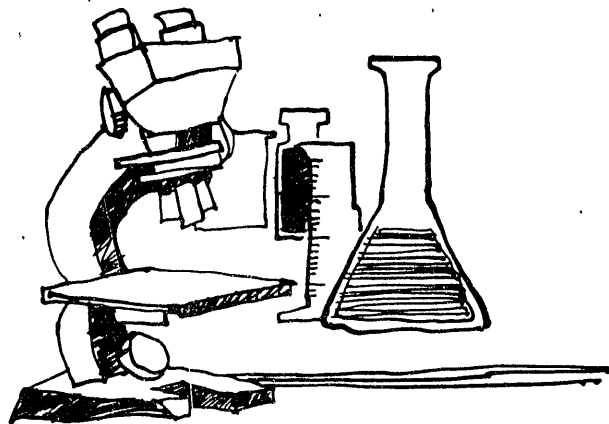
Issued in Austin, Texas, on February 3, 1981.

Doc. No. 810819      Priscilla Jarvis, Director  
Operations and Administrative  
Services  
Texas State Board of Pharmacy

Effective Date: February 25, 1981

Proposal Publication Date: December 26, 1981

For further information, please call (512) 478-9827.



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## NONCODIFIED

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### Coordinating Board, Texas College and University System

#### Program Development

#### Core Curricula for Public Junior Colleges 251.02.05.002

The Coordinating Board, Texas College and University System adopts amendments to Rule 251.02.05.002 with several editorial changes in the proposed text of subsection (b).

These amendments are adopted under the authority of the Texas Education Code, Section 61.051(g).

#### .002. Core Curriculum for Selected Major Fields.

(a) (No change.)

(b) The core curriculum in business administration.

(1) The core curriculum for the bachelor's degree in business administration shall be:

(A) English language proficiency, grammar, and composition. Good writing techniques, correct grammatical construction, style, and format. The objective is to develop the skill to write clearly, concisely, and correctly (six hours).

(B) Literature or expository writing. Expository writing should include: paragraph development, organization, documentation, and application of the principles of composition by the writing of expository prose in a specialized field of study (three hours).

(C) Speech communication. Basic theory and principles of speech communication. Techniques of preparing for, participating in, and evaluating interpersonal communication behavior in conversation, interview, group discussion, and public speech (three hours).

(D) Government. Statutory requirement (six hours).

(E) History. Statutory requirement (six hours).

(F) Natural science. Chemical, biological, physical, or geological sciences; must have a laboratory (six to eight hours).

(G) Mathematics. Content to include: exponents and radicals, linear systems, matrices and linear algebra, exponential functions, logarithmic functions, probability, and differential and integral calculus (six hours).

(H) Computer science/computer information systems. Student's proficiency to reflect an ability to write a moderately complex program, and a familiarity with the structure and operation of computer-based information systems (three hours).

(I) Humanities/behavioral sciences (six hours).

(J) Accounting. Content of accounting courses to include an appropriate emphasis on the financial and managerial elements (six hours).

(K) Economics. Content to include: macroeconomic theory—national income, employment, monetary and fiscal policy, and international trade;

microeconomic theory—value and price determination, revenues and costs, market structures, and income distribution (six hours).

(L) Electives. To meet the degree requirements of the student's chosen senior institution (four to six hours).

(2) Principles and standards. In addition to the core curriculum in business administration, the following statements are presented for the guidance of educators and for those students who plan to pursue a baccalaureate degree in business administration.

(A) Students who intend to transfer to a university and seek the baccalaureate degree in business administration should inquire of the university course requirements and plan a degree program in accordance with the degree requirements.

(B) Courses normally offered by the universities at the junior or senior level should be deferred by the student to that level.

(C) Courses which are acceptable for transfer by the receiving institution transfer at the level at which the courses were taken.

(D) Upper division credit may be given for a course taken at the freshman/sophomore level if appropriate validation procedures are followed which are approved or established by the American Assembly of Collegiate Schools of Business, the Southern Association of Colleges and Schools, or other professionally acceptable organizations.

(c) (No change.)

Doc. No. 810860

#### 251.02.05.006

The Coordinating Board, Texas College and University System adopts Rule 251.02.05.006 with editorial changes in the proposed text of subsection (b) and (c).

This rule is adopted under the authority of the Texas Education Code, Section 61.051(g).

#### .006. Core Curriculum in Theatre Arts.

(a) All general provisions in Rule .001 of the core curricula for public junior colleges in Texas apply to the core curriculum in theatre arts.

(b) The core curriculum for the bachelor's degree in theatre arts shall be:

(1) English (6-12 hours).

(2) Government—statutory requirement (six hours).

(3) History—statutory requirement (six hours).

(4) Fine arts, humanities (nine hours).

(5) Acting—the development of basic skills and techniques of acting including increased sensory awareness, ensemble performing character analysis, and script analysis. Emphasis is placed on the mechanics of voice, body, emotion, and analysis as tools for the actor (six hours).

(6) Introduction to technical production. This course of study is designed to provide the student with a basic knowledge of the rudiments of the art and craft of technical theatre. Study of visual aesthetics of design, the physical theatre, scenery construction and painting, properties, lighting, and backstage organization are units the student is introduced to. Students are expected to learn the basic theories pertaining to the stagecraft art as well as become actively in-

volved in the application of those theories in the actual practice of stagecraft as it applies in theatrical production (six hours).

(7) Introduction to theatre. This course is designed as a three-hour course to survey the main fields of theatre activity and to give the student an introductory knowledge of all phases of theatre. This course is not intended to provide the student with a complete working knowledge of theatre, but is to provide a background for appreciation and enjoyment of the live theatre through understanding of its history, dramatic works, stage techniques, production procedures, and the theatre's relation to the cooperative fine arts (three hours).

(8) Stage makeup. The primary objective of stage makeup, a one- to three-hour academic course, should be to assist students in the design and execution of makeup for the purpose of developing and evoking believable characters. The objective may be achieved through an emphasis of two major areas:

(A) a discussion of basic makeup principles, and

(B) practical experience of facial anatomy, physiognomy, color pigments and their relationships to stage lighting, character analysis, three-dimensional effects, and historic makeup styles.

Practical experience may be obtained after an analysis of particular characters for each assignment to be taken from ancient greek to contemporary plays. Makeup applications should be varied in age, health, temperament, and types of environments. Additional assignments may include beards and moustaches, scars, cuts and bruises, and nonhuman imaginative characters. Criteria for evaluation of each application should be based on the primary objective of the course (one to three hours).

(9) Voice and diction. The course focuses on understanding and application for the performer's use of the voice as a creative instrument for effective communication. The course should encourage an awareness of the need for vocal

proficiency and should employ techniques designed to improve the individual's speaking abilities (three hours).

(10) Electives. Based on requirements of the senior institution (12-20 hours).

(c) Principles and standards. The following principles and standards will improve the transition of the student from the junior college to the university and provide improved planning for the total degree program

(1) Not more than 30 semester credit hours in theatre arts courses or not more than 1/2 of the theatre arts credits required for a four-year baccalaureate degree may be transferred.

(2) If any courses are transferred to a senior college or university, or if such courses are not specified in the degree program being pursued by the student at the senior college or university, the courses may be counted as electives in the senior college or university curriculum.

(3) If the number of such courses exceeds the electives permitted in the student's degree program, credit for such courses will be recorded on the student's degree program, credit for such courses will be recorded on the student's transcript but will not replace courses within the minimum hours required for the degree being pursued.

(4) Any student in a public community/junior college planning to draw heavily upon the courses in the list of electives is advised to consult the catalogue and a counselor in the major field at the institution to which the student intends to transfer.

Issued in Austin, Texas, on January 30, 1981.

Doc. No. 810861

Kenneth H. Ashworth  
Commissioner for Higher Education  
Coordinating Board, Texas College and  
University System

Effective Date: February 27, 1981

Proposal Publication Date: November 7, 1980

For further information, please call (512) 475-2033.



The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## Texas Aeronautics Commission

**Tuesday, February 24, 1981, 10 a.m.** The Air Carrier Division of the Texas Aeronautics Commission will conduct a public hearing in Room 221, 410 East 5th Street, Austin, on the application of Sundance Airways, Inc., for a Texas air carrier certificate of operating authority pursuant to Article 46c-6, Subdivision 3(b-1), and Rules 203 and 216, Texas Air Carrier regulations.

Information may be obtained from Tom Butler, 410 East 5th Street, Austin, Texas, (512) 475-4768.

Filed: February 6, 1981, 4:20 p.m.  
Doc. No. 810888

**Friday, February 27, 1981, 9 a.m.** The Texas Aeronautics Commission will meet in Room 221, 410 East 5th Street, Austin. According to the agenda, the commission will elect the vice chairman.

Information may be obtained from Thomas Butler, 410 East 5th Street, Austin, Texas, (512) 475-4768.

Filed: February 6, 1981, 9:58 a.m.  
Doc. No. 810850

## Texas Alcoholic Beverage Commission

**Monday, February 23, 1981, 10:30 a.m.** The Texas Alcoholic Beverage Commission will meet in Suite 210 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of the January 1981 meeting; consider the administrator's report of agency activity; and approve affidavit of destruction of tested alcoholic beverages.

Information may be obtained from W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: February 10, 1981, 10:36 a.m.  
Doc. No. 810936

## State Bar of Texas

**Thursday, February 19, 1981, 9:30 a.m.** The Executive-Budget Committee of the State Bar of Texas will meet in the President's Room, third floor, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will consider the following items: status reports on FTC, IRS, advertising guidelines matters, convention 1981; report of President-Elect Wayne Fisher; report on Legal Services Corporation matter; report of board chairman; discussion of personnel; progress report on Magna Carta; report on 1980 Art and Law Exhibit; review of legislative program; discussion regarding pending litigation (if necessary); progress report on grievance pilot project; budgetary matters; special board meeting in the Spring.

Information may be obtained from Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed: February 9, 1981, 2:26 p.m.  
Doc. No. 810917

## State Board of Dental Examiners

**Thursday-Saturday, February 19-21, 1981, 9 a.m. daily.** The State Board of Dental Examiners will meet at the Shamrock-Hilton Hotel, Houston. According to the agenda summary, the board will conduct disciplinary hearings; make license reinstatement requests; discuss the following items: gold materials used at exams; appointments to Hygiene Advisory Committee; Dental Laboratory Advisory Board rules; Campbell Soup Dental Group; computer records; "Agreed Board Order" and hearing officers; faculty private practice information; state employed hygienists screening children; Senate Bills 254 and 355; permanent adoption of Rule 382.19.11.004; rules on CPR, advertising and x-ray labs; hear reports on the following: acceptance of license for cancellation; anesthesia and anesthetic agents; and auditor's report. General business will include reports and recognition of members of the public. The board will also meet in executive session to discuss litigation suits.

Information may be obtained from Donald B. Wilson, 7th and Brazos, 713 Southwest Tower, Austin, Texas 78701, (512) 475-2443.

Filed: February 6, 1981, 4:18 p.m.  
Doc. No. 810889

## Fleet Admiral Chester W. Nimitz Memorial Naval Museum

**Saturday, March 7, 1981, 10 a.m.** The Admiral Nimitz Commission of the Fleet Admiral Chester W. Nimitz Memorial Naval Museum will meet at Ruff House, corner of East Austin and North Elk Streets, Fredericksburg. According to the agenda, the commission will conduct a general discussion including fund raising and restoration work.

Information may be obtained from Douglass Hubbard, P.O. Box 77, Fredericksburg, Texas 78624, (512) 997-4319.

Filed: February 5, 1981, 10:41 a.m.  
Doc. No. 810833

## Texas Health Facilities Commission

**Friday, February 6, 1981, 9:30 a.m.** The Texas Health Facilities Commission made an emergency revision to the agenda of a meeting held in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. The item concerned commission consideration of a proposal to amend appropriateness review Rule 315.30 02.080, concerning alcoholism. Emergency consideration was warranted in order to receive and review comments on the proposed rule amendments prior to the time that the 12 health systems agencies of the State of Texas begin their appropriateness reviews of these services (March and April 1981), since any change to these rules would impact their activities.

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed February 5, 1981, 2:08 p.m.  
Doc. No. 810834

**Friday, February 20, 1981, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

### Certificate of Need

- Alief General Hospital, Houston  
AH80-0729-021
- Villa Northwest Convalescent Center, Inc., Houston  
AN80-0923-017
- Starr County Memorial Hospital, Rio Grande City  
AH80-1015-010
- Brackenridge Hospital, Austin  
AH80-0916-017
- Physicians and Surgeons General Hospital, Corpus Christi  
AH80-0829-009

### Exemption Certificate

- St. Luke's Episcopal Hospital, Houston  
AH81-0106-009
- Palo Pinto General Hospital, Mineral Wells  
AH80-0926-022
- Southmore Medical Center, Inc., Pasadena  
AH80-1229-043
- Autumn Hills Convalescent Center, Texas City  
AN80-1223-004
- Girling Health Care, Inc., Austin  
AS80-1223-022
- Winter Garden Medical Center, Dilley  
AH80-1229-045
- Clear Lake Hospital, Inc., Webster  
AH80-1229-041

### Declaratory Ruling

- Texas Medical Foundation, Austin  
AO79-0629-027

### Amendment of Certificate of Need

- Grand Prairie Community Hospital, Grand Prairie  
AH80-0424-010A (121980)
- Henderson County Memorial Hospital, Athens  
AH79-1030-017A (123080)
- McCouston Regional Medical Center, Paris  
AH80-0410-023A (122980)

### Amendment of Exemption Certificate

- St. Joseph Hospital, Houston  
AH80-0107-013A (122980)
- Tyler County Hospital, Woodville  
AH80-0505-029A (122280)

### Motion for Reconsideration/Rehearing

- Bowie County Rural Medical Clinic, Inc., DeKalb  
AO80-0721-019

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: February 10, 1981, 9:45 a.m.  
Doc. No. 810935

## State Department of Highways and Public Transportation

**Wednesday and Thursday, February 18 and 19, 1981, 9 a.m. daily.** The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in the State Highway Building, 11th and Brazos Streets, Austin, in the large hearing room on the first floor, and in Room 207 on the second floor. According to the agenda summary, presentations in the large hearing room include the following: public hearings for various highway, bridge, and FM Road requests—Dallas County, Liberty County, Kleberg County, Gregg County, Fort Bend County, and Wilbarger County. Docket is available in the second floor commission office in the State Highway Building. Upon completion of the public presentations, the commission will meet in Room 207 to take action on the following: contract awards and routine minute orders; decisions on presentations from public hearing dockets; and staff reports relative to planning and construction programs and projects. Agenda is available in the second floor office of minute clerk in the State Highway Building.

Information may be obtained from the Office of the Engineer-Director, State Highway Building, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 475-3525.

Filed: February 10, 1981, 9:35 a.m.  
Doc. No. 810934

## Texas Historical Commission

**Saturday, February 7, 1981, 1:30 p.m.** The Board of Review of the Texas Historical Commission submitted an emergency addition to the agenda of a meeting held at the Kozy Theater in the Von Minden Hotel, 607 Lyons Street, Schulenburg. The emergency addition concerned a discussion of the Houston Heights area. The reason for the emergency revision was because the former chairman was not reappointed by the governor and the board was unable to draw up a complete agenda until a chairman was nominated.

Information may be obtained from Lissa Anderson, 1511 Colorado, Austin, Texas, (512) 475-3094.

Filed: February 5, 1981, 2:51 p.m.  
Doc. No. 810835

## State Board of Insurance

The State Board of Insurance will meet in Room 408, 1110 San Jacinto Street, Austin, on the following dates to discuss the commissioner's report and meet in executive session to discuss personnel matters.

*Tuesday February 17, 1981, 2 p.m.*

*Tuesday, February 24, 1981, 2 p.m.*

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: February 9, 1981, 9:56 a.m.  
Doc. Nos 810900 and 810903

*Wednesday, February 18, 1981, 9 a.m.* The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6293—whether Northwestern National Life Insurance Company may market group accident and health insurance to the conversion privilege trust as group policyholder to insure former employers or dependents of former employees who were insured at the time of their employment under a Northwestern National Life Insurance Company employer-employee group accident and health insurance policy. Group policies at issue are G-13002-8 and G-12598-9 with Certificate's 15957, A-3421 (1-79) and 15957, A-3422 (4-80) respectively. Relevant statutes include Articles 3.51-6, Sections 1(a)(3) and (5), and 21.42 of the Texas Insurance Code.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 9, 1981, 12:53 p.m.  
Doc. No. 810914

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates to discuss the fire marshal's report.

*Wednesday, February 18, 1981, 2 p.m.*

*Wednesday, February 25, 1981, 2 p.m.*

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: February 9, 1981, 9:57 a.m.  
Doc. Nos. 810901 and 810904

*Thursday, February 19, 1981, 9:30 a.m.* The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto, Austin, in Docket 6285—application for original incorporation of International Indemnity Company of Texas, Houston.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 9, 1981, 12:53 p.m.  
Doc. No. 810915

*Monday, February 23, 1981, 1:30 p.m.* The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6290—stock purchase of Allied Bankers Life Insurance Company.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 9, 1981, 12:53 p.m.  
Doc. No. 810916

*Tuesday, February 24, 1981, 10 a.m.* The State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the board will make a decision on commercial automobile rates and rating plans, and consider the proposed revision of Texas Automobile Manual Rule 124.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: February 9, 1981, 9:54 a.m.  
Doc. No. 810902

*Wednesday, February 25, 1981, 9 a.m.* The State Board of Insurance will conduct a public hearing in Room 408, 1110 San Jacinto, Austin, to consider the appeal of International Aviation Underwriters, Inc., from the commissioner's order

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950

Filed: February 6, 1981, 9:57 a.m.  
Doc. No. 810851

*Thursday, February 26, 1981, 10 a.m.* The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin. According to the agenda, the board will make decisions on 1980 property hearing agenda items 29-80, 40-80, 45-80, 51-80, 53-80, 54-80, 56-80, 57-80, and 58-80.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: February 9, 1981, 9:53 a.m.  
Doc. No. 810905

## Lamar University

*Wednesday, February 11, 1981, noon.* The Lamar University Board of Regents held an emergency meeting in the Lamar Room of the Gray Library, main campus, Lamar University, Beaumont. According to the agenda, the board met in executive session. The reason for the emergency meeting was due to a special development opportunity for the university.

Information may be obtained from C. Robert Kemble, P.O. Box 10014, Beaumont, Texas, (713) 838-7111.

Filed: February 9, 1981, 11:50 a.m.  
Doc. No. 810899

**Thursday, February 12, 1981, noon.** The Lamar University Board of Regents met in the Lamar Room of the Gray Library, main campus, Lamar University, Beaumont. According to the agenda, the board met in executive session.

Information may be obtained from C. R. Kemble, P.O. Box 10014, Beaumont, Texas, (713) 838-7533.

Filed February 9, 1981, 8:08 a.m.  
Doc No 810891

## Texas State Board of Medical Examiners

**Friday-Sunday, February 20-22, 1981, 8 a.m. daily.** The Texas State Board of Medical Examiners will meet at 211 East 7th, Austin. According to the agenda, the board will conduct hearings on possible Medical Practice Act violations; consider licensure applications, committee reports (including report on acupuncture and medical school graduates), committee meetings; conduct public hearing on proposed physician assistants rules; meet in executive session under authority of Article 6252-17 (if necessary) as relating to Article 4590i, Section 2.06 and attorney general opinion of 1974, H-484; hear report of secretary-treasurer and legislative update; discuss coordinating work functions and other usual and related board business.

Information may be obtained from Jean Davis, 211 East 7th, Austin, Texas, (512) 475-0741.

Filed: February 9, 1981, 3:57 p.m.  
Doc. No. 810925

## Pan American University

**Friday, February 20, 1981, 9 a.m.** The Committee of the Whole of the Board of Regents of Pan American University will meet in the conference room of the Administration Building, Edinburg, to hear a grievance from an employee.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: February 5, 1981, 10:39 a.m.  
Doc. No 810826

**Friday, February 20, 1981, 9:30 a.m.** The Fund Raising Committee of the Board of Regents of Pan American University will meet in the conference room of the Administration Building, Edinburg, to consider the solicitation of funds for the Presidential Search Committee.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: February 5, 1981, 10:40 a.m.  
Doc. No. 810827

**Friday, February 20, 1981, 10 a.m.** The Buildings and Grounds Committee of the Board of Regents of Pan American University will meet in the conference room of the Administration Building, Edinburg, to consider the following: change order proposals for the Administration Building; emergency appropriation for hurricane damage; and renovation of the present Administration Building.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: February 5, 1981, 10:40 a.m.  
Doc. No. 810828

**Friday, February 20, 1981, 10:45 a.m.** Academic and Developmental Affairs Committee of the Board of Regents of Pan American University will meet in the conference room of the Administration Building, Edinburg, in executive session (as authorized by Article 6252-17, Section 2g, Vernon's Annotated Texas Statutes) to consider employment of personnel.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: February 5, 1981, 10:40 a.m.  
Doc. No. 810829

**Friday, February 20, 1981, 11:30 a.m.** The Pan American University Board of Regents will meet in the conference room of the Administration Building, Edinburg. According to the agenda, the board will consider the following items: approval of minutes; reports of Buildings and Grounds Committee; Academic and Developmental Affairs Committee; Fund Raising Committee and Committee of the Whole, small class size; purchase request for testing equipment; maintenance of elevators; request sale of IBM Computer System 7; auxiliary funds; gifts and donations; budget changes; and next meeting of the board.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: February 5, 1981, 10:40 a.m.  
Doc. No. 810830

**Friday, February 20, 1981, 1 p.m.** The Committee of the Whole of the Board of Regents of Pan American University will meet in the conference room of the Administration Building, Edinburg, in executive session (as authorized by Article 6252-17, Section 2g, Vernon's Annotated Texas Statutes) to consider employment of a university president.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: February 5, 1981, 10:40 a.m.  
Doc. No. 810831

## Board of Pardons and Paroles

**Monday-Friday, February 23-27, 1981, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: February 10, 1981, 8:41 a.m.  
Doc. No. 810927

## Texas Board of Private Investigators and Private Security Agencies

**Thursday, February 19, 1981, 9:30 a.m.** The Texas Board of Private Investigators and Private Security Agencies will meet in the conference room in Suite 127, 105 West Riverside Drive, Austin. According to the agenda summary, the board will discuss old business—minutes of December 4, 1980, board meeting; proposed changes to Rule 399.32.00.001; psychological testing of applicants; and discuss the following new business—approval of staff actions and proposed emergency amendment to Rule 399.20.00.009 (first aid training).

Information may be obtained from Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, (512) 475-3944.

Filed: February 10, 1981, 8:41 a.m.  
Doc. No. 810926

## State Pension Review Board

**Monday, February 9, 1981, 8:30 a.m.** The Legislative Advisory Committee of the State Pension Review Board held an emergency meeting in Room G35B at the State Capitol. The committee met in a regularly scheduled weekly work session to discuss upcoming legislation. The emergency meeting was necessary in order to institute a weekly meeting for discussing upcoming legislation. The need for a weekly meeting was determined at the Legislative Advisory Committee meeting on February 3, 1981.

Information may be obtained from Lynda Baker, Reagan Building, Room 200M, 105 West 15th Street, Austin, Texas, (512) 475-8332.

Filed: February 6, 1981, 9:58 a.m.  
Doc. No. 810847

**Thursday, February 12, 1981, 2 p.m.** The State Pension Review Board held an emergency meeting in the Lieutenant Governor's committee room at the State Capitol. The board met in an executive session to discuss personnel matters and elected the chairman and vice chairman. The emergency meeting was necessary to discuss the upcoming legislation.

Information may be obtained from Lynda Baker, Reagan Building, Room 200M, 105 West 15th Street, Austin, Texas, (512) 475-8332.

Filed: February 6, 1981, 9:59 a.m.  
Doc. No. 810848

**Monday, February 16, 1981, 8:30 a.m.** The Legislative Advisory Committee of the State Pension Review Board will meet in Room G35B at the State Capitol. According to the agenda, the committee will meet in a regularly scheduled weekly work session to discuss upcoming legislation.

Information may be obtained from Lynda Baker, Reagan Building, Room 200, 105 West 15th Street, Austin, Texas, (512) 475-8332.

Filed: February 6, 1981, 9:59 a.m.  
Doc. No. 810849

## Texas Prosecutors Coordinating Council

**Thursday, February 19, 1981, 11 a.m.** The Texas Prosecutors Coordinating Council will meet in Conference Room 204 of the State Bar Building, 1414 Colorado, Austin. According to the agenda summary, the council will consider the following items: approval of previous minutes; report of executive director for December and January; meet in executive session; and set date for next meeting.

Information may be obtained from John C. Cook, P.O. Box 13555, Austin, Texas 78711, (512) 475-6825.

Filed: February 6, 1981, 11:41 a.m.  
Doc. No. 810868

## Public Utility Commission of Texas

**Thursday, February 19, 1981, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3696—application of Buena Vista Water System for a rate increase within Burnet County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 9, 1981, 3:57 p.m.  
Doc. No. 810922

**Friday, February 20, 1981, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3711—application of Midwest Electric Cooperative, Inc., for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 9, 1981, 3:57 p.m.  
Doc. No. 810923

**Friday, February 27, 1981, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3616—Public Utility Commission of Texas inquiry to revoke the certificate of convenience and necessity of Gulf Water Benefaction Company. This meeting was originally scheduled for Monday, February 9, 1981.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 9, 1981, 3:57 p.m.  
Doc. No. 810924

**Tuesday, April 14, 1981, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3692—application of San Bernard Electric Cooperative, Inc., for an electric rate increase within a system-wide area (electric).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 10, 1981, 9:12 a.m.  
Doc. No. 810928

## Railroad Commission of Texas

**Monday, February 9, 1981, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, 1124 South IH 35, Austin, in Gas Utilities Docket 2752—curtailment plan for Valero Transmission Company. Plan for the administration of curtailments occurring on the system of Valero Transmission Company. Consideration of this matter on less than seven days' notice was required as a matter of urgent public necessity because of the need to protect the public health and safety and minimize economic dislocation in the state during the current heating season.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: February 6, 1981, 2:03 p.m.  
Doc. No. 810870

**Monday, February 9, 1981, 4:45 p.m.** The Oil and Gas Division of the Railroad Commission of Texas held an emergency meeting in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division considered the application to the Environmental Protection Agency for available 1981 appropriated funds in the amount of \$229,150 for use by the Railroad Commission in administering its underground injection control program. This meeting was necessary on less than seven days' notice as an urgent public necessity in order to secure these funds for Railroad Commission use.

Information may be obtained from Jerry Mullican, P.O. Drawer 12967, Austin, Texas, (512) 445-1373.

Filed: February 9, 1981, 2:23 p.m.  
Doc. No. 810918

**Monday, February 9, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerned an application of Sumik Drilling, Inc., for an exception to Statewide Rule 37, Wildcat Field, Runnels County, Docket 87151R37. This matter had to be considered on less than seven days' notice as a matter of urgent public necessity because of imminent loss of rig availability and consequent loss of production.

Information may be obtained from Sandra B. Buch, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

Filed: February 6, 1981, 2:04 p.m.  
Doc. No. 810871

**Tuesday, February 17, 1981, 9 a.m.** The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. Following the regular agenda, the commission will go into executive session to discuss personnel actions for all divisions and consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Information may be obtained from Carla S. Doyne, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed: February 6, 1981, 2:03 p.m.  
Doc. No. 810872

**Tuesday, February 17, 1981, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider Gas Utilities Dockets 2890, 2624, 2872, and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: February 6, 1981, 2:03 p.m.  
Doc. No. 810873

**Tuesday, February 17, 1981, 9 a.m.** The Liquefied-Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider the director's report.

Information may be obtained from Guy G. Mathews, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: February 6, 1981, 2:04 p.m.  
Doc. No. 810875

**Tuesday, February 17, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burriss, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: February 6, 1981, 2:04 p.m.  
Doc. No. 810876

**Tuesday, February 17, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns an interagency contract with the State Department of Highways and Public Transportation for map reproduction services and materials.

Information may be obtained from Woody Ervin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1236.

Filed: February 6, 1981, 2:02 p.m.  
Doc. No. 810874

**Tuesday, February 17, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of category determinations under Sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: February 6, 1981, 2:05 p.m.  
Doc. No. 810877

**Tuesday, February 17, 1981, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet at 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: February 6, 1981, 2:05 p.m.  
Doc. No. 810878

## School Land Board

**Tuesday, February 17, 1981, 10 a.m.** The School Land Board of the General Land Office will meet in Conference Room 831 of the Stephen F. Austin Building, 1700 North Congress Avenue. According to the agenda, the board will consider the following items: applications for suspension of leases; pooling applications; application for ratification of pooling agreement; nominations, terms, conditions, and procedures for leasing lignite at the April 7, 1981, sale; report on survey and encroachment on land trade with T. P. Land Trust, El Paso County (approved by board January 20, 1981); excess acreage applications; Coastal Public Lands—easement application; cabin permit transfer request; cabin permit rebuilding/alteration request; and cabin permit termination.

Information may be obtained from Linda Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.

Filed: February 9, 1981, 3:29 p.m.  
Doc. No. 810921

## University of Texas

**Thursday and Friday, February 12 and 13, 1981, 10 a.m. and 9 a.m., respectively.** The University of Texas Board of Regents met in the regents' meeting room, Ashbel Smith Hall-9th floor, 201 West 7th Street, Austin. According to the agenda summary, the board considered the following items: minutes; amendments to 1980-81 budgets; establishment of endowed positions and appointments thereto; acceptance of gifts and bequests; UT Cancer Center: sale of real property in Springdale, Arkansas; chancellor's docket (index submitted by system administration); proposed degree programs to submit to Coordinating Board—UT Austin, UT El Paso, UT Health Science Center—Dallas, UT Health Science Center—Houston; establishment of office and overhead charge to clients of Law School Criminal Defense Clinic; membership on advisory councils; agreement for Air Force ROTC—UT San Antonio; extension of agreements with Clayton Foundation for Research; buildings and grounds matters; affiliation agreements for health institutions, UT El Paso and UT Tyler; land and investment matters; request to sell land in Harris County; lease of property at 5001 and 5600 Alameda, El Paso; partial release of mortgage to Punta Gorda Isles, Inc.; UT Cancer Center—roadway easement; oil and gas lease on land in Galveston County; proposed sale of land in Sabine County; amendments to regents' rules and regulations; 1981-82 budget policies; proposed exchange of land—UT Health Science Center—Dallas for construction of ambulatory care teaching center; patent agreement; pending litigation; land acquisition; and personnel matters.

Information may be obtained from Betty Anne Thedford, P.O. Box N, U.T. Station, Austin, Texas 78712, (512) 471-1265.

Filed: February 6, 1981, 1:07 p.m.  
Doc. No. 810879

## Texas State University System

**Thursday, February 19, 1981, 2:30 p.m.** The Building Committee of the Board of Regents of the Texas State University System will meet in the Pedernales Room of the LBJ Student Center, Southwest Texas State University, San Marcos, to review construction projects and documents for the four universities in the system.

Information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 475-3876.

Filed: February 9, 1981, 11:53 a.m.  
Doc. No. 810906

**Thursday, February 19, 1981, 3 p.m.** The Curriculum Committee of the Board of Regents of the Texas State University System will meet in the Pedernales Room of the LBJ Student Center, Southwest Texas State University, San Marcos, to review curriculum needs and requests for the four universities in the system.

Information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 475-3876.

Filed: February 9, 1981, 11:53 a.m.  
Doc. No. 810907

**Thursday, February 19, 1981, 4 p.m.** The Finance Committee of the Board of Regents of the Texas State University System will meet in the Pedernales Room of the LBJ Student Center, Southwest Texas State University, San Marcos, to review financial matters for the system office and the four universities in the system.

Information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 475-3876.

Filed: February 9, 1981, 11:53 a.m.  
Doc. No. 810908

**Thursday and Friday, February 19 and 20, 1981, 4:15 p.m. and 9 a.m., respectively.** The Board of Regents of the Texas State University System will meet in the Pedernales Room of the LBJ Student Center, Southwest Texas State University, San Marcos, to review matters of the board and the four universities in the system.

Information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 475-3876.

Filed: February 9, 1981, 11:54 a.m.  
Doc. No. 810909

## Veterans Land Board

**Thursday, February 19, 1981, 2 p.m.** The Veterans Land Board of the General Land Office will meet in the Stephen F. Austin Building, Austin. According to the agenda, the board approve minutes of the January 6, 1981, meeting of the Veterans Land Board; hear the report of the executive secretary; and discuss board policy.

Information may be obtained from Richard Keahey, Stephen F. Austin Building, Room 738, Austin, Texas, (512) 475-3766.

Filed: February 9, 1981, 2:37 p.m.  
Doc. No. 810919

## Board of Vocational Nurse Examiners

**Monday-Wednesday, February 9-11, 1981, 8:15 a.m. and 9:30 a.m. Monday, and 8 a.m. Tuesday and Wednesday.** The Board of Vocational Nurse Examiners submitted a revised emergency agenda for a meeting held at the Sheraton-Crest Inn, 111 East First Street, Austin. According to the agenda summary, the board met in executive session on Monday at 8:15 a.m. At 9:30 a.m., a business meeting was held to consider the following items: approval of minutes of December 1-3, 1980, board meeting, report of executive secretary, report of Division of Education, school visits, review of April and October 1980 exams, school proposals, special reports, old business, new business, affirmation of executive authority, future meetings, code of ethics for board members,

test service specifications for NCSBN, licensure problems, and approval of reciprocity applicants. The board met on Tuesday to consider the following: continuation of new business and administrative hearings. A public hearing on proposed amendments to rules followed the administrative hearings. On Wednesday the board conducted administrative hearings, made announcements, and adjourned. The reason for the revised emergency agenda is that items previously listed for February 11 should have been listed for business on February 9. February 11 was scheduled only for administrative hearings.

Information may be obtained from Waldeen D. Wilson, R.N., 5555 North Lamar, Building H, Suite 131, Austin, Texas 78751, (512) 458-1203.

Filed: February 6, 1981, 9:57 a.m.  
Doc. No. 810863

## Texas Water Commission

**Tuesday, February 17, 1981.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, according to the summarized agendas at the following times:

### 10 a.m.

The commission will consider the following: applications for district bond issues; use of surplus funds; release from escrow; district conversion; water quality permits; amendments and renewals; voluntary cancellation of water quality permits; applications for final decisions; approval of plans; cancellation of water rights permit; and setting of hearing dates.

### 2 p.m.

The commission will consider adjudication of water rights in the Middle Leon River Segment, Brazos River Basin.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 5, 1981, 3:22 p.m.  
Doc. Nos. 810836 and 810837

**Tuesday, February 17, 1981, 10 a.m.** The Texas Water Commission is making an addition to the agenda of a meeting to be held in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the addition concerns the application by League City for Water Quality Permit 10568 to authorize a discharge of treated domestic and municipal sewage effluent, Galveston County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 6, 1981, 3:14 p.m.  
Doc. No. 810882

**Friday, March 6, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing at the Houston-Galveston Area Council-Annex I, 3701 West Alabama Street, Houston. According to the summarized agenda, the commission will consider a permit from Faust Properties, Inc., Houston, application for a permit to authorize a discharge of 30,000 gallons



per day of treated domestic sewage effluent. The applicant proposes to treat the domestic wastewater from Maple Leaf Gardens Mobile Home Park in Harris County.

Information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: February 9, 1981, 11:10 a.m.  
Doc. No. 810910

**Thursday, March 12, 1981, 9 a.m.** The Texas Water Commission will conduct a hearing in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, concerning City of Laredo Waterworks System (southside plant), application for an amendment to Permit 10681 by adding an authorization to discharge 3,000,000 gallons per day of treated domestic sewage effluent from a new facility to supplement the existing treatment plant in Webb County.

Information may be obtained from David Hume, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: February 9, 1981, 11:10 a.m.  
Doc. No. 810911

**Friday, March 13, 1981, 9 a.m.** The Texas Water Commission will conduct hearings in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on Texas Instruments, Inc., Dallas, application for a permit to operate a Noncommercial Class I industrial waste storage facility in Dallas County. The proposed permit authorizes the receipt and storage of Class I industrial wastes. Also, a hearing will be conducted on Roger Delinted Cottonseed Company, Waco, in order to receive evidence to determine whether Permit 01913 issued for the construction and operation of wastewater disposal facilities to serve a cottonseed delinting plant located on the east side of State Highway 283, approximately one mile north of the City of Rule, Haskell County, should be revoked.

Information may be obtained from Sandra Fitzpatrick, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: February 9, 1981, 11:10 a.m.  
Doc. Nos. 810912 and 810913

**Friday, March 13, 1981, 10 a.m.** The Texas Water Commission is rescheduling a hearing to be held in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider Application 4093 of Blackmon Farms, Inc., for a permit to build and maintain a dam creating a reservoir in Titus County on an unnamed tributary of Sulphur River, and maintain six existing dams. The applicant also seeks authority for various diversions to use the water for irrigation purposes in Titus and Red River Counties. This hearing was rescheduled from February 4, 1981.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 5, 1981, 3:23 p.m.  
Doc. No. 810839

**Wednesday, March 18, 1981, 10 a.m.** The Texas Water Commission is rescheduling a hearing to be held in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 3092A of H. L. Perrin seeking an amendment to Permit 2831 to authorize an increase in the acreage to be irrigated annually; also requests that the authorized diversion rate be increased, Brazos River Basin, Eastland County. This hearing was rescheduled from February 6, 1981.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 5, 1981, 3:23 p.m.  
Doc. No. 810840

**Friday, March 20, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 2525A of Northwest Texas Council, Boy Scouts of America which seeks an amendment to Permit 2291 to include authority for the diversion of six acre-feet of water per year from an already authorized 266-acre-foot reservoir on Kiel Creek, tributary of Big Sandy Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, in Montague County. The water will be used for municipal purposes.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 5, 1981, 3:23 p.m.  
Doc. No. 810841

**Wednesday, March 25, 1981, 10 a.m.** The Texas Water Commission has rescheduled a meeting to be held in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on an application by the City of Ballinger for amendment to Certificate of Adjudication 14-1129 to change the diversion points from two authorized reservoirs on Elm Creek, Colorado River Basin, to a proposed new reservoir (Moonen Reservoir) on Valley Creek, Colorado River Basin. The reservoirs are located in Runnels County and the water is to be used for municipal water supply in Ballinger. The applicant also wishes to retain the two reservoirs on Elm Creek for nonconsumptive recreational purposes only. This application has been rescheduled from February 5, 1981.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 10, 1981, 11:07 a.m.  
Doc. No. 810937

## Regional Agencies

### Meetings Filed February 4, 1981

(Editor's note: The following notice of open meeting was inadvertently omitted from the February 10 issue. The meeting was timely filed in the office of the Texas Register Division and posted at the State Capitol.)

**The Red River Industrial Development Authority**, Board of Directors, met in Room 215 at the Activity Center, 1001 Indiana, Wichita Falls, on Thursday, February 12, 1981, at 11:30 a.m. Further information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.

Doc No. 810815

## Meetings Filed February 5, 1981

**The Austin-Travis County MH/MR Center**, Board of Trustees Personnel Committee, met in rescheduled session in the board room, 1430 Collier Street, Austin, on February 10, 1981, at 12:30 p.m. Information may be obtained from Cynthia C. Garcia, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 20.

**The Tyler County Tax Appraisal District** met at 1004 West Bluff Street, Woodville, on February 10, 1981, at 7:30 p.m. Information may be obtained from Leslie J. Silva, P.O. Drawer 9, Woodville, Texas 75979, (713) 283-3736.

Doc. No. 810832

## Meetings Filed February 6, 1981

**The Capital Area Planning Council**, Executive Committee, will meet in Suite 100, 2520 IH 35 South, Austin, on February 17, 1981, at 10 a.m. Information may be obtained from Richard Bean, 2520 IH 35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

**The Education Service Center, Region I**, Board of Directors, met at the Center Building, 1900 West Schunior, Edinburg, on February 10, 1981, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611, ext. 110.

**The Education Service Center, Region XII**, Administrative Board of Directors, will meet at 401 Franklin Avenue, Waco, on February 19, 1981, at 7:30 p.m. Information may be obtained from Mack W. Mullins, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

**The Education Service Center, Region XVI**, Board of Directors, will meet at 1601 South Cleveland, Amarillo, on February 19, 1981, at 1 p.m. Information may be obtained from Dr. Kenneth M. Laycock, Box 30600, Amarillo, Texas 79120, (806) 376-5521.

**The Ellis County Tax Appraisal District** met at 411 Gibson Street, Waxahachie, on February 12, 1981, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 217, Waxahachie, Texas 75165, (214) 937-3552.

**The Houston-Galveston Area Council** will meet at 3701 West Alabama, Houston, on February 17, 1981, at 7:30 p.m. Information may be obtained from William F. Kopecky, 3701 West Alabama, Houston, Texas 77027, (713) 627-3200.

**The Kendall County Appraisal District**, Board of Directors, will meet in Room 201 of the Appraisal District Office, Boerne City Building, 402 East Blanco, Boerne, on February 18, 1981, at 7:30 p.m. Information may be obtained from Sue Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

**The Texas Municipal Power Agency**, Audit and Budget Committee, met at the agency offices, 2225 East Randol Mill Road, Arlington, on February 12, 1981, at 8:30 a.m. The Board of Directors met at the same place and day at 9 a.m. Information may be obtained from Joel T. Rodgers, 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

**The Palo Pinto Appraisal District** met at 603 South Oak, Mineral Wells, on February 12, 1981, at 7 p.m. Information may be obtained from H. H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas 76067, (817) 325-6871.

**The Panhandle Regional Planning Commission**, Governing Body of the Panhandle Health Systems Agency, met in the Amarillo Building, Third and Polk Streets, Amarillo, on February 12, 1981, at 7:30 p.m. Information may be obtained from E. L. Melin, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The San Patricio County Appraisal District** met in Room 226 of the courthouse annex, Sinton, on February 12, 1981, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, 313 North Rachal, Sinton, Texas 78387, (512) 364-5402.

**The Trinity River Authority of Texas**, Utility Services Committee and the Devers Canal Advisory Committee, met in the executive conference room, Trinity River Authority's general office, 5300 South Collins, Arlington, on February 11, 1981, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

Doc. No. 810852

## Meetings Filed February 9, 1981

**The Austin-Travis County Mental Health Mental Retardation Center**, Operations and Planning Committee, met at East 1st Street HDS, 2326 East 1st Street, Austin, on February 12, 1981, 6:30-7:30 p.m. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 39.

**The Education Service Center, Region III**, Board of Directors, will meet at 1905 Leary Lane, Victoria, on February 16, 1981, at 1 p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0371.

**The Gregg County Appraisal District** met at K-Bob's Steak House, 501 Spur 63, Townlake Plaza, Longview, on February 9, 1981, at noon. Information may be obtained from William T. Carroll, 415 North Center, Suite 5, Longview, Texas, (214) 757-8214.

**The Henderson County Appraisal District**, Board of Directors, will meet in Room 202, 101 East Corsicana, Athens, on February 19, 1981, at 7:30 p.m. Information may be obtained from A. K. Monroe, 101 East Corsicana, Room 202, Athens, Texas 75751, (214) 675-7964.

**The Jasper County Appraisal District** will meet at Kirbyville City Hall, Kirbyville, on February 25, 1981, at 7 p.m. Information may be obtained from Frances Horn, P.O. Drawer G, Buna, Texas 77612, (713) 994-5102.

**The Leon County Central Appraisal District**, Board of Directors, met in the county courtroom, Centerville, on February 12, 1981, at 7 p.m. Information may be obtained from Mabel Watson, General Delivery, Centerville, Texas 75833, (214) 536-2911.

**The Nolan County Appraisal District**, Board of Directors, met at City Hall, Sweetwater, on February 11, 1981, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

**The Nortex Regional Planning Commission**, Executive Committee, will meet at the McBride Land and Cattle Company, 501 Scott Street, Wichita Falls, on February 19, 1981, at noon. Information may be obtained from Ediwon B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

**The North Texas Municipal Water District**, Board of Directors, will meet in the administrative offices, Highway 78 East, Wylie, on February 24, 1981, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, (214) 442-2217

**The San Antonio River Authority**, Board of Directors, will meet in the authority conference room, 100 East Guenther Street, San Antonio, on February 18, 1981, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P O Box 9284, Guilbeau Station, San Antonio, Texas 78204, (512) 227-1373

**The West Central Texas Council of Governments**, Private Industry Council, will meet at 1025 East North 10th Street, Abilene, on February 19, 1981, at 10:30 a.m. Information may be obtained from Kathy Hawkins, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 810890

## Banking Department of Texas Applications To Purchase Control of State Banks

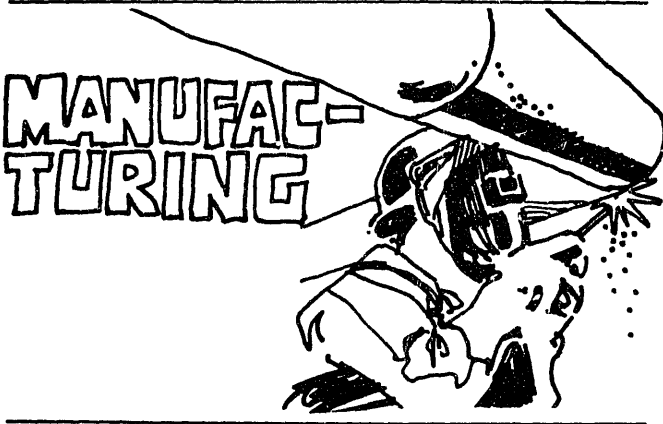
Article 342-401a, Vernon's Texas Civil Statutes, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On February 5, 1981, the banking commissioner received an application to acquire control of First State Bank of Crandall by Clarence Wilkerson of Crandall, Dr. Masashi Kawasaki of Dallas, Dr. Clifton Perry of Garland, Louis Tijerina of Kaufman, and Jack C. Ballard and Speer Waldrum of Seagoville. Information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 5, 1981.

Doc. No. 810864      O. A. Cassity  
Assistant General Counsel  
Banking Department of Texas

Filed: February 6, 1981, 9:55 a.m.  
For further information, please call (512) 475-4451.



## Texas Education Agency Consultant Proposal Request

This consultant proposal request is filed under the provisions of Article 6252-11c, Vernon's Annotated Civil Statutes.

**Description of Services To Be Performed.** The Texas Education Agency is requesting proposals for the operation of an outdoor recreational program for the purpose of providing skill training and education for deaf children or for the parents or teachers of deaf children. The program will be considered to be operational as an outdoor recreational program between June 29, 1981, and July 1, 1981.

**Specific Program Requirements.** The proposal must demonstrate the capability of the contractor to perform quality services as evidenced by past experience. The proposal must include descriptions of the qualifications of staff members who will participate in the project.

**Proposals.** Proposals should be submitted to the Document Control Center, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701. Copies of the consultant proposal request and its appendices may be obtained from the Division of Services for the Deaf, Texas Education Agency 201 East 11th Street, Austin, Texas 78701. The Texas Education Agency reserves the right to reject any or all proposals.

**Person to Contact for Additional Information.** Further information may be obtained by calling Gary A. Curtis at (512) 475-3541. Proposals will be accepted until the close of business on Monday, March 16, 1981. Each respondent will be notified in writing of the action on the proposal.

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810869      A. O. Bowen  
Commissioner of Education

Filed: February 6, 1981, 12:39 p.m.  
For further information, please call (512) 475-7077.

## Texas Energy and Natural Resources Advisory Council

### Consultant Contract Awards Southwest Research Institute

In compliance with Article 6252-11c, Vernon's Annotated Texas Statutes, the Texas Energy and Natural Resources Advisory Council furnishes this consultant contract award. The consultant proposal request appeared in the September 30, 1980, issue of the *Texas Register* (5 TexReg 3933).

**Description of Services.** Project 80-B-4-3 is a study to investigate the utilization of vegetable oil as a diesel fuel extender and/or diesel fuel substitute. The contractor will test a typical diesel engine using commercially available cotton seed oil and esterified cotton seed oil neat and in various blends to determine performance characteristics and durability aspects of the various test fuels.

**Contractor; Total Value; Period of Contract.** The contractor is Southwest Research Institute, P. O. Drawer 28510, San Antonio, Texas 78284. The total value of the contract is \$50,000. The beginning date of the contract is January 28, 1981, and the ending date of the contract is August 31, 1981.

**Due Date of Reports.** Progress reports are due the last day of each month; a draft final report is due August 1, 1981, and a final report is due August 31, 1981.

Issued in Austin, Texas, on February 5, 1981.

Doc. No. 810887      Roy R. Ray, Jr., Director  
Technology Development Division  
Texas Energy and Natural Resources  
Advisory Council

Filed: February 6, 1981, 4 13 p.m.  
For further information, please call (512) 475-0414

## Texas A&M University System

In compliance with Article 6252-11c, Vernon's Annotated Texas Statutes, the Texas Energy and Natural Resources Advisory Council furnishes this consultant contract award. The consultant proposal request appeared in the December 9, 1980, issue of the *Texas Register* (5 TexReg 4886).

**Description of Services.** This project is a part of the Texas Energy Extension Service, a program designed to provide energy information and technical assistance to small energy users thereby increasing their capability to make informed energy choices. The contractor will provide on-site energy surveys and transfer energy management information through workshops and presentations to small businesses in the Houston area. In general, this audience is defined as a company with less than 30 employees and annual utility bills of \$50,000 or less.

**Contractor; Total Value; Period of Contract.** The contractor is the Texas Engineering Extension Service, Texas A&M University System, F.E. Drawer K, College Station, Texas 77843. The total value of the contract is \$97,000. The beginning date of the contract is February 2, 1981, and the ending date of the contract is August 13, 1981.

**Due Date of Reports.** Quarterly progress reports are due the 10th of the month following the end of each quarter.

Issued in Austin, Texas, on February 4, 1981.

Doc. No. 810892      Christina E. Roitsch, Program Manager  
Texas Energy Extension Service  
Texas Energy and Natural Resources  
Advisory Council

Filed: February 9, 1981, 8:56 a.m.

For further information, please call (512) 475-0414.

## Office of the Governor Consultant Contract Award

The Governor's Office of Regional Development files the following contract award pursuant to the provisions of Article 6252-11c, Vernon's Civil Statutes.

**Description of Services.** The consultant (Avante International Systems Corporation) will provide consulting services in connection with the organization of a Minority Enterprise Small Business Investment Corporation (MESBIC).

**Contractor; Total Value; Period of Contract.** The contractor is Avante International Systems Corporation, 303 North Crown Building, 830 Northeast Loop 410, San Antonio, Texas 78209. Total value is \$29,798. Beginning date of the contract is February 4, 1981, and the ending date is November 30, 1981.

**Due Date of Reports.** All reports are due on the ending date of the contract.

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810884      Richard T. Montoya, Director  
Regional Development  
Office of the Governor

Filed: February 6, 1981, 3:49 p.m.

For further information, please call (512) 475-5766.

## Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of February 4-6, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must first request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of 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 an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.030. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Section 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

St. Jude Nursing Center, El Paso (2/6/81)  
AN79-0220-003A (020481)

AMD/CN—Request to amend the project cost in Certificate of Need AN79-0220-003 which authorized construction of a new nursing home containing 120 beds in El Paso

Trans-Pecos Comprehensive Health Plan, El Paso  
(2/6/81)

AO79-0927-011A (020281)

AMD/CN—Request to amend the completion deadline in Certificate of Need AO79-0927-011 which authorized the establishment of a health maintenance organization in El Paso

Panhandle Area Cancer Council, Inc., Amarillo  
(2/6/81)

AO78-1010-020A (020281)

AMD/CN—Request to amend the project cost and the type of linear accelerator to be acquired in Certificate of Need AO78-1010-020 (said certificate authorized construction of an ambulatory cancer center at Amarillo)

St. Luke's Episcopal Hospital and Texas Children's Hospital, Houston (2/6/81)

AH81-0202-005

EC—To purchase a 16-channel microprocessor controlled electroencephalograph with marker channel for use by the Neurophysiology Department

Nacogdoches Medical Center, Nacogdoches  
(2/6/81)

AH81-0202-021

EC—To purchase a new Siemens Pho/Gamma scintillation camera system to replace comparable leased equipment

Angelo Community Hospital, San Angelo (2/6/81)  
AH81-0202-010

EC—To construct an addition to the facility in order to provide approximately 800 square feet more space in the Cardiopulmonary Department, purchase equipment, and relocate certain hospital functions

Clear Lake Hospital, Inc., Webster (2/6/81)  
AH81-0202-001

EC—To purchase a mobile radioisotope camera system with nuclear computer system as an expansion of existing service

Gilmer Hospital, Inc., Gilmer  
(2/6/81)

AH77-0927-001A (020581)

AMD/CN—Request to extend the completion deadline in Certificate of Need AH77-0927-001, as previously amended

Memorial Hospital of Garland, Garland  
(2/6/81)

AH81-0205-003

EC—To acquire a Circon MV 9890 Medical Video System, including a color micro/video camera, color camera, color monitor, cassette color player/recorder, mobile equipment cart, etc.

Memorial Hospital of Garland, Garland  
(2/6/81)

AH81-0205-007

EC—To acquire a Technicare Model 8100 Autosector I Real Time Computer to be attached to existing B-mode ultrasound scanner

Memorial Hospital, Beeville (2/6/81)  
AH81-0205-019

EC—To acquire diagnostic ultrasound equipment as an expansion of existing radiology service

Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810893

Linda E Zatopek  
Assistant General Counsel  
Texas Health Facilities Commission

Filed: February 9, 1981, 9:55 a.m.

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



## State Department of Highways and Public Transportation

### Request for Traffic Safety Educational Materials

**Description.** The State Department of Highways and Public Transportation, Traffic Safety Section, is seeking proven traffic safety educational materials to be used by students from kindergarten through the sixth grade during the 1981-82 school year. In order to choose among the best available materials, vendors are invited to present products to a panel of educators and traffic safety professionals on Friday, February 20, 1981, at the LaCosta Office, Highway 290 East, Austin. With the assistance of critiques provided by the reviewing panel, the Traffic Safety Section plans to choose from the materials those which will be included within the traffic safety program for distribution to the schools in the fall of 1981. Products must be reviewed by the panel to be eligible for inclusion in this year's traffic safety education program.

**Contact.** For further information and/or to notify the Traffic Safety Section of intent to present materials, contact Jan Burnight, D-18TS, State Department of Highways and Public Transportation, 11th and Brazos, Austin, Texas 78701, (512) 452-8141

**Deadline.** Materials submitted after February 20 will not be eligible for consideration for inclusion in the 1981-82 school year. Material provided after that date, however, may be considered for purchase in subsequent years.

**Selection Criteria.** Material presented will be evaluated on appropriateness to targeted grade level, ease of usage, marketability, and potential cost-effectiveness. Based upon the presentations, several items from various firms may be chosen for purchase.

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810895 Diane L. Northam  
Administrative Technician  
State Department of Highways and  
Public Transportation

Filed: February 9, 1981, 9:53 a.m.  
For further information, please call (512) 475-2141.

## Texas Department of Human Resources

### Consultant Proposal Request

**Description of Services Requested.** In accordance with Article 6252-11c, Texas Civil Statutes, the Texas Department of Human Resources (TDHR) is requesting proposals for the development and delivery of management training for approximately 400 middle- and upper-level agency managers. Specific services being requested include:

- (1) reviewing department philosophy, management practices, and procedures;
- (2) surveying managerial learning needs;
- (3) preparing content outlines for each of the participant groups described;
- (4) developing training methodology;
- (5) developing curricula;
- (6) delivering curricula;
- (7) developing and administering measurement instruments designed to evaluate the extent to which participants in each session attained the competency-based objectives and preparing a final report; and
- (8) providing TDHR with all training materials.

**Contact Person.** Detailed instructions for preparation and submission of proposals for delivering these services are contained in a consultant proposal request. Copies of the proposal may be obtained, free of charge, by writing to Dr. L. G. Ferguson, director, External Educational Resources Division, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. Prospective offerors may request copies of the proposal in person from Michele Hughes, Suite 1A, 706 Banister Lane, Austin.

**Closing Date for Offers.** The due date for submission of proposals in response to the management training consultant proposal request is March 20, 1981. An offeror's conference is scheduled for 10 a.m., February 20, 1981, at 5350 Burnet Road, Austin, to provide explanation of the processes, format, services, etc., and to answer offerors' questions related to the proposal. All offerors are invited and encouraged to attend.

**Evaluation Criteria.** The proposals received in response to the consultant proposal request will be reviewed for technical merit and for cost of services by an evaluation committee comprised of TDHR management staff. The committee's evaluation of the proposals will be a three phase process conducted as follows:

Phase One—technical evaluation. Each proposal which meets minimum requirements will be evaluated for technical merit. Technical merit is comprised of five weighted factors:

- (1) understanding of the problems and the needs of DHR managers . . . . . 15%
- (2) validity of the methodologies proposed for surveying learning needs . . . . . 20%
- (3) understanding of the training requirements and appropriateness of suggested topics . . . . . 30%
- (4) validity of evaluation methodologies . . . . . 15%
- (5) experience in management training in both public and private sectors . . . . . 20%

Based on the evaluation committee assessment, each proposal will be assigned a point total reflecting the degree to which the technical criteria have been met. Only the five proposals with the highest technical merit scores will be evaluated in Phase Two of the process. Proposals which do not rank among the top five will receive no further consideration. Offerors will be notified in writing of the evaluation committee's decision within 15 days of the closing date for proposal submission.

Phase Two—skill demonstration. The five offerors whose proposals receive the highest scores for technical merit will be asked to demonstrate their curricula design and delivery skills in an actual classroom setting. The evaluation committee will meet at the DHR Staff Development Center, 5350 Burnet Road, Austin, to hear a four-hour training session on a management-related subject of the offeror's choice. The training content does not have to be specific to DHR, but it should be representative of the quality, style, and philosophy which would characterize the training to be delivered under this contract. Instructors for this demonstration session should be the same ones who would deliver the curricula to DHR staff. Skill demonstrations will be evaluated in terms of the following weighted factors:

- (1) content reflects knowledge and understanding of the concept/ideas presented . . . . . 25%
- (2) involvement of "trainees" in learning experience, opportunities for participation . . . . . 25%
- (3) quality of content delivery, instructors' presentation in terms of clarity, maintaining interest of trainees, etc. . . . . 25%
- (4) demonstration of ability to respond to questions, comments in an informed, appropriate manner . . . . . 25%

Phase Three—cost of proposal. The top five proposals will be evaluated in terms of the cost of delivering the requested services. A final decision from among the top five will be made by the evaluation committee in terms of the highest attainable quality at the lowest attainable cost within 10 working days of the final skill demonstration.

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810865 Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Filed: February 6, 1981, 9:55 a.m.  
For further information, please call (512) 441-3355.

## Legislative Information System of Texas

### Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 67th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

## Public Utility Commission of Texas

### Notice of Investigation

The general counsel of the Public Utility Commission of Texas, representing the public interest, announces this notice of investigation pursuant to the commission's final order of August 8, 1980, in Docket 3094, application of General Telephone Company of the Southwest for authority to increase rates. Among the many findings of fact and conclusions of law adopted in the above-referenced proceeding, the commission ordered the general counsel of the commission to do the following:

On February 1, 1981, the general counsel of the commission shall initiate an investigation regarding the applicant's compliance with Texas Revised Civil Statutes Annotated, Article 1446c, Section 58(a) (Supplement), 1979 (Act), and the commission's substantive rule for telephone quality of service. In the event the investigation so warrants, the general counsel shall file a petition of inquiry and request a public hearing to determine whether specific improvements in service should be ordered pursuant to Section 61(a) of the Act, whether the commission should consider revocation or amendment of the applicant's certificate of convenience and necessity pursuant to Sections 62(a) and 62(b) of the Act, or whether the commission should consider issuance of additional certificates of convenience and necessity pursuant to Section 54 of the Act to other utilities in order to provide the desired quality of telephone service in areas now certificated to the applicant. Further, if the results of the investigation so warrant, the general counsel shall request a public hearing for the purpose of adjusting rates to remove the penalty on return on equity imposed by this order.

In accordance with this mandate, the general counsel, in conjunction with the staff, shall commence this service quality investigation and inquire not only into the actual technical quality of telephone service being provided by General Telephone Company of the Southwest (GTSW), but also, into the business operations of the company affecting that quality

of service and the statistical data indicating GTSW's compliance with the rules and regulations of this commission and the laws of the State of Texas.

If further justification of this action be necessary, the general counsel would aver, based on knowledge and belief, that GTSW remains in violation of several of this commission's rules and regulations, despite the passage of several months within which to effectuate service improvements aimed at solving the aforementioned problems. The general counsel bases this belief, in part, on the continued high level of complaints being received from customers of GTSW. Further, very limited investigations conducted by the staff since August 1980, indicate that problems continue to exist in several aspects of the company's service. The general counsel acknowledges that officers of GTSW have presented indications that the company is seriously attempting to rectify its problems. Further, the general counsel acknowledges that some of the problems cited by the commission in Docket 3094, were of such a magnitude that fully corrective measures could not have been effectuated since August 1980. However, the general counsel and the commission, by its order of August 1980, fully expect these problems to be substantially corrected by August 1981. Hence one of the purposes of this investigation is to insure that GTSW is effectively progressing toward compliance with Docket 3094. Finally, while the general counsel is aware that the actual, as well as the perceived, overall quality of service of any large telephone company does not change radically over a short period of time, sufficient evidence exists to fully warrant a general investigation of GTSW's quality of service, operations, and business practices affecting service as ordered in Docket 3904.

The general counsel would further state at the inception of this investigation that should this investigation indicate that GTSW is substantially failing to provide adequate service and failing to develop sufficient technical plans and business practices to insure presently, and in the future, a continued commitment to improving service, then he shall file pleadings to have the commission consider an appropriate remedy. Such remedies may include but not be limited to further monetary penalties, fines, or actual decertification of territory. Although no precise date can be selected as the date for culmination of this investigation, the general counsel would intend that a final order, if necessary, would be forthcoming in the last quarter of 1981. Finally, the general counsel would put on notice the governing bodies of all towns and cities affected by the services of GTSW that their aid will be indispensable to the timely and effective resolution of the investigation and hereby invite their cooperation and assistance.

Wherefore, premises considered, the general counsel would pray that General Telephone Company of the Southwest take notice of this investigation and be prepared to produce all reasonable data and cooperate in all reasonable ways as are necessary to the timely completion of this investigation.

Issued in Austin, Texas, on February 2, 1981.

Doc. No. 810897      Allen H. King  
    General Counsel  
    Public Utility Commission of Texas

Filed: February 9, 1981, 9:46 a.m.  
 For further information, please call (512) 458-0271.



## Texas Savings and Loan Department

### Notice of Interest Rate

The following information is made available at this time for the benefit of the public and the financial institutions of Texas.

Pursuant to the provisions of House Bill 409, 66th Legislature of Texas, Regular Session, 1979, the Savings and Loan Commissioner of Texas has ascertained the average per annum market rate adjusted to constant maturities on 10-year U.S. Treasury notes for the calendar month of January 1981 to be 12.57%. An additional 2.0% per annum translates to the maximum 12% as provided for by state law.

This rate shall govern applicable loans made on or after March 1, 1981, and extending through March 31, 1981.

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810862      L. Alvis Vandygriff  
    Commissioner  
    Texas Savings and Loan Department

Filed: February 6, 1981, 11:35 a.m.  
 For further information, please call (512) 475-7991.

## Office of the Secretary of State

### Texas Register

#### Notice to Complimentary Subscribers

The Texas Register Division is currently updating its listing of complimentary subscribers. If you are now receiving or are eligible to receive a complimentary subscription, please contact this office before March 1, 1981.

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Please refer any questions regarding subscriptions to Dee Wright at (512) 475-7886.

### Notice of Schedule Variation

In view of the observance of George Washington's birthday on Monday, February 16, deadlines for submission of documents for publication in the issue of the *Texas Register* dated February 20, 1981, have been changed. As previously scheduled, deadlines for submission of documents for publication in the February 20 issue are 10 a.m. Friday, February 13 (all copy except notices of open meetings), and 10 a.m. Tuesday, February 17 (open meeting notices). The regular deadline schedule will resume with the issue of the *Register* dated February 24, 1981.

## Texas Water Commission

### Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of February 2-6, 1981.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

#### Week Ending February 6, 1981

William C. Yancey, Jr., and Charles T. Richardson, Houston; domestic sewage facility; on the east side of Smith Road crossing over Greens Bayou in Harris County; 11376-01; renewal

Mineral Research and Development Corp., Freeport; industrial wastewater facility; 302 Midway Road, Brazoria County; 01878; renewal

Lester A. Gallatin (Sunny Villa Mobile Home Park), Baytown; domestic sewage facility; south of the intersection of State Highway 146 with IH 10 in Chambers County; 11534-01; renewal

Dixie Oil Processors, Inc., Friendswood; oil recovery and blending facility; 2801 Choate Road in Harris County; 00951; renewal

Lone Star Industries, Inc., Houston; industrial wastewater facility; 402 Concrete Avenue, Harris County; 00580; amendment

Harold Butler Enterprises, La Mirada, California; wastewater treatment facility; 15815 East Texas Freeway in Harris County; 11055-01; amendment

City of Houston (Gulf Meadows Plant); domestic sewage facility; 7961 Hall Road in Harris County; 10495-20; renewal

City of Houston; Chocolate Bayou sewage treatment plant; 10500 South Park Street in Harris County; 10495-09; renewal

City of Houston (Southeast Plant); domestic sewage facility; southwest of the southern terminus of Grenadier Street in Harris County; 10495-79; renewal

Aluminum Company of America, Palestine; industrial wastewater facility; southeast of U.S. Highway 79, seven miles northeast of Palestine in Anderson County; 01919; renewal

Valley View Disposal and Water Supply Corp.; domestic sewage facility; one mile south of Valley View in Cooke County; 11164-01; renewal

Texas Municipal Power Agency, Arlington; sedimentation pond facility; two miles south of the Town of Carlos in Grimes County; 02460; new permit

White's Mines, Inc., San Antonio; limestone crushing plant; on the southwest bank of the Brazos River in Parker County; 01648; renewal

Tenneco Uranium, Inc., and Uranium Resources, Inc., Richardson; in situ uranium mining plant; north of Bruni in Sections 1 and 6 of Josefa Cullar in Webb County; 02463; new permit

First Baptist Church, Porter; wastewater treatment facilities; at the intersection of Church Street and FM Road 1314 in Montgomery County; 12339; new permit

General Portland Inc., Trinity Division, Dallas; sand and gravel washing plant known as the Cleburne Plant; on the east bank of the Brazos River in Johnson County; 01389; amendment

United States Department of Interior (Santa Ana National Wildlife), Alamo; domestic sewage facility; on the south side of U.S. Hwy. 281 in Hidalgo County; 12350; new permit

John Windham and E. L. Moses, Jr., Richmond; wastewater treatment facility; across Madden Road from the State Department of Corrections Jester Farm in Fort Bend County; 12329; new permit

City of McAllen; domestic sewage facility; southwest of McAllen in Hidalgo County; 10633-03; amendment

City of Bridgeport; wastewater treatment plant; east of the West Fort Trinity River in Wise County; 10389-02; amendment

Issued in Austin, Texas, on February 6, 1981.

Doc. No. 810883

Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: February 6, 1981, 3:13 p.m.

For further information, please call (512) 475-1311.

## TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

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| 1 TAC §§79.36, 79.45-79.49, 79.54, 79.56-79.59 (004.20.02.006, .015-.019, .024, .026, .029) .....  | 638 |

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