

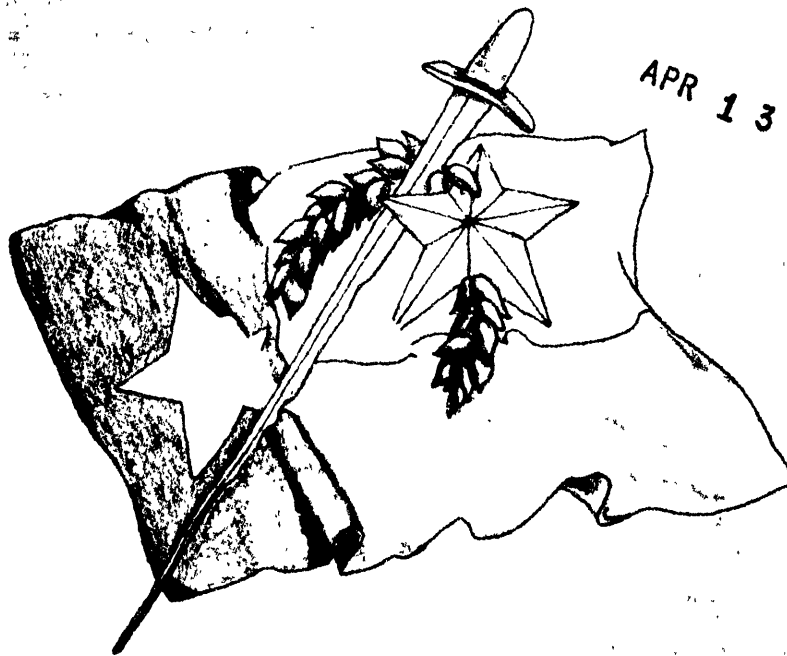
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# Texas Register

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## Highlights

- ★ The Veterans Land Board adopts on an emergency basis amendments to a rule concerning land selected by a veteran for purchase; effective date - April 4 ..... page 1202
- ★ The State Board of Podiatry Examiners proposes a new rule concerning the use of nitrous oxide for relative anesthesia; proposed date of adoption - June 19.....page 1203
- ★ The Public Utility Commission of Texas adopts amendments in two chapters concerning practice and procedure and substantive rules; effective date - April 27.....page 1205

# How To Use the Texas Register

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1983 with the exception of January 25, March 8, April 26, and November 29, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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

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

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- Withdrawn Rules -- rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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

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

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

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example page 2 in the lower left-hand corner of this page is written "8 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 8 TexReg 3"

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

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

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

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

**TAC** stands for the *Texas Administrative Code*;

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

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

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

# The Governor

## Appointment Made March 28

### Brazos River Authority

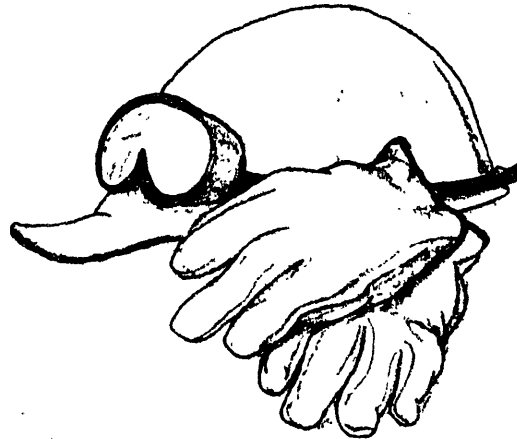
To the Board of Directors for a term to expire February 1, 1989:

Paul H. Harvey, Jr.  
101 Elmore  
Hillsboro, Texas 76645

Mr. Harvey is replacing J. C. Chatmas, Jr. of Marlin, whose term expired.

Issued in Austin, Texas, on March 28, 1983.

TRD-832462      Mark White  
Governor of Texas



## Appointment Made March 30

### 88th Judicial District

To be district judge for the 88th Judicial District, Hardin and Tyler Counties, until the next general election and until his successor shall be duly elected and qualified:

Lee Roger Ratliff  
130 West Avenue H  
Silsbee, Texas 77656

Mr. Ratliff is replacing Clyde E. Smith, Jr. of Kountze, who resigned.

Issued in Austin, Texas, on March 30, 1983.

TRD-832463      Mark White  
Governor of Texas

## Appointment Made March 31

### Public Utility Commission of Texas

For a term to expire September 1, 1985:

Philip F. Ricketts  
2003 Cypress Point East  
Austin, Texas 78746

Mr. Ricketts is replacing Dr. Henry Moak Rollins of Austin, who resigned.

Issued in Austin, Texas, on March 31, 1983.

TRD-832464      Mark White  
Governor of Texas

# The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

## Opinion Issued March 9

**Election Law Opinion JWF-1.** Request from Roy Rutland III, assistant city attorney, Austin, regarding an independent candidate's application for a place on the ballot in a home rule city.

**Summary.** The Texas Election Code, Article 13.53, provides two methods by which an independent candidate may have his or her name placed on the ballot in a municipal election. Article 13.53 prevails over the provisions of any city charter or city ordinance to the extent they conflict with Article 13.53.

TRD-832509

## Opinion Issued March 10

**Election Law Opinion JWF-2.** Request from DeWayne Dallas, DeWayne Dallas Company, Dallas, regarding the validity of a drawing for ballot position before the deadline for filing for a place on the ballot and the requirements for an independent candidate's application for a place on the ballot in a municipal election.

**Summary.** A valid drawing to determine the order in which independent candidates'

names will be printed on the ballot must include the entire class of affected candidates and be held after the deadline for applying for a place on the ballot. The Texas Election Code, Article 13.53, provides two separate methods by which an independent candidate in a municipal election may have his or her name printed on the ballot. A candidate may comply with either and may not be required to comply with both.

TRD-832510

## Opinions Issued April 4

**Election Law Opinion JWF-3.** Request from Chester R. Upham, Jr., chairman, Republican Party of Texas, Austin, regarding corporate donations for the limited purposes of assisting a county political party or state political party with the administrative costs of operating a county or state party headquarters.

**Summary.** It is permissible under the Texas Election Code, Chapter 14, for a corporation to make a donation to help defray the administrative operating costs of a county or state political party headquarters to the extent that the donations do not become directly or indirectly utilized for activities which would constitute "contribu-

tions" as defined in Article 14.01(D) of the Code. The criminal sanctions in Chapter 14 make it especially advisable for the state or county political parties and corporations involved to be able to establish that corporate donations are not and will not be accepted or utilized for any purpose which could be construed as a "contribution."

TRD-832511

**Election Law Opinion JWF-4.** Request from Doris Shropshire, Travis County clerk, Austin, regarding straight party voting with a mark-sense voting system.

**Summary.** For a mark-sense optical scanner voting system to be in compliance with the requirement of the Texas Election Code, Article 7.15, Subdivision 4(a)(2)(F), it must provide for a single ballot card capable of containing all the candidates in an election in which candidates run by party, or, alternatively, be programmed to permit straight party voting by means of a single mark regardless of the number of ballot cards utilized. A system providing for straight party voting by means of a single mark on each of two or more separate ballot cards is not in compliance with the Texas Election Code, Article 7.15, Subdivision 4(a)(2)(F).

TRD-832512

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

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

# The Attorney General

## Opinions

**JM-17 (RQ-775).** Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin, concerning enforcement of the Texas Parks and Wildlife Code within the confines of the Alabama-Coushatta Indian Reservation.

**Summary of Opinion.** To the extent the Texas Parks and Wildlife Department would otherwise be empowered to enforce provisions of the Texas Parks and Wildlife Code within the confines of the Alabama-Coushatta Indian Reservation, it is not precluded from doing so by virtue of a claim that it is an Indian reservation.

TRD-832456

**JM-18 (RQ-20).** Request from Joe C. Hanna, chairman, Energy Resources Committee, Texas House of Representatives, Austin, concerning whether House Bill 226, relating to reporting ownership of mineral interests severed from surface estate and to proceedings for abandonment of unreported mineral interests, violates the Texas Constitution, Article I, §19.

**Summary of Opinion.** House Bill 226, relating to proceedings for abandonment of unreported mineral interests, is unconstitutional under the due process clauses of the United States and Texas Constitutions.

TRD-832457

**JM-19 (RQ-22).** Request from William P. Daves, Jr., chairman, State Board of Insurance, Austin, concerning whether the commissioner of insurance is an "employee" or "officer" for purposes of Texas Civil Statutes, Article 6252-8b.

**Summary of Opinion.** The commissioner of insurance is entitled to accrue vacation time under the General Appropriations Act, Article V, §7, and to receive payments for accrued but unused leave time under Article 6252-8b. Attorney General Opinions M-1279, M-1280, H-715, and MW-517 are overruled to the extent that they conflict with this opinion.

TRD-832458

**JM-20 (RQ-853).** Request from M. G. Wells, Anderson County attorney, Palestine, concerning approval of subdivision plats.

**Summary of Opinion.** The county clerk of Anderson County is not authorized to file a map or plat of a subdivision of land located within five miles of the City of Palestine unless it has been approved by the appropriate city authority. County approval is unnecessary.

TRD-832459

**JM-21 (RQ-898).** Request from H. S. Harris, Jr., chairman, Industrial Accident Board, Austin, concerning workers' compensation statutes pertaining to payment of lump sum benefits in cases involving fatality.

**Summary of Opinion.** Texas Civil Statutes, Article 8306, §8(d), restricts lump sum payment of death benefits to two situations: upon remarriage of the widow or widower; or in the case of bona fide disputes as to the liability of the association. Thus, the Industrial Accident Board may not award lump sum payments to an unmarried widow or widower or to other beneficiaries when there is no dispute about the liability of the insurance carrier. There is no provision in the Workers' Compensation Act permitting a lump sum payment in the settlement of a dispute about proper beneficiaries. Thus, no lump sum payment may be made in that circumstance. The board may award lump sum payments pursuant to Texas Civil Statutes, Article 8306, §15 and §17, to the insured when he survives but is incapacitated, but not to the beneficiaries of a deceased insured.

TRD-832460

**JM-22 (RQ-52).** Request from Frank Tejeda, chairman, Committee on Judicial Affairs, Texas House of Representatives, Austin, concerning whether a judge of a court of record receiving a full-time salary can receive a fee for performing a marriage during working hours in a publicly owned building.

**Summary of Opinion.** A judge of a court of record is not prohibited from receiving his salary by virtue of the fact that he performs marriage ceremonies between the hours of 8 a. m. and 5 p. m. and receives a fee therefor.

TRD-832461

## Open Records Decisions

**ORD-366 (RQ-21).** Request from Katherine J. Whitmire, mayor, City of Houston, concerning the availability under the Open Records Act of records relating to persons booked into Houston City Jail since June 1, 1982.

**Summary of Decision.** The Houston Police Department received a request under the Open Records Act for access to the daily police blotter, show-up sheet, and arrest sheet maintained by the department from June 1, 1982, to the present. This information was held to be open to the public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d, 177 (Tex. Civ. App.—Houston [14th dist.] 1975). Such information is not protected by the law enforcement exception of the Open Records Act, except in circumstances where the release of particular information would unduly interfere with law enforcement or conflict with an individual's right of privacy. Federal regulations prohibiting the

disclosure of certain kinds of criminal history record information do not apply to information contained in original records of entry such as police blotters compiled chronologically. Names of all persons booked into the Houston City jail since June 1, 1982, their ages, addresses, and charges filed against them, and the date they were held in jail constitute public information.  
TRD-832482

**ORD-367 (RQ-27).** Request from Bob E. Bradley, executive director, Texas State Board of Public Accountancy, Austin, concerning availability under the Open Records Act of agenda book pages dealing with proposed legislation and with litigation.

**Summary of Decision.** The Texas State Board of Public Accountancy received a request under the Open Records Act for information from the agenda book of prior board meetings. Some of the information was excepted from public disclosure by §3(a)(6) as drafts and working papers involved in the preparation of proposed leg-

islation. Other information was excepted by the litigation exception. Other information was excepted from disclosure by Texas Civil Statutes, Article 41a-1, which renders confidential information received by the board concerning a candidate for licensing.  
TRD-832483

**ORD-368 (RQ-28).** Request from Tom Bond, commissioner of insurance, State Board of Insurance, Austin, concerning availability under the Open Records Act of information from a file on an Insurance Board investigation of a licensee.

**Summary of Decision.** The State Board of Insurance received a request under the Open Records Act for an investigative file compiled on an insurance agent in connection with a proceeding to consider cancellation or revocation of his license. It was determined that this information could be withheld pursuant to the litigation exception of the Open Records Act, §3(a)(3), until the public hearing was completed.  
TRD-832484



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

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

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

# Emergency Rules



## TITLE 28. INSURANCE Part I. State Board of Insurance

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

### Powers and Duties Examination of Carriers

#### 059.01.15.203

The State Board of Insurance is renewing the effectiveness of the emergency adoption of amendments to 059.01.15.203 for a 60-day period effective April 20, 1983. The text of the amended rule was originally published in the December 31, 1982, *Texas Register* (7 TexReg 4517).

Issued in Austin, Texas, on April 1, 1983

TRD-832411 Jim Norman  
Chief Clerk  
State Board of Insurance

Effective date: April 20, 1983  
Expiration date: June 19, 1983  
For further information, please call (512) 475-2950.

#### 059.01.15.224

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new 059.01.15.224 for a 60-day period effective April 20, 1983. The text of the new rule was originally published in the December 31, 1982, *Texas Register* (7 TexReg 4518).

Issued in Austin, Texas, on April 1, 1983

TRD-832412 Jim Norman  
Chief Clerk  
State Board of Insurance

Effective date: April 20, 1983  
Expiration date: June 19, 1983  
For further information, please call (512) 475-2950.

### Taxes and Fees

#### 059.04.01.001

The State Board of Insurance is renewing the effectiveness of the emergency adoption of amendments to 059.04.01.001 for a 60-day period effective April 20, 1983. The text of the amended rule was originally published in the December 31, 1982, *Texas Register* (7 TexReg 4519).

Issued in Austin, Texas, on April 1, 1983

TRD-832413 Jim Norman  
Chief Clerk  
State Board of Insurance

Effective date: April 20, 1983  
Expiration date: June 19, 1983  
For further information, please call (512) 475-2950.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part V. Veterans Land Board

Chapter 175. General Rules of the Veterans Land Board

40 TAC §175.3

The Veterans Land Board adopts on an emergency basis amendments to §175.3, concerning land selected by a veteran for purchase under the Veterans Land Act, Natural Resources Code, Chapter 161.

The amendments delete subsections (m)-(p), which deal with the number of tracts which may be sold out of a larger tract, and which are collectively known as the "subdivision rule."

The purpose of the amendments is to make new tracts of land available for purchase by veterans to meet the overwhelming demand for such tracts.

The amendments are adopted on an emergency basis under the provisions of the Natural Resources Code, §161.063, which authorizes the Veterans Land Board to adopt rules that it considers necessary or advisable in the administration of the Veterans Land Act

§175.3. Land Selection

(a)-(l) (No change)

(m) The board will purchase five tracts out of any large tract of land. The five smaller tracts must contain 10 or more acres each. If the large tract has only five tracts, the board will buy them all, however, if the large tract contains more than five smaller tracts, subsection (o) of this section, concerning larger subdivisions, will apply. If dividing a larger tract into two or more smaller tracts, a statement signed by the county commissioners court stating that there is no objection to the division of the tract must be attached to the application.

(n) After January 20, 1971, acquisition of a separate tract or tracts out of a larger piece of land from a common grantor will not qualify under the provisions of subsection (m) of this section. For example, if the owner of a 500-acre tract conveys 100 acres to an individual after January 20, 1971, the board can accept only five tracts out of the original 500 acres, or 20% of the original 500 acres.

(o) In larger subdivisions, the board will buy 20% of the total number of acres in that part of the whole planned subdivision which has been platted and recorded. For example, in a 1,600-acre development offered for sale

in phases of 160 acres, each subdivided and platted into 16-acre tracts, the board will buy five tracts out of the first 160-acre phase. At that point, the 20% rule becomes effective and, as a result, the board will not buy any tracts from the second phase. Out of the third 160-acre phase the board will buy one tract. Out of the fourth 160-acre phase the board will buy two tracts. This would make a total of eight tracts out of the 640 acres then subdivided. This figure equals 20% of 640 acres, or 128 acres divided by 16 which is eight tracts.

[(p)] Developers of subdivisions to which the 20% rule may apply should discuss their plans with the executive secretary of the board to determine if tract sizes, restrictions, and other proposals are acceptable. Proposed subdivisions should be cleared with the county commissioners court to verify that the plans meet their rules and their requirements regarding road construction. Subdivisions within the area of influence of a city should be cleared with the city manager or governing body.]

(m)[(q)] Subdivision plats must be prepared and certified by a surveyor. Tracts must be identified by number and acreage. Metes and bounds, access roads, and road width must be clearly shown on the recorded plat. If records are to be dedicated to the public, the certificate of the owner must be on the plat. When county or city approval or "no objection" is indicated, it must be set out on the plat signed by the proper official. All plats must be recorded in the office of the county clerk.

(n)[(r)] The board prefers to buy tracts which are not subject to restrictions, although generally provisions regarding septic tanks, feed lots, dump grounds, automobile graveyards, discharge of firearms across property lines, and activities which constitute a nuisance will be considered and applied, depending upon the location of the subdivision in relation to populated areas.

(o)[(s)] Tracts not on a public road must have useable access by easement at least 30 feet wide, either conveyed in common in each warranty deed to the board or dedicated to the public and referred to in the deed to the board by recording date of the plat or other dedication. Roads must be broken out and useable by automobile during normal weather. It is not required that the county or city agree to maintain the roads.

Issued in Austin, Texas, on April 1, 1983

TRD 832434 Garry Mauro  
Chairman  
Veterans Land Board

Effective date April 4, 1983  
Expiration date August 2, 1983  
For further information, please call (512) 475-0195.

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

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

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

# Proposed Rules

## TITLE 22. EXAMINING BOARDS Part XVIII. Texas State Board of Podiatry Examiners Chapter 381. Anesthesia

22 TAC §381.1

The Texas State Board of Podiatry Examiners proposes new §381.1, concerning relative analgesia. The attorney general's Opinion MW 435 has allowed the use of nitrous oxide for relative anesthesia in podiatry. These rules are for proper administration of nitrous oxide by all licensees who practice podiatry.

J. C. Littrell, D.P.M., executive director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Littrell has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be protection of the public. The agency cannot determine the anticipated economic cost to individuals who are required to comply with the rule because of the cost of the CPR course to be taken to become certified and also because of the cost of the equipment to administer the nitrous oxide.

Comments on the proposal may be submitted to Sandra Marshall, 411 West 13th Street, Suite 504, Austin, Texas 78701, (512) 475-1770.

The new section is proposed under Texas Civil Statutes, Article 4568(j), which provides the Texas State

Board of Podiatry Examiners with the authority to adopt all reasonable or necessary rules not inconsistent with the law regulating the practice of podiatry, the laws of this state, or of the United States, to govern its proceedings and activities, the regulation of the practice of podiatry, and the enforcement of the law regulating the practice of podiatry.

### §381.1 Relative Analgesia

(a) In podiatry anesthesia, relative analgesia is a maintained level of conscious sedation, short of general anesthesia, in which the pain threshold is elevated. This is usually induced by inhalation of nitrous oxide and oxygen.

(b) It shall be administered only by the D.P.M. or the assistant under direct supervision. The nitrous oxide should not be flowing if the doctor is not present in the room.

(c) The D.P.M. and his assistant must have completed at least 10 hours of training including aspects of monitoring patients and the hands-on use of the gas machine. The D.P.M. must have completed an Advanced Life Support Program and must keep his certification current while using nitrous oxide conscious sedation. The instructor must be a licensed and practicing M.D., D.O., D.D.S., or D.P.M. in the State of Texas, and must have 10 years experience with the routine administration of nitrous oxide conscious sedation. The instructor will be subject to approval by the unanimous vote of the Texas State Board of Podiatry Examiners.

(d) Equipment used must meet the following safety criteria. The gas machine should have

- (1) 30% minimum flow of oxygen;
- (2) glass flow tubes;

(3) nitrous oxide fail safe (will not flow without oxygen).

(4) automatic room air intake in the event the bag is empty.

(5) nonbreathing check valve.

(6) oxygen flush, and

(7) auxiliary oxygen outlet with one demand valve resuscitation assembly per office.

(e) The office should be equipped with a manifold to provide for protection against overpressure. The manifold must be equipped with an audible alarm system. The machine must have a service check on a three year basis, and a copy of the service check is to be filed with the office of the Texas State Board of Podiatry Examiners. There must be a method of locking the nitrous oxide tanks at night.

(f) A podiatrist must have a current C P R card.

(g) A podiatrist must have appropriate emergency drugs and equipment for resuscitation.

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

Issued in Austin, Texas, on April 1, 1983.

TRD 832406

J. C. Littrell, D.P.M.  
Executive Director  
Texas State Board of Podiatry  
Examiners

Proposed date of adoption

June 19, 1983

For further information, please call (512) 475-1770.

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

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

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

# Adopted Rules



## TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas

### Chapter 21. Practice and Procedure 16 TAC §21.13

The Public Utility Commission of Texas adopts amendments to §21.13, without changes to the proposed text published in the February 4, 1983 issue of the *Texas Register* (8 TexReg 358).

The rule clarifies the proper number of copies that are required when applying for a certificate of convenience and necessity and allows a sufficient number of copies to be distributed to divisions involved in evaluating the applications. Applications for certificates of convenience and necessity will now require three rather than two copies of each item requested by the commission.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public

Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and to make decisions with respect to administering the provisions of the Public Utility Regulatory Act or the rules of the commission.

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

Issued in Austin, Texas, on April 4, 1983.

TRD 832494

Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983.

Proposal publication date: February 4, 1983.

For further information, please call (512) 458-0100.

### 16 TAC §21.23

The Public Utility Commission of Texas adopts amendments to §21.23, with changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 359).

The rule as adopted will assure that the commission has adequate notice that a contested hearing will be required so that the case may be processed in a more expeditious manner than is the case when last minute protests are received.

Subsection (b)(2) of the rule will require applicants to notify interested persons that they have 15 days from first publication of the notice to contact the commission and applicant to make their interest known.

There was general approval for the amendments. There was also a suggestion to clarify that the time requirement of 15 days was to begin on "first publication of the notice." The Commission adopted this recommendation, and the wording was altered to accommodate the new language.

Comments favoring the amendments were received from Southwestern Bell, General Telephone of the Southwest, and West Texas Utilities.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and to make decisions with respect to administering the provisions of the Act or the rules of the commission.

§21.23. Publication Notice

(a) (No change.)

(b) Licensing proceedings. In licensing proceedings, notice shall be given in the following ways:

(1) (No change.)

(2) except in minor boundary changes, publication by the applicant in a newspaper having general circulation in the area of the state where a certificate of convenience and necessity is being requested, in that newspaper once each week for two consecutive weeks beginning with the week after the application is made with the commission, of the applicant's intent to secure a certificate of convenience and necessity. This notice shall identify in general terms the type of facility, if applicable, and the area for which the certificate is being requested. The notice shall also include the following statement: "Persons who wish to intervene in the proceeding, make formal protest, or comment upon action sought, should contact the Public Utility Commission of Texas and the applicant, within 15 days of first publication of the notice."

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

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

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

Issued in Austin, Texas, on April 4, 1983

TRD-832495 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 458-0100.

16 TAC §21.30

The Public Utility Commission of Texas adopts an amendment to §21.30, without changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 359).

The rule will save time by clarifying who must enter appearances at a commission meeting. The amend-

ment deletes a phrase which gives misleading information as to whose appearances are to be entered on the record.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and to make decisions with respect to administering the provisions of the Public Utility Regulatory Act or the rules of the commission.

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

Issued in Austin, Texas, on April 4, 1983

TRD-832496 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 458-0100.

16 TAC §21.49

The Public Utility Commission of Texas adopts amendments to §21.49, without changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 360).

The amendments are adopted to make the rule more readable and more comprehensible. The intent of the amendments is to clarify the language of the rule so that the heading and the body of the rule use the same terminology and word order; there is no intent in the amendments to alter the function of the rule.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and to make decisions with respect to administering the provisions of the Public Utility Regulatory Act or the rules of the commission.

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

Issued in Austin, Texas, on April 4, 1983.

TRD-832497 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 458-0100.

**16 TAC §21.57**

The Public Utility Commission of Texas adopts amendments to §21.57, without changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 361).

The rule is more readable and more comprehensible. It is the intention of the amendment to correct syntactical agreement in a complex sentence to state the message desired. The new language will take into account the difference between an "order" and a "fixed date."

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and to make decisions with respect to administering the provisions of the Public Utility Regulatory Act or the rules of the commission.

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

Issued in Austin, Texas, on April 4, 1983

TRD 832498 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983  
Proposal publication date: February 4, 1983  
For further information, please call (512) 458-0100.

**16 TAC §21.61**

The Public Utility Commission of Texas adopts amendments to §21.61, without changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 361).

The rule assures that no section of the rule implies sexual discrimination toward any job in the commission. It is the intention of the amendment to delete sexist language which is implied by use of the pronoun "he" in several sentences of this rule. The grammatical and syntactical structure of the rule has been altered to accommodate the deletion of the pronoun "he" but there is no change to the substance of the rule itself.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and to make decisions with respect to administering the provisions of the Public Utility Regulatory Act or the rules of the commission.

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

Issued in Austin, Texas, on April 4, 1983

TRD-832499 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983  
Proposal publication date: February 4, 1983  
For further information, please call (512) 458-0100.

**16 TAC §21.62**

The Public Utility Commission of Texas adopts amendments to §21.62, without changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 362).

The rule as adopted will assure that no section of the rule implies sexual discrimination toward any job in the commission. It is the intention of the amendments to delete language which might be construed as being sexist. Any pronoun of gender, or title containing the implication of gender, such as "chairman," will be replaced with a neuter equivalent, such as "chair." The grammatical and syntactical structure of the rule has been slightly altered to accommodate these revisions, but there will be no change to the function of the rule.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and to make decisions with respect to administering the provisions of the Public Utility Regulatory Act or the rules of the commission.

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

Issued in Austin, Texas, on April 4, 1983

TRD-832500 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983  
Proposal publication date: February 4, 1983  
For further information, please call (512) 458-0100.

**Chapter 23. Substantive Rules  
Records and Reports**

**16 TAC §23.11**

The Public Utility Commission of Texas adopts amendments to §23.11, without changes to the proposed

text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 365).

The rule as adopted should eliminate any ambiguity that may exist concerning the filing of gross receipts assessment reports and assures that critical figures for setting proper water utility rates are available and accurate.

Subsection (i), concerning gross receipts assessment, is being changed to reflect changes in filing procedure. All utilities subject to the jurisdiction of the commission must now file a gross receipts assessment report with the state comptroller. Subsection (p), concerning groundwater withdrawal reports, is being changed to records of water production and consumption. This change will require that water utilities maintain accurate records of the volume of water purchased, pumped, and consumed.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §35(b) and §16, which provide the Public Utility Commission of Texas with the authority to establish practices and set standards for the measurement of the quantity of water provided by water utilities and to make rules necessary for the enforcement of Public Utility Regulatory Act, §§78-80.

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

Issued in Austin, Texas, on April 4, 1983

TRD-832501 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 458-0100.

**16 TAC §23.12**

The Public Utility Commission of Texas adopts amendments to §23.12, with changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 363).

The rule improves the efficiency of rate regulation by reducing the number of forms that are required to be filed, thereby saving time and money for both the utilities required to file and the Public Utility Commission which must process those filings.

Due to a deletion in subsection (b)(1)(A)(iii), utilities that separate interstate and intrastate operations for settlement purposes will no longer be required to show by supplemental addenda their total intrastate operations in Texas. In subsection (b)(1)(B)(ii) there is a modification to accommodate the name change of the Federal Power Commission to the Energy Regulatory Commission. At the time of adoption the wording

“(formerly the Federal Power Commission)” was deleted from the proposal since it was considered common knowledge. A sentence was added to the proposal requiring annual reports to be filed with the commission on the same dates they were to be filed with the Federal Energy Regulatory Commission or United States Department of Agriculture Rural Electrification Administration, whichever was applicable. Subsection (b)(1)(D), concerning radio telephone utilities, is being deleted since it no longer pertains to commission function, subsection (b)(1)(E) will be renumbered. The final change adopted is the deletion of subsection (b)(2)(A), which abolishes the present requirement that utilities submit to the commission quarterly financial reports.

Comments in favor of the amendments were received from the Texas Power and Light Company. For clarity, the Texas Power and Light Company recommended that the Public Utility Commission of Texas require annual reports to be filed by the same due date established by the Federal Energy Regulatory Commission or the United States Department of Agriculture—Rural Electrification Administration whichever was applicable. The recommendations were adopted by the commissioners.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §27 and §28, which provide the Public Utility Commission of Texas with the authority to require utilities to provide or file reports and information and to establish forms for all reports.

**§23.12. Financial Records and Reports**

(a) (No change.)

(b) Financial and operating reports. The following financial and operating reports shall be filed with the commission.

(I) Annual reports

(A) Telephone utilities.

(i) (ii) (No change.)

(iii) All telephone utilities filing a consolidated system report with the Federal Communications Commission or operating in the State of Texas and other states shall file a supplemental annual report on a form prescribed by the commission showing the total operation (interstate and intrastate combined) in Texas.

(B) Electric utilities

(i) Each Class A and B electric utility shall file with the commission the same annual report required by the Federal Energy Regulatory Commission or United States Department of Agriculture Rural Electrification Administration and a copy of all correspondence had with respect thereto. Such annual reports shall be filed with the commission on the dates same are required to be filed by the Federal Energy Regulatory Commission or United States Agriculture—Rural Electrification Administration, whichever is applicable. Class A and B electric utilities which are not required to file such reports shall file with the commission an annual report on the form prescribed by the Federal Energy Regulatory Commission.

(ii) (No change.)

(C) (No change.)

(D) Each utility shall submit to the commission two copies of its annual report to the shareholders,



customers, or members. Each utility or utility holding company subject to annual reporting to the Securities and Exchange Commission shall file a copy of such annual report with the commission

(2) Quarterly reports Each utility shall submit to the commission two copies of its quarterly financial report to shareholders, customers, or members. Each utility or utility holding company subject to quarterly reporting to the Securities and Exchange Commission shall file a copy of such report with the commission.

(3)-(4) (No change )

(c) (No change )

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

Issued in Austin, Texas, on April 4, 1983

TRD-832502 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date April 27, 1983

Proposal publication date February 4, 1983

For further information, please call (512) 458-0100.

### 16 TAC §23.13

The Public Utility Commission of Texas adopts amendments to §23.13, without changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 364).

The rule as adopted will save time and money by avoiding unnecessary duplication of information. Subsection (d), concerning telephone utilities, has been modified to require that telephone utilities file annual, rather than quarterly, station data reports.

General Telephone Company of the Southwest commented in favor of the rule, saying that "we generally support this rule."

The amendments are adopted under Texas Civil Statutes, Article 1446c, §27 and §28, which provide the Public Utility Commission of Texas with the authority to require utilities to provide information or file reports and to establish forms and frequency for reports that are filed

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

Issued in Austin, Texas, on April 4, 1983

TRD 832503 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date April 27, 1983

Proposal publication date February 4, 1983

For further information, please call (512) 458-0100.

### Service

#### 16 TAC §23.32

The Public Utility Commission of Texas adopts amendments to §23.32, without changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 365)

The rule as adopted will assure that new electric and telephone residential customers will have detailed information on deposits at the time service is initiated, thereby avoiding misunderstandings if and when deposits are required

The revision will require telephone and electric utilities to provide all new residential customers, at the time service is initiated, with information on the circumstances under which a deposit or additional deposits may be required, how deposits are calculated, the interest paid on deposits, and the requirements and time frame for return of deposits

General Telephone Company of the Southwest, Texas Electric Service Company, Gulf States Utility Company, and Southwestern Bell spoke in favor of the rule, while West Texas Utilities spoke against it. West Texas Utilities felt the rule as proposed would cause unnecessary expense for the company since the information was already available in other material. General Telephone Company of the Southwest, Southwestern Bell, and Texas Electric Service Company stated they had no objection to the rule as proposed; Gulf States Utilities also had no objections to the rule but requested a three month period before the rule went into effect to allow time for the printing of new pamphlets

The agency feels the adoption of the amendments as proposed is necessary to make information on deposits readily available at the time service is initiated and does not believe that this requirement will create unnecessary expense, since the information required by the rule can simply be added to existing brochures or pamphlets

The amendments are adopted under Texas Civil Statutes, Article 1446c, §18 and §16, which provide the Public Utility Commission of Texas with the authority to regulate rates, operations, and services of all telecommunications utilities within the state and to make and enforce rules reasonably required in the exercise of this jurisdiction

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

Issued in Austin, Texas, on April 4, 1983

TRD 832504 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date April 27, 1983

Proposal publication date February 4, 1983

For further information, please call (512) 458 0100.

**16 TAC §23.38**

The Public Utility Commission of Texas adopts amendments to §23.38, with changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 365)

The rule as adopted will more clearly define the requirements that electric and telephone utilities must meet when responding to a customer's request for new service

Subsection (c) has been modified and regrouped into four parts to clarify minor differences in the required response of telephone and electric utilities to a customer's request for new service. At the time of adoption, new language was added to subsection (c)(2) of the proposal, affecting telephone utilities. The new language takes into account the fact that situations which are reasonably beyond the control of the utility, other than unavailability of materials, may cause unavoidable delays in new telephone residential service requiring line extensions. The rule as adopted will also differentiate between a "drop line" and a "line extension" as applied to telephone utilities.

Commenting in favor of the amendments were Houston Lighting and Power Company, General Telephone Company of the Southwest and Texas Electric Service Company. No comments were received against the amendments.

Texas Electric Service Company and Houston Lighting and Power Company felt that subsection (c)(2), concerning the terms "drop wire" and "line extension" as applied to telephone utilities, needed additional language to note that this paragraph was directed specifically at telephone utilities. The agency felt that since subsection (c)(2) states in the first sentence that it is dealing with applications for new telephone service, no additional indication of this was necessary. General Telephone Company of the Southwest pointed out that the only reason given in subsection (c)(2) for delay of service was unavailability of materials, while subsection (c)(4) permits delays due to causes reasonably beyond the control of the utility. This problem was noted, and language was added to correct the difficulty.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §35(b), which provides the Public Utility Commission of Texas with the authority to set standards and establish practices to be observed by public utilities with respect to the service they provide.

**§23.38. New Construction**

(a)-(b) (No change)

(c) Response to request for service. Every telephone and electric public utility shall serve each qualified applicant for service within its certificated area as rapidly as is practical.

(1) Those applications for new electric service not involving line extension or new facilities should be filled within seven working days. Application for electric residential service requiring line extension should be filled as quickly as possible and shall be filled within 90 days

unless unavailability of materials causes unavoidable delays.

(2) Applications for new telephone service shall be filled in accordance with §23.51(e)(2) of this title (relating to Telephone Utilities). Those applications for new telephone residential service requiring line extensions should be filled as quickly as possible and shall be filled within 90 days unless unavailability of materials or other situations which are reasonably beyond the control of the utility cause unavoidable delays. Drop wire less than 300 feet in length which connects the utility distribution facility to the customer premises is not considered a line extension. For this rule, facility placement which requires a permit for a road or railroad crossing will be classed as a line extension.

(3) If a line extension is required by other than a large industrial or commercial electric customer or if facilities are not available, the telephone or electric utility shall inform the customer within 10 working days of receipt of the application, giving the customer an estimated completion date.

(4) In the event that residential telephone or electric service is delayed in excess of 90 days after an applicant has met credit requirements and made satisfactory arrangements for payment of any required construction charges, a report shall be made to the commission listing the name, location, and cause for delay. Unless such delays are due to causes which are reasonably beyond the control of the utility, delay in excess of 90 days shall constitute refusal to serve, and consideration may be given to revoking the certificate of convenience and necessity or to granting a certificate to another utility to serve the applicant, or refusal may be considered in arriving at a proper return on the invested capital of the utility.

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

Issued in Austin, Texas, on April 4, 1983.

TRD 832505

Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 458-0100.

**Special Rules**

**16 TAC §23.51**

The Public Utility Commission of Texas adopts amendments to §23.51, with changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 366)

The rule as adopted will give telephone customers better service through increased monitoring of both network and customer service aspects of utilities.

In subsection (a), two new definitions have been added, "customer access line" and "complex ser-

vice." As adopted, the term "complex service" was revised excluding PBX systems and key systems as circuits or equipment requiring special treatment. The term "primary service" has been redefined and was slightly modified from the proposal so that the language would coincide with industry convention.

Subsections (e)(2)(A)-(C) have been reorganized and amended to form nine units (A)-(I). The percentage of service orders for primary and regular service which must be completed in five working days or seven calendar days has not been changed, but those orders where a later date is specifically requested by the customer are excluded from the deadline. For "complex service," utilities must establish and maintain installation and time commitment guidelines which are available for public review. Installation interval measurements are to begin with the date of application or the date the applicant qualifies for service, whichever is later. Customers are to be provided a due date on which requested changes shall be made, and if a customer requests work be done on a regular working day later than that offered by the utility, then that date shall be the commitment date. As adopted, the requirements to be met by the utility if a premises visit is necessary are as follows: the utility shall establish an appointment period for the morning or afternoon on the due date, and if an appointment cannot be kept by the utility, the utility shall attempt to notify the customer by telephone and schedule a new appointment. The installation intervals and commitment requirements do not apply to service orders either to disconnect service or to make only record changes.

If a customer makes an application for a different grade of service, it shall be filled within 30 days, or it will become a held regrade order. The customer must then be advised and furnished the date service will be available. The number of held regrade orders is not to exceed 10% of the total number of customer access lines served.

Adopted amendments to subsections (e)(7)(A)-(D) set parameters on customer trouble reports. Customer trouble reports on network service per 100 customer access lines shall not exceed 11 in exchanges serving fewer than 300 customer access lines, nine in exchanges serving between 300 and 2,000 customer access lines, and seven in exchanges serving more than 2,000 customer access lines. Trouble reports on regulated customer premises equipment are not to exceed four per 100 customer, company provided stations. Customers shall be provided a time by which trouble will be cleared, and if a premises visit is required, the utility must establish an appointment with the customer. If an appointment cannot be kept by the utility, the utility will attempt to contact the customer by telephone to schedule a new appointment. If, at the scheduled appointment period, the utility is unable to gain access to the customer's premises, notice will be left advising the customer how to reschedule the work. The current subsection (e)(7)(A) will be deleted and subsection (e)(7)(B) will be reordered to (e)(7)(D) of the adopted rule.

Amendments to subsection (g) attempt to refine terms which state who shall perform traffic usage studies, and how often, "more than 300 main stations" will become "2,000 or fewer customer access lines", and "main stations" will become "customer access lines".

The commission's positions on telephone company exceptions to proposed rule changes heard by the commission on March 15, 1983, are as follows:

Concerning subsection (a) relating to definitions, Continental Telephone objected to the inclusion of private line in the "customer access line" definition.

Each private line is a separate channel. It is rated on an individual basis; its performance is tested on an individual basis. While it is not switched through a central office, it provides for unique transmission between two points, as does a central office switched line, and must be considered an individual service rather than a subsystem for purposes of quality of service regulation and rate making.

Southwestern Bell suggested limiting the term "complex service" to service objectives due to their internal application of the modifier "complex" to various other uses. The staff opinion is that the term as adopted is specifically referenced and clear and does not overlap other areas covered by the rules. Additional clarity was provided by narrowing the scope of the section through changes made in the application paragraph preceding the definitions.

Concerning subsection (e)(2)(A) relating to service objectives, Southwestern Bell proposed to delete the subparagraph requiring 95% of primary orders to be completed within five working days on the basis that their record keeping methodology has recently been changed to accommodate the impending separation of terminal equipment business from the local operating company. This places an additional category of order with their "primary" orders which will skew the percentages of held orders in their favor through the present transition period into complete divestiture. After January 1, 1984, however, activity in the additional category will be minimal and affect the measurements very little if at all.

Concerning subsection (e)(2)(C), Continental contends that setting installation time commitments from complex service installations is impossible due to the wide range of complex services offered in their tariff.

The rule requires that each company set its own commitment times and apply them in a nondiscriminatory manner. The intention then is to provide standards on which customers may rely and which may be used to ensure them equal treatment by the utility. Southwestern Bell currently has such guidelines for complex services which include flexibility for special designs on an individual case basis. The staff is certain that all other companies have this capability.

Concerning subsection (e)(2)(F), Southwestern Bell proposed to add the word "insist" to this rule concerning appointments for service, as well as changing the word "shall" to "may". The staff found that

this would have placed too heavy a burden on customers and far too much flexibility with the utility

Concerning subsection (e)(2)(i) Continental proposed to lower the 1.0% standard for held orders to maintain the present relationship through the measurement change from stations to access lines

The staff does not feel that there is a need for a change of the 1.0% figure, primarily because of the very minimal impact of this rule change

Concerning subsection (e)(7)(A) Continental objected on the grounds that it does not presently separate trouble reports caused by leased C.P.E. from other reports. The measurement of troubles per 100 lines in this rule is intended to exclude all C.P.E. and the staff position remained that the measurement was valid regardless of the company's record system

General proposed to use initial reports rather than total reports. General and Southwestern Bell proposed to increase the acceptable number of troubles per hundred

It is necessary not to exclude subsequent reports because this would require restructuring of the standards

Concerning subsection (e)(7)(B) Southwestern Bell and Continental contended that they do not record data on troubles caused by C.P.E. This will become moot upon divestiture within Southwestern Bell and will apply to those companies who continue to lease regulated equipment

Concerning subsection (e)(7)(C) generally the same comments apply as were stated for paragraph (e)(2)(F)

Concerning subsection (q), Continental requested addressing special traffic study requirements in remote digital offices. The staff proposed only slight changes in this paragraph and did not propose to address the substantive change suggested by Continental. The problem advanced by the company is felt to be minor, and no harm will occur if it is not addressed until a future rule making

General Telephone Company of the Southwest, Continental Telephone of Texas, and Southwestern Bell commented against the rule

The amendments are adopted under Texas Civil Statutes, Article 1446c, §35(b), which provide the Public Utility Commission of Texas with the authority to establish standards and practices to be observed by public utilities with respect to the service they furnish

§23.51 Telephone Utilities.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1)-(22) (No change)

(23) Primary service--The initial provision of voice grade access between the customer's premises and the switched telecommunications network. This includes the initial connection to a new customer or the move of an existing customer to a new premises. This does not

include complex services or auxiliary items such as gongs or buzzers, on-premises stations or wiring beyond the subscriber interface or, if no interface, beyond the first jack, or added main local exchange lines to premises already having service

(24)-(30) (No change)

(31) Complex service - The provision of a circuit requiring special treatment, special equipment, or special engineering design. This includes private lines, WATS, PBX trunks, rotary lines, special assemblies, etc

(32) Customer access line - A unit of measurement representing a telecommunications circuit designated for a particular customer. One customer access line shall be counted for each working telephone number and private line circuit, regardless of the quantity or ownership of customer premises equipment connected to each circuit. In the case of multi-party lines, each party shall be counted as a separate customer access line

(b) (d) (No change)

(e) Service objectives. These rules establish service objectives which should be provided by a telephone utility. The objective service levels are based on monthly averages, except for dial service and transmission requirements, which are based on specific samples. Telephone utilities shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the commission with the measurements and summaries thereof for any of the items included here in on request of the commission. Records of these measurements and summaries shall be retained by the utility as specified by the commission

(1) (No change)

(2) Installation of service. Unless otherwise provided by the commission

(A) Ninety five percent of the utility's service orders for installing primary service shall be completed within five working days, excluding those orders where a later date was specifically requested by the customer

(B) Ninety percent of the utility's service orders for regular service installations shall be completed within five working days, excluding those orders where a later date was specifically requested by the customer. This includes orders for primary and other service, installations, moves, or changes, but not complex services

(C) Each utility shall establish and maintain installation time commitment guidelines for the various complex services contained in its tariff. Those guidelines should be available for public review and should be applied in a nondiscriminatory manner

(D) The installation interval measurements outlined in subparagraphs (A)-(C) of this paragraph shall commence with either the date of application or the date on which the applicant qualifies for service, whichever is later.

(E) If the utility elects, it may collect data on the basis of seven calendar days. In that case, these requirements shall pertain to seven calendar days in lieu of five working days.

(F) The utility shall provide to the customer a due date on which the requested installation or change shall be made. If a customer requests that the work be done on a regular working day later than that offered by the utility, then the customer's requested date shall

be the commitment date. If a premises visit is required, the utility shall establish an appointment period with the customer for morning or afternoon, on the due date. Where an appointment cannot be kept by the utility, the utility shall attempt to notify the customer by a telephone call and schedule a new appointment. If unable to gain access to the customer's premises during the scheduled appointment period, the utility representative shall leave a notice at the premises advising the customer how to reschedule the work.

(G) Ninety percent of the utility's commitments to customers as to the date of installation of service orders shall be met, excepting customer-caused delays.

(H) The installation interval and commitment requirements of subparagraphs (A) (G) of this paragraph do not include service orders either to disconnect service or to make only record changes on a customer's account.

(I) A held regrade order is one not filled within 30 days after the customer has made application for a different grade of service, except where the customer requests a later date. In the event of the utility's inability to so fill such an order, the customer will be advised and furnished the date when it will be available. The number of held regrade orders shall not exceed 1.0% of the total number of customer access lines served.

(3) (6) (No change.)

(7) Customer trouble reports.

(A) The utility shall maintain its network service in such a manner that the average monthly rate of customer trouble reports, excluding customer premises equipment (CPE) reports, per 100 customer access lines does not exceed:

(i) eleven in exchanges serving fewer than 300 customer access lines;

(ii) nine in exchanges serving between 300 and 2,000 customer access lines; and

(iii) seven in exchanges serving more than 2,000 customer access lines.

(B) The utility shall maintain its service in such a manner that the average monthly rate of customer trouble reports for regulated customer premises equipment (CPE) does not exceed four trouble reports per 100 company provided stations.

(C) The utility shall provide to the customer a commitment time by which the trouble will be cleared. If a premises visit is required, the utility shall establish an appointment period with the customer for morning or afternoon. When an appointment cannot be kept by the utility, the utility shall attempt to notify the customer by a telephone call and schedule a new appointment. If unable to gain access to the customer's premises during the scheduled appointment period, the utility representative shall leave a notice at the premises advising the customer how to reschedule the work.

(D) An out-of-service report is an initial customer report in which there is complete interruption of incoming and/or outgoing service. On multiple line services a failure of one central office line or a failure in common equipment affecting all lines is considered out-of-service. If an extension failure in a residence does not result in the complete inability to receive or initiate calls at the residence, the report is not considered out-of-service. At least 90% of out-of-service trouble reports

shall be cleared within eight working hours, except where access to the customer's premises is required but not available or where interruptions are caused by unavoidable casualties and acts of God affecting large groups of customers.

(8) (No change.)

(f) (No change.)

(g) Traffic usage studies. In all central offices serving 2,000 or fewer customer access lines, traffic usage studies shall be performed at least once every three years unless otherwise authorized by the commission. In all central offices serving in excess of 2,000 customer access lines, traffic usage studies shall be performed at least annually unless otherwise authorized by the commission. Traffic usage studies shall include at least three days (within a consecutive five-day period or five days within a consecutive seven-day period) and shall include a usage record on at least an hourly basis. The usage record shall be in CCS or similar measurement (peg counts are not acceptable for this purpose). Record of the most recent study shall be maintained and made available on request for commission review.

(h) (No change.)

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

Issued in Austin, Texas, on April 4, 1983.

TRD 832506

Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983.

Proposal publication date: February 4, 1983.

For further information please call (512) 458-0100.

### 16 TAC §23.53

The Public Utility Commission of Texas adopts amendments to §23.53, with changes to the proposed text published in the February 4, 1983, issue of the *Texas Register* (8 TexReg 369).

The rule as adopted will help assure that customers of water utilities will have adequate water supply and pressure and help settle disputes over problems regarding cut-off valves.

The rule sets minimum pressure and capacity requirements for water utilities. It also requires that for all new installations, a utility-owned cut-off valve shall be provided on the utility side of the meter. The proposed language which would have required a customer-owned cut-off valve on the customer side of the meter was deleted. For unmetered customers, the utility must provide a cut-off valve at or near the property line.

The Texas Association of Rural Water Corporations spoke against the rule, stating that the proposed revision which would require a water utility to provide a utility-owned cut-off valve within 12 inches of the customer side of the meter would be in conflict with

subparagraph (1)(b) of subsection (c) of the same rule. The association also felt the rule as proposed created a potential liability for a water company for damage or improper use of property over which the company would have no control. The agency agreed with this comment and modified the rule.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §35(b) which provides the Public Utility Commission of Texas with the authority to establish practices and set standards for quantity, quality, pressure, and other supply conditions for water utilities.

**§23.53 Water Utilities**

(a) (b) (No change.)

(c) Adequacy of service. Each utility shall plan, furnish, operate, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses.

(1) The minimum residual pressure at the consumer meter for each utility shall be 20 psi during periods of peak usage and 35 psi during normal operating conditions.

(2) The water system quantity requirements of the Texas Department of Health shall be the minimum standards for determining the sufficiency of production, treatment, storage, transmission, and distribution facilities of water utilities for household usage. Additional capacity shall be provided to meet the reasonable local demand characteristics of the service area.

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

(g) Service connections

(1) Ownership of service pipe

(A) The utility shall furnish and install, for the purpose of connecting its distribution system to the customer's premises, the service pipe from its main to the meter location. For all new installations, a utility-owned cut-off valve shall be provided on the utility side of the meter. Utilities without customer meters shall provide and maintain a cut-off valve at, or as near the property line as possible. This does not relieve the utility from compliance with §23.37 of this title (relating to Meters).

(B) The customer shall be responsible for furnishing and laying the necessary service pipe from the meter location to the place of consumption and shall keep the service line in good repair. For utilities without customer meters, customer responsibility shall begin at the discharge side of the utility's cut-off valve.

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

(h) (No change.)

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

Issued in Austin, Texas, on April 4, 1983.

TRD 832507 Carolyn E. Shellman  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 458-0100.

**16 TAC §23.56**

The Public Utility Commission of Texas adopts amendments to §23.56, with changes to the proposed text published in the February 4, 1983 issue of the *Texas Register* (8 TexReg 370).

The amendments were adopted to update the rules to correspond with present commission jurisdiction and to clarify when a certificate of convenience and necessity is or is not required.

Subject (a) (b) (5) is being deleted to correspond with the commission's loss of jurisdiction over radio telephone utilities. Changes in subsection (c) will more clearly define when a certificate is or is not required. The proposed new language, which stated that the commission could grant a certificate for an area different from that applied for, has been deleted. In addition, the adopted rule requires that an electric utility obtain a certificate for any new electric substation outside the utility's certificated area. It also adds a reporting requirement for water utilities constructing facilities outside of their certificated areas. This last requirement is in response to complaints in which one utility is objecting to another utility's draining off the water supply in its certificated area.

One commentator stated that, in subsection (c) of this rule, a proposed new phrase which would give the commission authority to require an applicant for a service area certificate of convenience and necessity to serve an area "different from that applied for." It could mean that the commission might require a utility system applying for a certificate of convenience and necessity to serve any area within the commission's jurisdiction.

The commentator stated that this new language seems to be beyond the commission's statutory authority. The Public Utility Regulatory Act, §62(b), gives the commission the authority to require a utility to provide service in an area if another utility's certificate was revoked or amended. The proposed rule change, however, seems to go beyond this limited circumstance. The commission agreed with these comments and revised the language to correct the difficulty.

Houston Lighting and Power commented in favor of the rule. The Wolfram law firm, the Texas Association of Water Corporations, Southwestern Bell, General Telephone Company of the Southwest, West Texas Utilities, Texas Electric Services Company, and Dallas Power and Light commented against the rule.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its power and jurisdiction over certification.

**§23.56 Certification**

(a) (No change.)

(b) Certificates for existing service area. For purposes of granting certificates of convenience and necessity for those facilities and areas in which a utility was providing service on September 1, 1975, or was actively en-

gaged in the construction, installation, extension, improvement of, or addition to any facility actually used or to be used in providing public utility service on September 1, 1975, unless found by the commission to be otherwise, the following provisions shall prevail for certification purposes

(1)-(4) (No change)

(5) The facilities and service area boundary for the following types of utilities providing distribution or collection service to any area, or actively engaged in the construction, installation, extension, improvement of, or addition to such facilities or the utility's system as of September 1, 1975, shall be limited, unless otherwise found by the commission, to the facilities and the area which lie within

(A)-(D) (No change)

(c) Certificates for new service areas and facilities. Except for certificates granted under subsection (b) of this section, the commission may grant applications and issue certificates only after finding that the certificate is necessary for the service, accommodation, convenience, or safety of the public. The commission may issue the certificate as applied for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated system or facility or extension thereof or for the partial exercise only of the right or privilege. The commission may amend or revoke any certificate issued under this section upon a finding of fact that the public convenience and necessity requires such amendment or revocation

(1) A certificate, or certificate amendment, is required for the following

- (A) a change in service area,
- (B) a new electric generating unit,
- (C) a new electric transmission line, or
- (D) any new electric substation outside the utility's certificated service area

(2) A certificate is not required for the following:

- (A) a contiguous extension of those facilities described in the Public Utility Regulatory Act, §51,
- (B) a new electric high voltage switching station,
- (C) a new electric substation within the utility's certificated area,
- (D) the upgrading of an existing electric transmission line or the construction of a new electric transmission circuit on existing poles or towers,
- (E) the construction or upgrading of distribution facilities within the utility's service area,
- (F) new telephone central offices and interexchange trunks, and
- (G) water purification and sewage treatment facilities, however,
- (H) any extension, upgrading, or construction of facilities described in (B)-(F) of this paragraph in excess of \$250,000 for electric utilities and \$100,000 for all other utilities must be reported to the commission as prescribed in §23.13(b) of this title (relating to Statistical Reports), and the commission may require additional facts or call a public hearing thereon. A preconstruction report shall be filed with the commission for new water production or transmission facilities and sewage treatment plants to be located outside the area certificated to the

utility. The utility shall concurrently notify all other like utilities within a five mile radius of the proposed construction. The commission may require additional facts or call a public hearing thereon

(3) The term construction and/or extension, as used in this subsection, shall not include the purchase or condemnation of real property for use as facility sites or right of way. However, prior acquisition of such sites or right of way shall not be deemed to entitle a utility to the grant of a certificate of convenience and necessity without a showing that the proposed extension is necessary for the service, accommodation, convenience, or safety of the public

(d)-(g) (No change)

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

Issued in Austin, Texas, on April 4, 1983

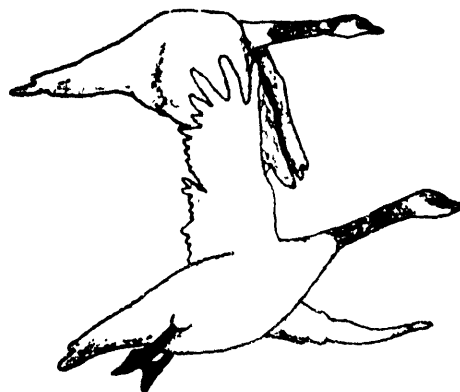
TRD 832508

Carolyn E. Shellman,  
Secretary of the Commission  
Public Utility Commission of  
Texas

Effective date: April 27, 1983

Proposal publication date: February 4, 1983

For further information, please call (512) 458 0100.



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 61. Design and Construction Competitive Bid Contracts for Public Works

31 TAC §§61.21-61.27

The Texas Parks and Wildlife Department adopts the repeal of §§61.21-61.27, without changes to the notice of proposed repeal published in the January 21, 1983, issue of the *Texas Register* (8 TexReg 268).

The repeal of the rules will permit the agency to clarify bid procedures for construction and repair projects and allows new rules to become effective

No comments were received regarding adoption of the repeals

The repeals are adopted under Texas Civil Statutes, Article 601b, §5 13(a) and the Texas Parks and Wildlife Code, §§11 003, 12 001 and 13 002, which provide the Texas Parks and Wildlife Department with the authority to contract for the construction and repair of improvements on real property

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

Issued in Austin, Texas, on March 30, 1983

TRD 832415      Maurine Ray  
                         Administrative Assistant  
                         Texas Parks and Wildlife  
                         Department

Effective date: April 25, 1983  
Proposal publication date: January 21, 1983  
For further information, please call (512) 479 4839

### 31 TAC §§61.21-61.24

The Texas Parks and Wildlife Department adopts new §§61.21-61.24, without changes to the proposed text published in the January 21, 1983, issue of the *Texas Register* (8 TexReg 269)

The adopted rules will clarify and standardize procedures in contracting for construction and repair work and assist the agency in acquiring the services of a qualified contractor on a fair and equitable basis. The services of a contractor for the construction and repair of improvements on real property will normally be obtained by advertising for bids in newspapers, receiving bids at a specified time and place, and awarding the contract to the lowest responsible bidder.

No comments were received regarding adoption of these new rules.

The new rules are adopted under Texas Civil Statutes, Article 601b, §5 13(a) and the Texas Parks and Wildlife Code, §§11 003, 12 001 and 13 002, which provide the Texas Parks and Wildlife Department with the authority to contract for the construction and repair of improvements on real property.

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

Issued in Austin, Texas, on March 30, 1983

TRD 832414      Maurine Ray  
                         Administrative Assistant  
                         Texas Parks and Wildlife  
                         Department

Effective date: April 25, 1983  
Proposal publication date: January 21, 1983  
For further information, please call (512) 479 4839.

## TITLE 34 PUBLIC FINANCE Part IV. Employees Retirement System of Texas Chapter 63. Board of Trustees

### 34 TAC §63.3

The Employees Retirement System of Texas adopts the repeal of §63.3 without changes to the notice of proposed repeal published in the February 15, 1983, issue of the *Texas Register* (8 TexReg 513)

This rule is being repealed and replaced with a new rule on the same subject.

No comments were received regarding adoption of this repeal.

The repeal is adopted under Texas Civil Statutes, Title 110B, §25 102, which provides the Employees Retirement System of Texas with the authority to promulgate needed rules to conduct the business of the board.

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

Issued in Austin, Texas, on April 4, 1983

TRD 832448      Clayton T. Garrison  
                         Executive Director  
                         Employees Retirement System of  
                         Texas

Effective date: April 26, 1983  
Proposal publication date: February 15, 1983  
For further information, please call (512) 476 6431,  
ext 176

The Employees Retirement System of Texas adopts new §63.3, without changes to the proposed text published in the February 15, 1983, issue of the *Texas Register* (8 TexReg 513).

More than 1,200 persons received votes in the last trustee election. Adoption of this nomination process will help eligible voters inform themselves about the serious candidates before voting.

Nomination forms are distributed through all state agencies well before they are to be returned. All eligible voters may sign nominating petitions. The names of eligible candidates will be placed in nomination upon the timely submission of petitions containing 300 names.

No one commented in favor of the rule and the Black State Employees Association commented against it. The Black State Employees Association filed a complaint indicating that it is too expensive and time consuming for a candidate to obtain 300 signatures and that the nomination process discriminates against minority employees.

The system felt that only by requiring a significant number of signatures could nominations be limited to serious candidates. As it was, there are 11 persons



nominated for the one vacant position. The requirements apply equally to all employees and are non-discriminatory.

The new section is adopted under the authority of Texas Civil Statutes, Title 110B, Article 25.003, which requires the board to provide for nomination and election of its members. Article 25.102 authorizes the board to adopt rules necessary for the conduct of its business.

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

Issued in Austin, Texas, on April 4, 1983.

TRD 832449 Clayton T. Garrison  
Executive Director  
Employees Retirement System of  
Texas

Effective date: April 26, 1983  
Proposal publication date: February 15, 1983  
For further information, please call (512) 476-6431,  
ext. 176.

### 34 TAC §63.4

The Employees Retirement System of Texas adopts new §63.4, without changes to the proposed text published in the February 15, 1983, issue of the *Texas Register* (8 TexReg 514).

Passage of this rule permits the system to include information on the ballot about the candidates running for membership to the Board of Trustees of the Employees Retirement System.

Each candidate who has been nominated may submit the eligible information to the system by the date set by the executive director of the Employees Retirement System of Texas. The information will appear on the election ballot.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the authority of Texas Civil Statutes, Title 110B, §25.003, which requires the board to prepare and to distribute ballots for the office of trustee. Section 25.102 authorizes the board to make rules necessary to conduct its business.

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

Issued in Austin, Texas, on April 4, 1983.

TRD 832450 Clayton T. Garrison  
Executive Director  
Employees Retirement System of  
Texas

Effective date: April 26, 1983  
Proposal publication date: February 15, 1983  
For further information, please call (512) 476-6431,  
ext. 176.

## Chapter 73. Benefits

### 34 TAC §73.21

The Employees Retirement System of Texas adopts amendments to §73.21 without changes to the proposed text published in the October 8, 1982, issue of the *Texas Register* (7 TexReg 3620).

The rule adopts the mortality tables recommended by the system's actuary after a study of the system's experience. It will affect in-house funding of annuities only and will have no effect whatsoever on benefits received by retirees and their survivors.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of Texas Civil Statutes, Title 110B, §25.105, which provides the Employees Retirement System of Texas with the authority to adopt mortality, service, and other tables after considering the results of the actuary's investigation of the mortality, service, and compensation experience of the system's members and beneficiaries.

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

Issued in Austin, Texas, on April 4, 1983.

TRD 832451 Clayton H. Garrison  
Executive Director  
Employees Retirement System of  
Texas

Effective date: April 26, 1983  
Proposal publication date: October 8, 1982  
For further information, please call (512) 476-6431,  
ext. 176.

## Chapter 81. Insurance

### 34 TAC §81.5

The Employees Retirement System of Texas adopts amendments to §81.5, without changes to the proposed text published in the February 15, 1983, issue of the *Texas Register* (8 TexReg 514).

The amendments to the rule will benefit the participants in the Uniform Group Insurance Program by reducing the rates for insurance provided state officers and employees by limiting adverse selection in health coverage.

Any employee who does not elect to enroll in the high plan of coverage at the initial date of eligibility or who subsequently voluntarily elects to abandon that level of coverage but remains eligible for the program will be denied access to that high plan of coverage for the employee and dependents until the first day of September following two full years from such election, unless the contract is rebid.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the authority of the Texas Insurance Code, Article 3.50(2), §4(h), as amended, which vests all statutory duties relative to the Uniform Group Insurance Program in the Board of Trustees

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

Issued in Austin, Texas, on April 4, 1983

TRD 832452 Clayton T. Garrison Executive Director Employees Retirement System of Texas

Effective date April 26, 1983 Proposal publication date February 15, 1983 For further information, please call (512) 476-6431, ext 176

34 TAC §81.9

The Employees Retirement System of Texas adopts amendments to §81.9, without changes to the proposed text published in the February 15, 1983, issue of the Texas Register (8 TexReg 515)

The amendments to the rule will benefit the participants in the Uniform Group Insurance Program by reducing the rates for the insurance coverages provided by limiting adverse selection in the health coverage

Any retirees who do not elect to enroll in the high plan of coverage at their initial date of eligibility or who subsequently voluntarily elect to abandon that level of coverage but remain eligible for the program will be denied access to that high plan of coverage for retiree and dependents until the first day of September following two full years from such election, unless the contract is rebid

No comments were received regarding adoption of the amendments

The amendments are adopted under the authority of the Texas Insurance Code, Article 3.50(2), §4(h), as amended, which vests all statutory duties relative to the Uniform Group Insurance Program in the Board of Trustees

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

Issued in Austin, Texas, on April 4, 1983

TRD 832453 Clayton T. Garrison Executive Director Employees Retirement System of Texas

Effective date April 26, 1983 Proposal publication date February 15, 1983 For further information, please call (512) 476-6431, ext 176

34 TAC §81.11

The Employees Retirement System of Texas adopts amendments to §81.11, without changes to the proposed text published in the February 15, 1983, issue of the Texas Register (8 TexReg 515)

The rule will benefit the participants in the Uniform Group Insurance Program by reducing the rates for the dental coverage provided by limiting adverse selection by dependents of state officers, employees and retirees

Any employee or retiree who does not initially enroll dependents in dental coverage or who subsequently voluntarily elects to drop dependents from dental coverage but remains eligible for the program, must wait until the first day of September following two full years from this election to elect dental coverage for dependents

No comments were received regarding adoption of the amendments

The amendments are adopted under the authority of the Texas Insurance Code, Article 3.50(2), §4(h), as amended, which vests all statutory duties relative to the Uniform Group Insurance Program in the Board of Trustees

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

Issued in Austin, Texas, on April 4, 1983

TRD 832454 Clayton T. Garrison Executive Director Employees Retirement System of Texas

Effective date April 26, 1983 Proposal publication date February 15, 1983 For further information, please call (512) 476-6431, ext 176

Part VII. State Property Tax Board Chapter 161. Valuation Procedures

34 TAC §161.1

The State Property Tax Board adopts an amendment to §161.1, without changes to the proposed text published in the February 15, 1983, issue of the Texas Register (8 TexReg 516)

The amendment concerns a change in the title of the previous wording of the rule to more accurately reflect the substance of the "Guidelines for the Valuation of Agricultural Land" manual adopted by reference in the rule

No comments were received regarding adoption of the amendment

The amendment is adopted pursuant to the Texas Property Tax Code, §23.52, which provides the State

Property Tax Board with the authority to develop appraisal manuals setting forth this method of appraising qualified open space land and under the Texas Property Tax Code, §5.051(a)(2) which provides the board with the authority to prepare and issue special appraisal manuals

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

Issued in Austin, Texas, on April 4, 1983

TRD 832476      Kenneth E. Graeber  
Executive Director  
State Property Tax Board

Effective date: April 26, 1983

Proposal publication date: February 15, 1983

For further information, please call (512) 837 8622

### 34 TAC §161.8

The State Property Tax Board adopts the repeal of §161.8, without changes to the notice of proposed repeal published in the February 15, 1983, issue of the *Texas Register* (8 TexReg 517). The rule concern

ing interstate allocation of personal property, by its terms expired at the conclusion of the 1982 tax year. The board's action was intended to delete the text of the rule to make way for the adoption of a new interstate allocation rule for 1983 and future tax years.

No comments were received regarding adoption of the repeal.

The repeal is adopted pursuant to the Texas Property Tax Code, §21.03(b), which provides the State Property Tax Board with the authority to identify the kinds of property subject to interstate allocation and to establish formulas for calculating the proportion of total market value to be allocated to this state.

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

Issued in Austin, Texas, on April 4, 1983

TRD 832477      Kenneth E. Graeber  
Executive Director  
State Property Tax Board

Effective date: April 26, 1983

Proposal publication date: February 15, 1983

For further information, please call (512) 837 8622.

# Open Meetings

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

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

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

## Texas Department of Agriculture

**Friday, April 15, 1983, 10 a.m.** The Agricultural Protection Act Unit of the Consumer Services Division of the Texas Department of Agriculture will hold a rescheduled meeting in Suite 301, 2800 Northeast Loop 410, San Antonio. According to the agenda, the division will consider the cancellation of the combination vegetable and citrus license held by W. C. Garden Fresh, Inc., San Antonio, for alleged violation of the Agricultural Protective Act. The meeting was originally scheduled for April 5, 1983, at 10 a.m. as published at 8 TexReg 1080.

**Contact:** Bill Quicksall, P.O. Box 12847, Austin, Texas 78711, (512) 475-4304.

**Filed:** April 6, 1983, 11:02 a.m.  
TRD-832531

## Texas Animal Health Commission

**Thursday, April 7, 1983, 1 p.m.** The Texas Animal Health Commission met in emergency session in the conference room, 210 Barton Springs Road, Austin. According to the agenda, the commission discussed the laryngotraacheitis disease outbreak occur-

ing in poultry flocks in the Gonzales area and possible emergency action to change poultry regulations. The emergency status was necessary because an outbreak of laryngotraacheitis (LT), which is a contagious disease affecting adult and young poultry, must be ended at once to eliminate death losses to Texas poultry flocks and to prevent poultry raisers from suffering great economic loss.

**Contact:** Jo Anne Conner, 1015 Sam Houston Building, Austin, Texas 78701, (512) 475-4111.

**Filed:** April 5, 1983, 10:54 a.m.  
TRD-832468

## Texas Commission on the Arts

**Wednesday, April 13, 1983, 9 a.m.** The Assistance Review Committee of the Texas Commission on the Arts will meet on the fifth floor, E. O. Thompson Building, 10th and Colorado, Austin. Items on the agenda include approval of the January 19, 1983, minutes, public discussion, panel chairmen reports, a motion to postpone review of the 1984-1985 applications until June, 1983, review of the summer 1983 applications,

and consideration of procedures for contract amendments and project revisions.

**Contact:** Margaret L. Dahl, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

**Filed:** April 5, 1983, 4:25 p.m.  
TRD-832490



## Automated Information Systems Advisory Council

**Friday, April 15, 1983, 9 a.m.** The Board of the Automated Information Systems Advisory Council made an addition to the agenda of a meeting to be held in Room 100-B, John H. Reagan Building, 15th

Street and Congress Avenue, Austin. The addition concerns the Recovery Operations Center.

**Contact:** Charlotte D. Craig, Room 313, John H. Reagan Building, 15th Street and Congress Avenue, Austin, Texas, (512) 475-2362.

**Filed:** April 6, 1983, 9:26 a.m.  
TRD-832492

### **Coordinating Board, Texas College and University System**

**Thursday, April 28, 1983.** Committees of the Coordinating Board, Texas College and University System will meet in the board room, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Times, committees, and agenda summaries follow.

**9:30 a.m.** The Student Services Committee will consider procedures for allocation of federal funds to be received through the State Student Incentive Grants Program for use in fiscal year 1984 and procedures for allocation of funds through the Legislative Academic Scholarship Program.

**9:45 a.m.** The Financial Planning Committee will consider ratification of investment transactions since January 28, 1983; an additional transfer of funds from the Lender's Allowance Fund to the Student Loan Bonds Interest and Sinking Fund; and final adoption of an amendment to 19 TAC §5.301, pertaining to small classes offered by public senior colleges and universities.

**10 a.m.** The Health Affairs Committee will consider recommendations by the Family Practice Residency Advisory Committee for allocation of fiscal year 1983 funds for graduate family practice training and will present an interim report on the Nursing Education Advisory Committee study.

**10:30 a.m.** The Community Colleges and Continuing Education Committee will consider annual plans for lower division out-of-district and off-campus classes for the 1983-1984 academic year; adoption of a transfer curriculum for a bachelor's degree in home economics; and adoption of a transfer curriculum for a bachelor's degree in journalism-mass communications.

**10:45 a.m.** The Campus Planning and Physical Facilities Committee will consider matter relating to the Division of Campus Planning and Physical Facilities Development.

**11:15 a.m.** The Senior College and University Committee will consider matters relating to the Division of Senior Colleges and Universities.

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

**Filed:** April 6, 1983, 9:24 a.m.  
TRD-832516-832521

**Friday, April 29, 1983, 9 a.m.** The Coordinating Board, Texas College and University System will meet in the board room, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda summary, the board will consider matters relating to the following divisions: Administration, Financial Planning, Campus Planning and Physical Facilities Development, Student Services, Community Colleges and Continuing Education, Health Affairs, and Senior Colleges and Universities.

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

**Filed:** April 6, 1983, 9:25 a.m.  
TRD-832522

### **Interagency Council on Early Childhood Intervention**

**Thursday, April 14, 1983, 9:30 a.m.** The Interagency Council on Early Childhood Intervention will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary include public comments; approval of the March 9, 1983, and March 25, 1983, minutes; a staff report; monitoring of Early Childhood Intervention (ECI) funded programs; an advisory committee report and recommendations; research and evaluation; discussion of the development of council policies and procedures; the ECI complaint system; the ECI budget; discussion of the Gulf Coast Regional Mental Health and Mental Retardation Center audit; grant review and award procedures; discussions of the purchase of services and income of funded programs; and the ECI state plan.

**Contact:** Pam Farley, 1100 West 49th Street, Austin, Texas, (512) 458-7342.

**Filed:** April 6, 1983, 9:18 a.m.  
TRD-832527

### **Texas Education Agency**

**Saturday, April 9, 1983, 8:30 a.m.** The State Board of Education of the Texas Education Agency submitted emergency additions to

the agenda of a meeting held in the Joe Kelly Butler Board Room, TEA North Building, 1200 East Anderson Lane, Austin. The additions concerned reports of the commissioner of education on high technology programs in Bexar County and Williamson County school districts. The emergency status was necessary to enable the commissioner of education to report to the board on actions recently taken by the commissioner in these areas.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** April 6, 1983, 10:13 a.m.  
TRD-832523

**Saturday, April 23, 1983, 10 a.m.** The State Advisory Committee for Marketing and Distributive Education of the Texas Education Agency will meet in the Astro Village Hotel, 2350 South Loop West, Houston. Items on the agenda summary include the following reports: financial, Public Relations/Public Affairs, Advisory Group Development, and Evaluation Committees, Fort Worth Chamber of Commerce/Free Enterprise meeting, Vocational Administrators, San Antonio workshop, the status of new member appointments; planning local advisory committee workshops; "Show and Tell" workshop; future needs assessments in marketing for local communities; and discussion of the newsletter.

**Contact:** Norris Young, 201 East 11th Street, Austin, Texas 78701, (512) 834-4261.

**Filed:** April 6, 1983, 10:12 a.m.  
TRD-832525

**Friday, April 29, 1983, 8:30 a.m.** The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet in Room 101, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will consider a recommendation to the State Board of Education concerning apprenticeship rules.

**Contact:** Dan C. Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 834-4207.

**Filed:** April 6, 1983, 10:13 a.m.  
TRD-832526

### **Texas Employment Commission**

**Wednesday, April 13, 1983, 9 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 15th and Congress, Austin. Items on the agenda summary include prior meeting notes; reports of ad-

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ministrative staff on program operations, funding, and legislation; a public presentation on U.I. operations; and the date of and agenda items for the next meeting. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, and the status of litigation and attorney general opinion requests.

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

**Filed:** April 5, 1983, 3:34 p.m.  
TRD-832480

### Commission on Fire Protection Personnel Standards and Education

**Tuesday, April 19, 1983, 1:30 p.m.** The Board of the Commission on Fire Protection Personnel Standards and Education will meet in Suite 406, 510 South Congress Avenue, Austin. According to the agenda, the board will conduct a regular quarterly meeting; hear reports of standing committees; continue evaluation of basic recruit training subjects, including proposed reference material and text books approved for firefighter certification; review legislative bills affecting the commission, take action on proposal to issue instructor certificates with no expiration date specified; and hear a proposal by Houston Community College.

**Contact:** Garland Fulbright, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

**Filed:** April 7, 1983, 9:13 a.m.  
TRD-832541

### Good Neighbor Commission

**Friday, April 15, 1983, 9 a.m.** The Good Neighbor Commission will meet in Tower Meeting Room 6, Astro Village Hotel, Houston. Items on the agenda summary include approval of the first quarterly meeting minutes; special reports from the governor's office; a special presentation by Dr. R. R. Rubottom; appointments to standing and special committees; commissioners, chairman, fiscal, legislative, PASF, and staff activity reports; the date and place of the next quarterly meeting; and other business.

**Contact:** Bob Watson, P.O. Box 12077, Austin, Texas 78711, (512) 475-3581.

**Filed:** April 5, 1983, 3:44 p.m.  
TRD-832481

### Texas Health Facilities Commission

**Friday, April 15, 1983, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications

Amendment of Certificate of Need Order  
Texarkana Nursing Center, Texarkana  
AN81-0728-010A(122082)  
Dallas County Hospital District /  
Parkland Memorial Hospital,  
Dallas  
AH80-0923-001A(030483)

Notice of Intent To Acquire Existing Health Care Facilities

J-Bar-W Enterprises, Inc., Fort Worth  
AN83-0128-088

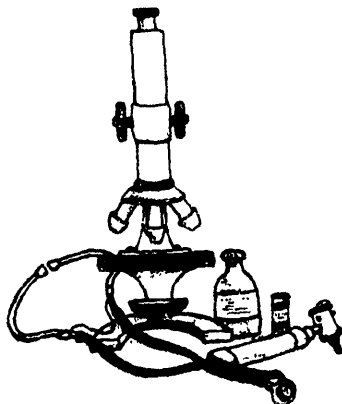
Edwin S. and Alice B. Doyle,  
El Cerrito, California  
AN83-0121-046

HGCC of Center, Inc., Center  
AN83-0310-160

Health Group of Center, Inc., Center  
AH83-0310-158

**Contact:** John R. Neel, P.O. Box 50049, Austin, Texas 78763.

**Filed:** April 6, 1983, 9:46 a.m.  
TRD-832514



### Texas Historical Commission

**Thursday, April 14, 1983.** Committees of the Texas Historical Commission will meet in the Marriott Galvez Hotel, 21st and Seawall Boulevard, Galveston. The times, rooms, and agendas follow.

**8 a.m.** The Publications Committee will meet in the restaurant to discuss the Texas preservation guidelines series, the *Medallion* subscriptions and format, commission

award policies, and publications in progress.

**Contact:** Don Terpstra, P.O. Box 12276, Austin, Texas, (512) 475-3092.

**Filed:** April 5, 1983, 4:09 p.m.  
TRD-832488

**Noon.** The Main Street Committee will meet in the dining room to discuss a progress report on Main Street cities, recommendations for changes in the 1984 application, the downtown revitalization manual, and future directions for the Texas Main Street project

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

**Filed:** April 5, 1983, 4:09 p.m.  
TRD-832489

### University of Houston System

**Monday, April 11, 1983.** Committees of the Board of Regents of the University of Houston System met in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. Times and agendas follow.

**8:15 a.m.** The Academic Affairs Committee discussed and/or approved personnel recommendations, commissioning of peace officers, a dual employment request, continuance beyond retirement age, faculty emeriti appointments, a resolution updating security clearance, faculty workload and small class reports, grants and contracts, the Doctor of Pharmacy degree, Cullen Centennial Leadership scholarships, and memorial resolutions. The committee also met in executive session to consider a tenure appeal.

**9:15 a.m.** The Budget and Finance Committee discussed and/or approved a resolution concerning the establishment of fees and charges, fiscal year 1984 rate changes for certain fees and charges, the University of Houston System Financing Corporation, a periodical subscription service contract, an approval plan service contract, a banking resolution, the lease of word processing equipment, the fiscal year 1984 budget development schedule, and monthly financial reports.

**10:30 a.m.** The Executive Committee discussed and/or approved reports concerning the University Relations Committee; Student, Alumni, and Athletic Affairs Committee; University Community Committee; Campuses, Faculty, and Academic Affairs Committee; and Facilities, Planning, and Building Committee; authoriza-

tion for the university to make refunds; an appointment of the Nominating Committee; and resolutions.

**11 a.m.** The Investment Committee discussed and/or approved reports from the external investment manager concerning a diamond necklace.

**11:30 a.m.** The University Community Committee discussed and/or approved the central campus preliminary master plan and heard a presentation by James Donatto.

**Contact:** Patricia A. Bailey, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

**Filed:** April 7, 1983, 9:36 a.m.  
TRD-832545-832549

### Texas Department of Human Resources

**Saturday, April 16, 1983, 9 a.m.** The Medical Care Advisory Committee of the Texas Department of Human Resources will meet in the board room, 706 Banister Lane, Austin. According to the agenda summary, the committee will hear the commissioner's comments on audit trails concerning a legislative appropriation request, teenage pregnancies and Medicaid coverage for prenatal care, the Vendor Drug Formula Advisory Subcommittee, vendor drug manufacturers' rebate, and utilization review in hospitals; reports on institutional care rate setting methodology, amendments and standards to nursing home participation; and Medicaid eligibility for a full month of institutionalization.

**Contact:** Larry Corley, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 5082.

**Filed:** April 7, 1983, 8:56 a.m.  
TRD-832539

**Wednesday, April 20, 1983, 8:30 a.m.** The Advisory Council for Child Care Administration of the Texas Department of Human Resources will meet in the Savannah Room West, Howard Johnson's Motor Lodge, 7800 IH 35 North, Austin. Items on the agenda include orientation to the department, discussion of the legislation related to licensing of child care administrators, examination revisions, and election of officers.

**Contact:** Michael O. Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6049.

**Filed:** April 7, 1983, 8:56 a.m.  
TRD-832540

### State Board of Insurance

**Friday, April 15, 1983, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6907—whether G.I.C. Insurance Company, San Antonio, has complied with Commissioner's Order 82-2908, dated August 16, 1982.

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

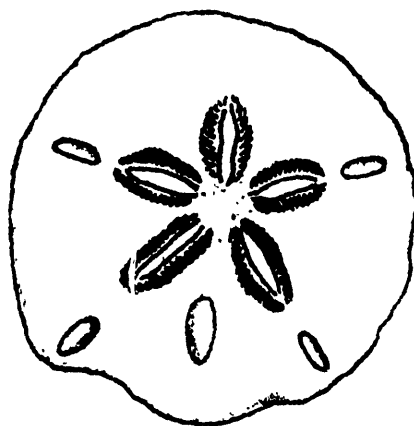
**Filed:** April 5, 1983, 4:52 p.m.  
TRD-832491

### State Board of Plumbing Examiners

**Thursday, April 14, 1983, 1 p.m.** The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. Items on the agenda include the minutes of the previous meeting; a review of the financial report; a report of licenses issued and examination statistics; discussion of fees for 1984; proposals from Ray Brown, business manager, Local 231, El Paso, inclusion of the State Health Department construction standards for private sewage facilities, and minimum requirements for the plumbing inspector examination; and a decision on the Herman Heim case.

**Contact:** Lynn Brown, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

**Filed:** April 5, 1983, 11:25 a.m.  
TRD-832473



### Public Utility Commission of Texas

**Thursday, April 7, 1983, 9 a.m.** The Public Utility Commission of Texas made an emergency addition to the agenda of a

meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned the adoption of a previously proposed and published amendment to substantive Rule 23.59 (052.02.05.059), Wheeling Service for Transmission of Firm Power. The emergency status was necessary because there are no existing commission regulations governing wheeling transactions despite the fact that utilities in Texas are wheeling power. The critical importance of adopting a rule dealing with these wheeling transactions and charges requires the commission to take emergency action on this rule proposal.

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** April 6, 1983, 4:47 p.m.  
TRD-832537

**Thursday, April 7, 1983, 11 a.m.** The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission conducted a hearing in Docket 5090—complaint of Hi Texas Water Corporation against the City of Fritch. The emergency status was necessary to consider a petition for cease and desist order because the district court has issued a temporary restraining order prohibiting the utility from pumping water from a certain well which could impair its ability to provide adequate service.

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** April 6, 1983, 2:37 p.m.  
TRD-832534

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

**Monday, April 18, 1983, 2 p.m.** A prehearing in Dockets 4802, 5050, and 5062—petition of Dow Chemical Company regarding Houston Lighting and Power Company's interruptible power rate for cogenerators and application of Houston Lighting and Power Company for approval of a proposed interruptible service tariff and inquiry by the commission into the rates and tariffs of Houston Lighting and Power.

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** April 6, 1983, 9:18 a.m.  
TRD-832528

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**Wednesday, April 20, 1983, 9 a.m.** A prehearing in Docket 5070—petition of the Dow Chemical Company to require Houston Lighting and Power Company to make monthly capacity payments to small power producers and cogenerators

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** April 7, 1983, 9:13 a.m.  
TRD-832542

**Monday, May 23, 1983, 10 a.m.** A hearing in Dockets 4976 and 5009—application of H & J Water Company, Inc., for approval of rates within Harris and Montgomery Counties and application of H & J Water Company, Inc., for a rate increase within Harris and Montgomery Counties

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** April 6, 1983, 9:18 a.m.  
TRD-832529

**Thursday, May 26, 1983, 9 a.m.** A hearing in Docket 5074—application of Stamford Electric Cooperative, Inc., for a rate increase

**Contact:** Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** April 5, 1983, 4:04 p.m.  
TRD-832485

### State Purchasing and General Services Commission

**Thursday, April 14, 1983, 1 p.m.** The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. According to the agenda, the commission will consider adoption of an amendment to 1 TAC §111.16, regarding the prohibition of firearms and explosive weapons on state grounds as well as state buildings under the charge of the commission; 1 TAC §111.4, regarding breach of ethical standards—gratuities and kickbacks; 1 TAC §113.4, regarding ethical standards; and 1 TAC §113.5, regarding vendor affirmation on bids; review the implementation schedule for the governor's operational audit for the Facilities Planning and Construction Division, Building and Property Division, and Capitol Security; personnel policy regarding nepotism; procedures for appeals before the commission; monthly reports; and set the

time and date for the next meeting. The commission will also meet in executive session to discuss personnel matters.

**Contact:** Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211 or STS 822-2211.

**Filed:** April 6, 1983, 4:08 p.m.  
TRD-832536

### Teachers' Professional Practices Commission

**Monday, April 11, 1983, 9 a.m.** The Teachers' Professional Practices Commission met in emergency session in Room 101-E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the commission set priorities and concerns, heard status reports on proposed standards for teacher evaluation, the proposal of Texas Association of Secondary School Principals, and relevance of the code of ethics to teacher evaluations, heard commission legislative recommendations, legal counsel's interpretations of the commission's role in revising and amending the Code, and the Code's use of professional qualifications; summation of the implications of reports for the commission's work with respect to critiquing the Code's efficacy, examining the relevance of the Code, and revising the rules of procedure; considered group work on developing premises and revising and/or amending standards; generating informative articles about the work of the commission; jurisdictional decisions and the disposition of complaints accepted; and the date of the next meeting. The emergency status was necessary so that the work of the commission could proceed as scheduled.

**Contact:** James A. Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

**Filed:** April 6, 1983, 10:12 a.m.  
TRD-832524

### Teacher Retirement System of Texas

**Sunday, April 17, 1983, 10 a.m.** The Medical Board of the Teacher Retirement System of Texas made an addition to the agenda of a meeting to be held in the board room, 1001 Trinity Street, Austin. The addition concerns discussion and recommendations regarding payment of fees by the

system for required annual reexaminations and reports on disability retirees.

**Contact:** James Preston, 1001 Trinity Street, Austin, Texas, (512) 397-6400.

**Filed:** April 7, 1983, 9:29 a.m.  
TRD-832544

### University of Texas System

**Monday, April 11, 1983, 2 p.m.** The Intercollegiate Athletics Council for Men of the University of Texas at Austin of the University of Texas System will meet in Belmont Hall 240, San Jacinto Street between 21st and 23rd Streets, Austin. Items on the agenda include approval of the February 28, 1983, minutes, a proposed change in the golf schedule, the Southwest Conference Baseball Tournament budget; the status of the proposed NCAA swimming championship in Austin in 1984, and approval to bid for 1985 if the meet is not awarded for 1984; the 1983 Sun Bowl financial report, Swimming Letter and Football Letter awards; a list of approved items from the previous council meeting, ratification of the Texas Relays Fun Run budget, ongoing construction and maintenance projects within the department, the Darrell Royal Scholarship Fund; reports on football and tennis facilities; discussion of official publications for the department, and consideration of the contract for football and basketball programs. The council will also meet in executive session to consider personnel matters and potential litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

**Contact:** Haila Kauffman, P.O. Box 7399, Austin, Texas 78712, (512) 471-1265.

**Filed:** April 5, 1983, 4:05 p.m.  
TRD-832487

### Texas Woman's University

**Monday, April 18, 1983, 10 a.m.** The Board of Regents of Texas Woman's University will meet on the 16th floor, Administration and Conference Tower, Denton. Items on the agenda include the December 6, 1982, minutes; election of officers for 1983-1984; personnel additions and changes; acceptance of gifts and grants; agreements and contracts; sale of surplus University property; certificate of substantial completion; change orders; adoption of energy conservation standards for new buildings to be erected by Texas Woman's University; a



schedule of renewal and extension of insurance coverage; a report of meetings of the Committee of Governing Boards regarding construction funding support; authorization of an increase in the student services fee, approval of the schedule of Contract Meal Plan Rates for the 1983 summer session and the 1983-1984 academic year, the new residence hall policies and room rates for academic year 1983-1984 the acceptance of federal funds, an increase in the building use fee, a new laboratory fee schedule, the small class report for the Spring 1983 semester, the revision of the resolution regarding a finance and investment committee, and the basic design and plans for the new library building; consideration of citations for regents in recognition of their service to the university as members of the board of regents, and a report of the president on general university business

**Contact:** Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466

**Filed:** April 6, 1983, 2:12 p.m.  
TRD-832535

### Texas Water Commission

**Wednesday, April 27, 1983, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider an application by the City of Melissa for proposed water quality Permit 12649 01 to authorize the discharge of 95,000 gallons per day of treated domestic sewage, Trinity River Basin, Collin County.

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

**Filed:** April 5, 1983, 11:17 a.m.  
TRD-832469

**Tuesday, May 24, 1983, 10 a.m.** The Texas Water Commission will meet in the conference room, San Antonio River Authority Building, 100 East Guenther, San Antonio. According to the agenda summary, the commission will consider applications to the Texas Department of Water Resources of the City of San Antonio, care of the Office of City Attorney, 200 Main Plaza, Suite 104, San Antonio, Texas 78205, for amendments to the following permits.

Permit 10137-08 to authorize an increase in discharge of treated wastewater effluent

from a volume not to exceed an average flow of 24,000,000 gallons per day to 36,000,000 gallons per day from the Salado Creek Wastewater Treatment Plant

Permit 10137-33 to authorize the construction of an interim sewage treatment plant to treat wastewaters from the Rilling Road Sewage Treatment Plant Service Area to a secondary treatment level with a proposed discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 83,000,000 gallons per day

**Contact:** Paul Elliott, P O Box 13087, Austin, Texas 78711, (512) 475-1317

**Filed:** April 5, 1983, 11:18 a.m.  
TRD-832470, 832471

**Friday, June 3, 1983, 10 a.m.** The Texas Water Commission will conduct hearings in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The applications are as follows

Application by Hidalgo County Irrigation District 2 for an amendment to Certificate of Adjudication 23-808 as amended to convert a total of 560 acres of authorized Class "A" irrigation water rights from irrigation use to municipal use, Rio Grande Basin, Hidalgo County.

Application 2497A of Houston Lighting and Power Company for an amendment to Permit 2272 to authorize the maintenance of the existing reservoir and its use as a cooling pond, Trinity-San Jacinto Coastal Basin, Chambers County

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

**Filed:** April 6, 1983, 11:21 a.m.  
TRD-832532, 832533

### Texas Department of Water Resources

**Thursday, April 14, 1983, 1:30 p.m.** The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider approval of minutes; the Development Fund manager's report; extension of loan commitments to Cedar Park and Red River Authority of Texas (Preston Shores); financial assistance to the Cities of Channing, Pilot Point, and Danbury; amending Lakeside City's commitment; the Environmental Protection Agency's contract regarding remedial action activities at the Triangle Chemical Company site; a petition for rule-making pro-

posed by the Rummel Creek Association; approval of amendments and proposed rules regarding the use of an assets test to demonstrate required financial assurance for closure of injection well facilities, permit exemptions for Superfund response activities at inactive hazardous disposal facilities, monitoring, and reporting systems, and private sewage facilities at the Richland Creek Reservoir, review the state auditor's management letter, cost-sharing for floor protection planning funding, and payable contracts with the Colorado River Municipal Water District and Texas Tech University. The board will also meet in executive session to discuss litigation matters

**Contact:** Charles F. Nemer, P O Box 13087, Austin, Texas 78711, (512) 475-3187.

**Filed:** April 5, 1983, 11:17 a.m.  
TRD-832472

### Regional Agencies Meetings Filed April 5

**The Brazos Valley Development Council,** Executive Committee, will meet at 3006 East 29th Street, Bryan, on April 14, 1983, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (713) 822-7421.

**The Copano Bay Soil and Water Conservation District 329** will meet at 106 South Alamo, Shay Plaza, Refugio, on April 13, 1983, at 8:30 a.m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334.

**The Dallas Area Rapid Transit,** Budget and Implementation and Special Service Needs Subcommittees, met in emergency session and made an emergency addition to the agenda of the meeting held in Room 406, Love Field Terminal Building, Dallas, on April 5, 1983, at 5 p.m. Information may be obtained from Cinde Weatherby, Love Field Terminal Building, Lock Box 12, Dallas, Texas 75235, (214) 358-3217.

**The Trinity River Authority of Texas,** Administration Committee, will meet at Lake Livingston Dam and Reservoir, Farm Road 1988, Livingston, on April 13, 1983, at 9:30 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

**The West Central Texas Council of Governments,** Aging Department, will conduct

## Texas Register

public hearings. Dates, times, and locations are as follows.

**April 13, 1983, 10 a.m. and 11 a.m.** Experienced Citizens Center, 1404 South First Street, Haskell.

**April 14, 1983, 10 a.m. and 11 a.m.** Senior Nutrition and Activities (S N A.P.) Building, Newman Park, Sweetwater.

**April 19, 1983, 10 a.m. and 11 a.m.** Sears Recreation Center, 2400 Ambler, Abilene.

**April 20, 1983, 10 a.m. and 11 a.m.** DeLeon Senior Center, DeLeon City Park Complex, DeLeon.

**April 22, 1983, 10 a.m. and 11 a.m.** Coleman Senior Center, Overall-Morris Hospital (South Wing), Coleman.

Information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-832474

### Meetings Filed April 6

**The Bell County Appraisal District** will meet in the commissioners courtroom, second floor, Bell County Courthouse, Belton,

on April 20, 1983, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 765513-0390, (817) 939-3521, ext. 410.

**The Brazos River Authority**, Water Utilization Committee, will meet at 4400 Cobbs Drive, Waco, on April 12, 1983, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, (817) 776-1441

**The Dallas Area Rapid Transit**, Board, met in emergency session in Room 6ES, Dallas City Hall, Dallas, on April 7, 1983, at 7 p.m., and in Pullman Room B, Union Station, 400 South Houston, Dallas, on April 8 and 9, 1983, at 10 a.m. daily. Information may be obtained from Cinde Weatherby, Love Field Terminal Building, Lock Box 12, Dallas, Texas 75235, (214) 358-3217.

**The Jones County Appraisal District**, Board of Directors, will meet at 1137 East Court Plaza, Anson, on April 21, 1983, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

**The Permian Basin Regional Planning Commission**, Board of Directors, will meet in the conference room, 2514 Pliska Drive, Midland, on April 13 1983, at 1.30 p m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061

**The San Patricio County Appraisal District**, Board of Directors, will meet in Room 226, courthouse annex, Sinton, on April 14, 1983, at 9 30 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

**The Swisher County Appraisal District**, Board of Directors, will meet at Omer's Cate, Highway 87, Tulia, on April 14, 1983, at 7:15 a m. Information may be obtained from Nan Davis, 130 North Armstrong, Drawer 8, Tulia, Texas 79088, (806) 995-3015.

**The Taylor County Central Appraisal District**, Board of Directors, will meet in the commissioners courtroom, second floor, county courthouse, Abilene, on April 13, 1983, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 676-9381.

TRD-832513

For the purpose of public information, the *Register* publishes a listing of the bills that have been submitted to the governor and the status of these bills.

A bill will be listed after the bill has passed both the House and the Senate and again when the Governor acts upon the bill.

# The Legislature

## Bills Submitted to the Governor

### April 6

**SB 101** Relating to certain reports required from and the continuation of the office of the Interstate Oil Compact Commissioner for Texas.

Sponsor: Howard

**SB 114** Relating to the continuation of the Office of State-Federal Relations and to the personnel, operations, and powers and duties of the office.

Sponsor: Howard

**SB 132** Relating to the powers of and the levy of taxes and issuance of bonds by the Palo Duro River Authority.

Sponsor: Sarpalius

**SB 136** Relating to contingency reserves of mutual, level premium, legal reserve life insurance companies.

Sponsor: Traeger

**SB 171** Relating to working hours of patrolmen in certain cities.

Sponsor: Doggett

**SB 209** Relating to renaming the Arroyo Colorado Navigation District as the Port of Harlingen Authority.

Sponsor: Uribe

**SB 256** Relating to the probation, license suspension, and license revocation of a child-care facility or child-placing agency.

Sponsor: Sarpalius

**SB 374** Relating to the authority of certain counties and cities to jointly establish an auditorium and to the financing, equipping, maintenance, and operation of the auditorium

Sponsor: Jones

**SB 434** Relating to undivided mineral interests owned by nonresidents or unknown persons.

Sponsor: Jones

**SB 452** Relating to the election and terms of office of directors of the Cibolo Creek Municipal Authority, in parts of Bexar, Comal, and Guadalupe Counties.

Sponsor: Traeger

# In Addition

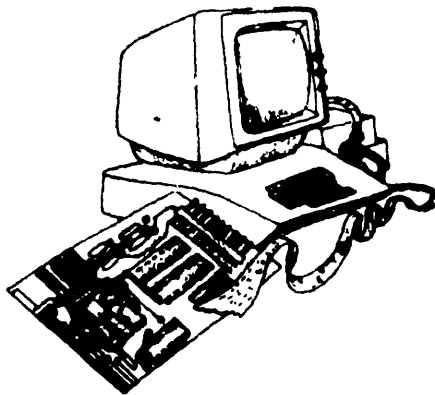
The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings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

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

## Texas Department of Agriculture Correction of Error

The proposed text of amendments to 4 TAC §11.2(u) contained an error as submitted in the April 1, 1983, issue of the *Texas Register* (8 TexReg 1047). This subsection should begin as follows

(u) **Pro. Aerial application of 2,4,5-T is prohibited except for the months of April, May, and June of each year.**



## Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of March 28-April 1, 1983.

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

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

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

Texas Eastman Company Division of Eastman Kodak, Longview; chemicals and plastics, (location not available); 9301; new source

AMFAC Foods Monterrey, Inc., Madisonville; fresh mushroom production, Highway 75 South; 3664B, modification

Issued in Austin, Texas, on April 4, 1983

TRD-832486

Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: April 5, 1983

For further information, please call (512) 451-5711, ext. 354.

## Banking Department of Texas Application To Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, 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 April 4, 1983, the banking commissioner received an application to acquire control of Dickinson State Bank,

Dickinson, by J. W. Lander, Jr., of Houston, and V. E. Cook, Jr., of McAllen

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on April 4, 1983.

TRD 832475 O. A. Cassity III  
Assistant General Counsel  
Banking Department of Texas

Filed: April 5, 1983

For further information, please call (512) 475-4451.

## Texas Department of Health Extension of Public Comment Period

The February 25, and March 1, 1983 issues of the *Texas Register* (8 TexReg 630 and 8 TexReg 694, respectively) contained proposed revisions to the department's solid waste management regulations, with a 30-day public comment period.

The department has extended the comment period on these proposed rules to Friday, April 22, 1983. Comments on the proposals may be submitted to Jack C. Carmichael, P.E., chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Issued in Austin, Texas, on April 5, 1983.

TRD 832493 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: April 6, 1983

For further information, please call (512) 458-7271.

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

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

exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

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

L. I. Wood, James M. Harned, and Charles R.

Baxter, a to-be-formed partnership, Dallas

AN83-0317-170

NIEH—Request for a declaratory ruling that a certificate of need is not required for L. I. Wood, James M. Harned, and Charles R. Baxter, a to-be-formed partnership, to acquire by purchase Irving Manor Nursing Home from James E. Peterson, trustee. Irving Manor Nursing Home is a 114-bed ICF nursing facility located in Dallas, which ceased operation June 18, 1982. The facility will reopen May 18, 1983, upon completion of renovation which is being undertaken to correct deficiencies.

Beverly Enterprises—Texas, Inc.,

Fort Smith, Arkansas

AN83-0328-206

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Physicians Nursing and Convalescent Center, an existing 80-bed ICF nursing facility located in Mount Pleasant, by assignment, from Beverly Enterprises, Inc., a California corporation.

Beverly Enterprises—Texas, Inc.,

Fort Smith, Arkansas

AN83-0328-208

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Oak Haven Nursing Center, an existing 54-bed ICF nursing facility located in Palestine, by assignment, from Beverly Enterprises, Inc., a California corporation.

Beverly Enterprises—Texas, Inc.,

Fort Smith, Arkansas

AN83-0328-210

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the lease-

hold interest in Lindale Nursing Center, an existing 89-bed ICF nursing facility located in Lindale, by assignment, from Beverly Enterprises, Inc., a California corporation.

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0328-212

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Frankston Nursing Center, an existing 76-bed ICF nursing facility located in Frankston, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0328-214

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Canton Nursing Center, an existing 66-bed ICF nursing facility located in Canton, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0328-216

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Leisure Lodge—Wortham, an existing 102-bed ICF nursing facility located in Wortham, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0328-218

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Villa Inn Nursing Center, an existing 112-bed ICF nursing facility located in Palestine, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0329-228

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Dumas Nursing Center, an existing 47-bed ICF nursing facility located in Dumas, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0329-230

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the lease-**

**hold interest in Amarillo Nursing Center, an existing 160-bed ICF nursing facility located in Amarillo, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0329-232

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Heritage House, an existing 148-bed ICF nursing facility located in Tyler, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0329-234

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire 100% of the leasehold interest in Country Inn Nursing Center, an existing 61-bed ICF nursing facility located in Van, by assignment, from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0330-244

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Golden Age Personal Care Home, an existing nursing home with 57 private pay beds located in Graham, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0330-246

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Southwest Nursing Center, an existing 120-bed ICF nursing facility located in San Antonio, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0330-248

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Clarksville Nursing Center, an existing 132-bed ICF nursing facility located in Clarksville, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**

Fort Smith, Arkansas

AN83-0330-250

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of West Texas Nursing Center, an existing 114-bed ICF**

nursing facility located in Abilene, by transfer from Beverly Enterprises, Inc., a California corporation.

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0330-252

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Northwest Mediplex, an existing 388-bed ICF nursing facility with 344 ICF and 44 skilled beds, located in Austin, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0330-254

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Southwest Mediplex, an existing 122-bed ICF nursing facility located in Austin, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0330-256

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Western Hills Nursing Center, an existing 118-bed ICF nursing facility located in Abilene, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0330-258

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Hill Country Manor, an existing 86-bed ICF nursing facility located in Llano, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0331-272

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Garden Terrace Nursing Center, an existing 120-bed ICF nursing facility located in Graham, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0331-274

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Cedar Oaks Nursing Center, an existing 66-bed ICF nursing facility located in Graham, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0331-276

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Burgess Manor Nursing Center, an existing 64-bed ICF nursing facility located in Graham, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0331-278

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Loraine Nursing Center, an existing 60-bed ICF nursing facility located in Loraine, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0331-280

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Courtyard Convalescent Center, an existing 120-bed ICF nursing facility located in Houston, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0331-282

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Roscoe Nursing Home, an existing 60-bed ICF nursing facility located in Roscoe, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Beverly Enterprises—Texas, Inc.**  
Fort Smith, Arkansas  
AN83-0331-284

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire the assets of Leisure Lodge-Overton, an existing 102-bed ICF nursing facility located in Overton, by transfer from Beverly Enterprises, Inc., a California corporation.**

**Hill Country Memorial Hospital, Fredericksburg**  
AH83-0328-220

**DR—Request for a declaratory ruling that a certificate of need is not required for Hill Country Memorial Hospital to construct a separate building behind the existing hospital building to house four physicians' offices on existing property owned by the hospital. The proposed medical office facility will be approximately 5,000 square feet and will be available to physician members of the medical staff of the hospital on a rental or lease basis. The estimated cost of the project is \$275,000.**

William E. Colson and Larry L. Claunch, doing business as Garrett Park Manor, a Texas Partnership

AH83-0330-240

NIEH—Request for a declaratory ruling that a certificate of need is not required for William E. Colson and Larry L. Claunch, doing business as Garrett Park Manor, a Texas Partnership, to acquire by lease Garrett Park Manor, an existing nursing facility with 77 private pay beds located in Dallas, from H H Holding Company, Inc., a Delaware corporation

Michael J. Anderson, Dallas AN83-0331-266

NIEH—Request for a declaratory ruling that a certificate of need is not required for Michael J. Anderson, to acquire by purchase Garland Manor Nursing Home from James E. Peterson, trustee. Garland Manor Nursing Home is a 60-bed ICF nursing facility located in Garland, which ceased operation on June 18, 1982. The facility will reopen May 23, 1983, upon completion of renovation which is being undertaken in order to correct deficiencies

James E. Chisholm, Dallas AN83-0331-268

NIEH—Request for a declaratory ruling that a certificate of need is not required for James E. Chisholm to acquire the leasehold interest in McGee Nursing Home, an existing 82-bed ICF nursing facility located in League from Kenneth W. Jewell

James E. Chisholm, Dallas AN83-0331-270

NIEH—Request for a declaratory ruling that a certificate of need is not required for James E. Chisholm to acquire the leasehold interest in Mexia Nursing Home, an existing 40-bed ICF nursing facility located in Mexia from Kenneth W. Jewell

Issued in Austin, Texas, on April 6, 1983

TRD 832515 John R. Neel, General Counsel, Texas Health Facilities Commission

Filed: April 6, 1983. For further information, please call (512) 475-6940.

State Board of Insurance Company Licensing

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

- (1) application for admission to do business in Texas of Gan Anglo-American Insurance Company, a foreign fire and casualty insurance company. The home office is in New York, New York.
(2) application for admission to do business in Texas of Nationwide Property and Casualty Insurance Com-

pany, a foreign fire and casualty insurance company. The home office is in Columbus, Ohio

(3) application for incorporation of Briercroft Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in Austin

(4) application for incorporation of Equity Services Life Insurance Company, a domestic life insurance company. The home office is proposed to be in San Antonio

(5) application for incorporation of Texas Western Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in Fort Worth

(6) application for a name change by FTS Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is Southwest American Life Insurance Company

(7) application for admission to do business in Texas of Fairmont Insurance Company, a foreign fire and casualty insurance company. The home office is in Burbank, California

(8) application for admission to do business in Texas of Central Reserve Life of North America Insurance Company, a foreign life insurance company. The home office is in Berea, Ohio

(9) application for admission to do business in Texas of United Insurance Company, a foreign casualty insurance company. The home office is in Irvine, California

Issued in Austin, Texas, on April 4, 1983

TRD 832530 James W. Norman, Chief Clerk, State Board of Insurance

Filed April 6, 1983. For further information, please call (512) 475-2950

Texas State Library and Archives Commission Consultant Contract Reports

The 65th Legislature, Senate Bill 737, Texas Civil Statutes, Article 6252-11c, requires state agencies and regional councils of government to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the secretary of state a description of the study to be conducted, the name of the consultant, the amount of the contract, and the dates of the reports. The Act also directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the Texas Register.

Below is the list of reports received for the first quarter of 1983. The reports may be examined in Room 300, State Library and Archives Building, 12th and Brazos Streets, Austin.



Agency: Comptroller of Public Accounts.  
 Consultant: Arthur Andersen & Company.  
 Title: *Comprehensive Evaluation of the Information Services Division.*

Agency: Texas Education Agency.  
 Consultant: Westinghouse Information Services  
 Titles: *Texas Assessment of Basic Skills 1981-1982, Final Report, Part 1: Project Report*  
*Texas Assessment of Basic Skills 1981-1982, Final Report, Part 2: Technical Report*

Agency: State Department of Highways and Public Transportation.  
 Consultant: Arthur Andersen & Company.  
 Title: *Internal Review Training for Highway Department.*

Agency: Department of Human Resources.  
 Consultant: Arthur Young & Company.  
 Titles: *Executive Summary: Position Classification Study.*  
*Position Classification Study.*

Agency: State Board of Insurance.  
 Consultant: Creative Assistance, Inc  
 Titles: *Creative Assistance Program, Monthly Reports.*  
*Creative Assistance Program, Monthly Reports, January-March.*

Consultant: Black and Veatch Consulting Engineers.  
 Title: *Toxic Substance and Non-Point Source Report.*

Agency: Nortex Regional Planning Commission.  
 Consultant: Charles Barrett & Company.  
 Title: *All Titles of the CETA Financial and Compliance Audit Report.*

Agency: State Purchasing and General Services Commission.  
 Consultant: Bell Northern Research.  
 Title: *Study to Assist the State of Texas in Defining an Evolution Plan for STS.*

Agency: South Plains Association of Governments.  
 Consultant: Davis, Kinard & Company.  
 Titles: *Lubbock Opportunities Industrialization Center, Inc., Manpower Programs.*  
*Garza County Commissioners Court Manpower Programs.*  
*Central Plains Community Action Program Manpower Programs.*  
*SER-Jobs for Progress, Inc., Manpower Programs.*

Agency: Sesquicentennial Museum Board.  
 Consultant: Management Strategies Group.  
 Title: *Need Assessment for the Texas Sesquicentennial Museum Board.*

Issued in Austin, Texas, on April 4, 1983.

TRD-832465 William D. Gooch  
 Assistant State Librarian  
 Texas State Library and Archives  
 Commission

Filed: April 5, 1983  
 For further information, please call (512) 475-2166.

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1981. vol. 6, nos. 1-100, annual index		44.50	
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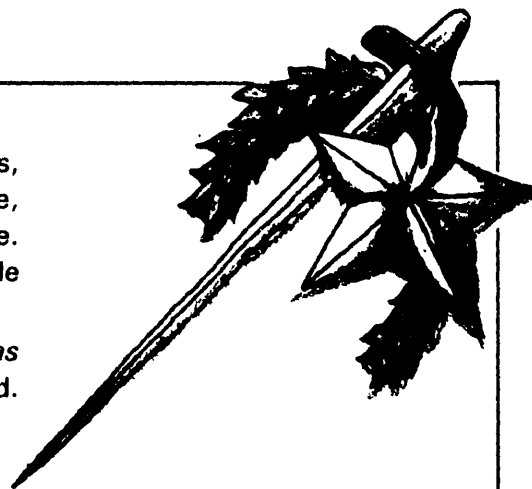
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