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Texas Register

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Highlights

- ★ The Texas Department of Public Safety adopts on an emergency basis and simultaneously proposes for permanent adoption amendments to a rule concerning minors' restricted drivers license applications, effective date - May 3 pages 1550 and 1551
- ★ The Public Utility Commission of Texas proposes amendments to a section concerning fuel adjustment and cost factors, earliest possible date of adoption - June 10 page 1552
- ★ The Public Utility Commission of Texas proposes an amendment to a section concerning general reports on a fuel cost factor calculation for a given billing period; earliest possible date of adoption - June 12... page 1553

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- Withdrawn Rules - rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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).

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

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The Governor

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

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

Appointment Made April 27

Texas Health Facilities Commission

For a term to expire February 1, 1987:

Dora Ann G. McDonald
2018 Nevada
San Marcos, Texas 78666

Ms. McDonald is replacing Sloan L. Kirk of San Saba, who was not confirmed by the senate.

Issued in Austin, Texas, on April 27, 1983.

TRD-833207 Mark White
Governor of Texas

Appointments Made April 28

52nd Judicial District

To be judge of the 52nd Judicial District, Coryell County, until the next general election and until his successor shall be duly elected and qualified:

Bobby L. Cummings
Route 3, Box 137
Gatesville, Texas 76528

Mr. Cummings is replacing Judge Byron L. McClellan of Gatesville, who retired.

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

TRD-833211 Mark White
Governor of Texas

88th Judicial District

To be 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:

Earl B. Stover
104 Quail Run
Silsbee, Texas 77656

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

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

TRD-833209 Mark White
Governor of Texas

130th Judicial District

To be judge of the 130th Judicial District, Matagorda County, until the next general election and until his successor shall be duly elected and qualified:

W. Jack Salyer
P.O. Box 1666
Bay City, Texas 77414

Mr. Salyer is replacing Judge G. P. Hardy, Jr., of Bay City, who retired.

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

TRD-833216 Mark White
Governor of Texas

Brazos River Authority

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

Henry J. Boehm, Sr.
2109 Tison
Brenham, Texas 77833

Mr. Boehm is being reappointed.

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

TRD-833208 Mark White
Governor of Texas

John M. Wehby
P.O. Box 55
Taylor, Texas 76574

Mr. Wehby is replacing Netum A. Steed of Wichita Falls, who is deceased.

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

TRD-833210 Mark White
Governor of Texas

Bruce V. Campbell, Jr.
Box 85
Knox City, Texas 79529

Mr. Campbell is being reappointed.

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

TRD-833212 Mark White
Governor of Texas

Glynn A. Williams
500 Brookshire Drive
Bryan, Texas 77801

Mr. Williams is being reappointed.

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

TRD-833213 Mark White
Governor of Texas

Douglas A. Strain
18 Seminole Lane
West Columbia, Texas 77486

Mr. Strain is replacing Dr. Arthur I. (Rusty) Davidson
of Comanche, whose term expired.

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

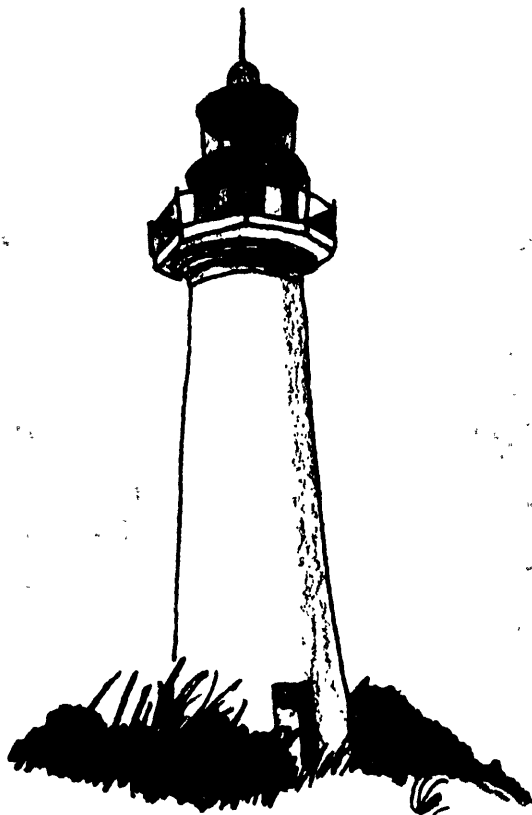
TRD-833214 Mark White
Governor of Texas

R. E. (Gene) Chambers
2413 Clayton
Wichita Falls, Texas 76301

Mr. Chambers is being reappointed.

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

TRD-833215 Mark White
Governor of Texas



Emergency Rules

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

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

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS Part I. Texas Department of Public Safety Chapter 15. Driver's License Application Requirements—Original, Renewal, Duplicate, Identification Certificates

37 TAC §15.28

The Texas Department of Public Safety adopts on an emergency basis amendments to §15.28, concerning minor's restricted driver's license applications. This rule is amended by adding new language and deleting language and subsections from the current rule. The changes are necessary to comply with amendments to Texas Civil Statutes, Article 6687b, §12(d), as amended and passed by the 68th Legislature. This law is intended to restrict the issuance of driver's licenses to minors who have completed a driver training course approved by the department except for certain emergency cases. It is necessary to file this emergency action because the law became effective on May 3, 1983. The rule is being simultaneously proposed for permanent adoption.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 6687b, §12(d), as amended, which provide the Texas Department of Public Safety with the authority to issue driver's licenses to 15- to 18-year olds only after completion of an approved driver training course; except a 60-day license be issued without this course in cases of an illness, disability, death, or economic-related emergency.

§15.28. *Minor's Restricted Driver's License Applications.*

(a) A minor's authorization certificate for licensing privileges is obtained by submitting a minor's restricted driver's license application for driver's license to the department [and] establishing the necessity for a minor age 15-18 to drive **under the provisions set out in Texas Civil Statutes, Article 6687b, §12(d), as amended.** Such applications may be obtained from any Texas Department of Public Safety office or by writing the Texas Department of Public of Public Safety, License Issuance and Driver Records, Box 4087, Austin, Texas 78773. [upon the basis of:

- [(1) unusual economic hardship;
- [(2) illness in the family; or
- [(3) conditions actually detrimental to the welfare

of the applicant or his family—which includes but is not limited to those who are regularly enrolled in a vocational education program and who, in the opinion of the department, require a driver's license to pursue that program.]

(b) **Persons applying for a driver's license under the provisions of Texas Civil Statutes, Article 6687b, §12(d)(1)(A),(B), or (C), as amended, must provide evidence of:**

- (1) **completion of a driver training course approved by the department, and**
- (2) **an unusual economic hardship that is affecting the applicant's family to the extent of being denied the basic necessities for existence. Persons who can meet the criteria in subparagraphs (A)-(H) of this paragraph will be considered for licensing under the unusual economic hardship provisions.**

- (A) **The applicant is married and maintaining a separate household apart from the parent or guardian.**
- (B) **The applicant is the head of a household other than as a married person.**

(C) The applicant has dependent children and must drive to ensure the welfare of the children.

(D) The applicant is the only person eligible for a driver's license in the household.

(E) The applicant is the only person eligible for a driver's license other than the head of the household and when the head of the household is absent from the residence for sustained periods of time due to work and it is not practical to return home each day and licensing of the applicant is necessary to sustain the household.

(F) The applicant attends school and must work to provide the basic necessities for existence of the family and the transporting of the applicant would create a hardship on the applicant's family if other family members must be absent from their employment to transport the applicant to or from work and other means of transportation are not available.

(G) The applicant needs transportation to and from school and school bus or public transportation is not provided or unavailable. Travel to participate in school activities such as sports, band, etc., will not be considered a sufficient reason to establish an unusual economic hardship.

(H) The applicant is engaged in farm or ranch work for parents or guardian and driving by the applicant is necessary in order for the family to carry on essential farming or ranching activity which is the primary source of family income.

(3) a sickness or illness of a family member that makes driving by the applicant necessary in order to provide medical attention to such family member and no other practical means to do so are available or licensing of the applicant is necessary to sustain the household because of such family member's physical condition. Person applying for a license under this provision must present a signed statement from the attending physician attesting to the fact that the family member in question should not drive because of the medical condition. Such statement must include the nature of the illness.

(4) enrollment in a vocational education program by presenting certification from the school principal attesting to enrollment of the applicant and the course is approved under the Texas Education Code, §21.101, and the course is recognized by the school for academic credit and that driving by the applicant is necessary to attend such program.

(c) Applicants for a driver's license under the provisions of Texas Civil Statutes, Article 6687b, §12(d)(3), as amended, must present evidence of:

(1) an economic emergency that is of such a nature that immediate relief is necessary to prevent the applicant's family from being denied the basic necessities for existence. Those conditions applicable to unusual economic hardship under subsection (b)(2) of this section also apply to economic emergency.

(2) a family illness or disability that is of such a nature that licensing of the applicant is necessary to provide a family member with transportation to receive medical attention or to sustain the household. The applicable requirements for sickness or illness under subsection (b)(3) of this section also apply to family illness or disability.

(3) a death of an immediate family member makes temporary driving by the applicant necessary to

provide relief to the applicant's immediate family in carrying on routine or special family needs because of such death.

(d) Fourteen-year-old applicants applying for authority to enroll in an approved driver training course under the provisions of Texas Civil Statutes, Article 6687b, §12(d)(5), as amended, must present evidence as required of applicants under subsection (b)(2), (3), or (4) of this section. Applicants approved for early enrollment authority may only be enrolled in the classroom portion of the driver training program.

(e) The department may require evidence or make any investigation necessary for the purpose of confirming information furnished on any application for a driver's license or early enrollment authority under Texas Civil Statutes, Article 6687b, §12(d), as amended.

(f) The driver training course referred to in Texas Civil Statutes, Article 6687b, §12(d)(2), as amended, must conform to 19 TAC §§77.471-77.480, (relating to Standards for an Approved Course in Driver's Education for Texas Schools) and/or §§31.1-31.6 of this title, (relating to Standards for an Approved Motorcycle Operator Training Course).

(g)[b] Minor's restricted driver's license application for driver's license must be executed by an authorized adult in behalf of a minor with the adult and the minor signing the form and presenting it in person at a driver's license office

(h)[(c) The department authorizes] Only a parent, guardian, or person having custody of a minor may [to] make application in his behalf, or if such minor has no parent, guardian, or custodian, then an employer or county judge may [is authorized to] apply in behalf of the minor.

(i)[(d)] The minor's authorization [certificate] must be presented within 45 days after approval as the required authorization for the minor to be given a driver's license examination, except 14-year-old applicants applying for early enrollment in a driver education class.

(j)[(e) Any restriction approved on the minor's restricted driver's license application by the department or by court order, and [or] found by the department to be necessary and not in conflict with the original authorization or court order, must be added to the license. Restrictions [Restriction] will normally be the time frame and area necessary to relieve a hardship or emergency.

(f) Although the provisional expiration date will be placed on the license, in some cases an expiration date different from that shown on the license can be made a part of a restriction.

(g) Minor's restricted driver's license application may be used to apply for a commercial operator's or chauffeur's license in addition to operator's, provided the authorization so states and they meet all other requirements.]

Issued in Austin, Texas, on May 3, 1983.

TRD-833237

James B. Adams
Director
Texas Department of Public
Safety

Effective date: May 3, 1983

Expiration date: August 31, 1983

For further information, please call (512) 465-2000.

Proposed Rules

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

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state 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.

TITLE 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules General

16 TAC §23.3

The Public Utility Commission of Texas proposes amendments to §23.3, concerning definitions. Definitions of fuel adjustment factor and fuel cost factor will be deleted to be in agreement with revisions in §23.23, concerning rate structure, which will eliminate automatic fuel adjustment.

John E. Cunningham, public utilities 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. Cunningham 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 the consistent use of terms throughout this chapter to avoid confusion. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Carolyn E. Shellman, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendments are proposed 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 and to make decisions with respect to administering the provisions of this Act or the rules of the commission.

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

[Fuel adjustment factor—A computed number which, when multiplied by the number of kilowatt-hours consumed by a customer during a billing period, will produce a fuel adjustment charge to the customer. The total of these charges to all customers is the difference in the cost of fuel experienced by the utility during the calendar month that most closely corresponds to the billing period and the cost of fuel that would have been experienced if the price of fuel has been equal to that price stated in the tariff of the utility. The cost of fuel may include the cost of economy energy, hydroelectric energy, and energy purchased from a qualifying facility, and the fuel cost component of purchased power. In addition, on an interim basis until the final order in the utility's next rate case, the cost of fuel may include capacity or demand-related costs for power purchased from a qualifying facility, as defined in §23.58(a)(1). During the utility's next rate case, interim capacity or demand-related cost components shall be removed, if appropriate, and included in the utility's base rates.]

[Fuel cost factor—A computed number which, when multiplied by the number of kilowatt-hours consumed by a customer during a billing period, will pro-

duce a fuel cost charge to the customer. The total of these charges to all customers is the cost of the fuel consumed in generating energy by the utility during the calendar month that most closely corresponds to the billing period. The cost of fuel may include the cost of economy energy, hydroelectric energy, energy purchased from a qualifying facility, and the fuel cost component of purchased power. In addition, on an interim basis until the final order in the utility's next rate case, the cost of fuel may include capacity or demand-related costs for power purchased from a qualifying facility, as defined in §23.58 (a)(1). During the utility's next rate case, interim capacity or demand-related cost components shall be removed, if appropriate, and included in the utility's base rates.]

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 May 3, 1983.

TRD-833231 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption:
June 10, 1983

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

sions with respect to administering the provisions of this Act or the rules of the commission.

§23.11. General Reports.

(a)-(d) (No change.)

(e) Fuel cost and use information. Copies of all presently effective and future fuel purchase and/or sale contracts shall be available for examination or filed with the commission on request. [Information, including estimates and calculations, involved in calculating a fuel cost factor for a given billing period shall be filed with the commission by the fifth day of the billing period by all electric utilities including municipally owned electric utilities.] In addition, each generating electric utility, including municipally owned generating electric utilities, shall file a monthly fuel report on a form prescribed by the commission.

(f)-(p) (No change.)

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

Issued in Austin, Texas, on May 3, 1983.

TRD-833232 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption:
June 10, 1983

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

Records and Reports

16 TAC §23.11

The Public Utility Commission of Texas proposes an amendment to §23.11, concerning general reports. The request for information regarding a fuel cost factor calculation for a given billing period will be deleted to be in agreement with changes in §23.23 which eliminate automatic fuel adjustment.

John Cunningham, public utilities 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. Cunningham 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 consistency in the wording and terms used in the chapter to avoid confusion. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Carolyn E. Shellman, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendment is proposed 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 and to make deci-

**TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 145. Long-Term Care
Subchapter L. Minimum Licensing
Standards for Personal Care Homes**

25 TAC §§145.181-145.183

The Texas Department of Health proposes amendments to §§145.181-145.183, concerning the minimum licensing standards for personal care homes.

Stephen Seale, chief accountant III, Budgetary Services Division, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Seale has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be less stringent rules for personal care homes of eight beds or less so as to facilitate the establishment of such small places with a homelike environment consonant with care programs emphasized by the Texas Department of Human Resources; the provision that mobile-nonambulatory residents may be cared for in certain small personal care homes usually limited to the care of am-

bulatory residents; the updating of the basic fire safety requirements of all personal care homes by specifying the latest edition (1981) of the Life Safety Code of the National Fire Protection Association; the clarification of fire safety requirements for multiple-story personal care homes through direct wording; the clarification of handling medications in a personal care home and of assisting residents with their medications; the requirement rather than the recommendation of medical examinations of residents on admission and the requirement of an annual health assessment; and the provision of miscellaneous adjustments and clarifications in fire safety and physical environment. In summary, the principal benefits are to encourage the use of small facilities for certain types of care, to assure appropriate fire safety for all personal care homes consonant with the latest state of the art, and the clarification of requirements and allowances involved with the handling of and assistance with medications.

For each year from 1984-1988, the anticipated economic implications for personal care homes which are required to comply with the rules as proposed, will be an average savings of \$2,700 by each small facility for initial physical plant construction; an average cost for \$800 for each facility, other than a small facility, for initial physical plant construction; and operational costs of \$40 more per personal care home for medical examinations; and \$10 more per each home for health assessments.

Comments on the proposal may be submitted to Howard C. Allen, Acting Chief, Bureau of Long Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public comment will be received for 30 days after publication. A public hearing will be conducted on June 3, 1983, at 9:30 a.m. at the Texas Department of Health auditorium, 1100 West 49th Street, Austin.

The amendments are proposed under Texas Civil Statutes, Article 4442c, § 7, which provide the Texas Department of Health with the authority to promulgate standards for the licensing of personal care homes and other institutions as defined in Article 4442c.

§145.181. *General.*

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

(c) Philosophy.

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

(3) Institutions or establishments licensed under these standards are known as personal care homes. Residents therein depend on an intermediary to provide them various degrees of assistance in everyday living. In providing this assistance, a personal care home shall function as follows:

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

(C) The [assistance or] provisions outlined in subparagraphs (A) and (B) of this paragraph are not intended to be all-inclusive.

(D)-(E) (No change.)

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

(d) Definitions. The following words and terms when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

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

(3) Protective services—Services identified by the licensing agency as protective services may include a wide variety of services. (A personal care home is not equipped or licensed to provide all types of protective services.) Some, but not limited to, examples of services determined as protective services by the licensing agency are those where an intermediary is required to provide ambulation assistance, hygienic assistance, [supervision of self-administration of medication,] assistance with medications, and supervision of meal regimen (Refer to the licensing agency's rules, §145.101 and §145.102 of this title (relating to Institutions Subject to Licensure under Texas Civil Statutes, Article 4442c) for identification of protective and nonprotective services and conditions controlling those identifications of definitions).

(4) (No change.)

(5) Amulatory—Able to self-arise from bed; able at a reasonable rate of speed to escape the building in emergency, including passage over any stairs, without assistance of another person, walking device (except cane [or crutches may be acceptable]), or wheelchair.

(6)-(7) (No change.)

(8) Physician—A practitioner licensed by the Texas State Board of Medical Examiners.

(9)-(12) (No change.)

(13) Assistance with medication/treatment regimen—Assistance with any resident's needed ancillary aid; however, such aid shall not constitute a direct application of the medication by injection, inhalation, ingestion, or any other means to the body of the resident. [Assistance with medication regimen. Assistance with medication regimen means communication in reminding the resident of his/her taking of medication. Since the personal care homes do not provide the services offered in structured and organized nursing care or medical care, the assistance with medications must be done commensurate with the type of medication and condition of the resident, which would allow for the usual and recognized assistance with the medication customarily taken in a family setting; provided, a Texas licensed physician shall designate in writing each individual personal care home staff member that may assist the residents with their medications, except physician designation does not apply to staff members or nonstaff persons who are licensed to administer medications by their respective Texas examining boards.]

(14) (No change.)

(15) Mobile nonambulatory—Unable to walk independently or without assistance but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, and wheeled platforms if capable of transfer without assistance.

(16) Occupant—Any person that lives and sleeps at the facility. This includes residents, staff, attendants, houseparents, and families.

(e) Types of personal care homes.

(1) Type A.

(A) Residents may be physically or mentally handicapped but do not need services requiring a structured or organized medical, nursing, or other care program as found in licensed hospitals, licensed nursing homes, licensed custodial care homes or similar special-

ized facilities. [Residents may be physically or mentally handicapped but are ambulatory, self-help, capable of following directions, and taking appropriate action for self-preservation under emergency conditions.]

(B) Residents are ambulatory, self-help, capable of following directions, and taking appropriate action for self-preservation under emergency conditions. Exception: Under certain conditions a Type A-Class I facility may care for mobile nonambulatory residents. (See subsection (f)(6) of this section.)

(C)(B) Residents are [may or may not be] capable of [handling and] self-administering their own medications/treatments but may need assistance.

(D)(C) Residents do not require usual and routine attendance during nighttime sleeping hours.

(E)(D) Residents do not have a disease endangering other residents.

(F)(E) Residents may exhibit symptoms of emotional disturbance but are not considered dangerous to themselves or other residents.

(2) Type B.

(A) Residents may be physically or mentally incapacitated or handicapped but do not need services requiring a structured or organized medical, nursing, or other care program as found in licensed hospitals, licensed nursing homes, licensed custodial care homes, or similar specialized facilities.

(B) (No change.)

(C) Residents are [may or may not be] capable of [handling and] self-administering their own medications/treatments but may need assistance.

(D)-(F) (No change.)

(f) General requirements.

(1)-(5) (No change.)

(6) The physical plant requirements of the type A, personal care home, are written on the premise that residents are ambulatory. A Type A-Class I, personal care home may have mobile nonambulatory residents but may be subject to additional physical plant requirements as determined by the licensing agency utilizing the fire safety evaluation system for facilities for the mentally retarded as recognized by the federal department of health and human services. A mobile nonambulatory resident may not be housed above or below the ground level.

(7)(6) A personal care home shall not admit or retain residents whose physical or mental conditions would cause an adverse effect on the well-being of other residents.

(8)(7) Buildings or building fire sections housing multi-type residents shall meet the highest requirements involved. A building meeting fire safety requirements for Type B automatically qualifies for Type A.

(9)(8) Any existing personal care home in operation at the time of initial inspection by the licensing agency and which does not comply with these standards will be given 60 days to attain compliance with operational standards and six months for physical plant conformance. If additional time is needed for physical plant compliance, permission must be received from the licensing agency.

(10)(9) Alternative provisions or variations of these standards may be acceptable to the licensing agency for any facilities or institutions subject to licensure and

which are operated by, under the supervision of, or approved by governmental agencies primarily engaged in the training, habilitation, rehabilitation, or education of clients, based on and commensurate with the needs of the residents and the scope and guidelines or standards of the programs. Additionally, certain institutions or establishments may be determined to be exempt from licensure.

(11)(10) These standards have been written primarily based on residents being present in the facility essentially at all times; however, there may be facilities in which residents are away from the facility at certain periods of the day on a coordinated basis as appropriate or on approval of the facility management. In those instances variations or alternative provisions with respect to some of the details of the standards may be appropriate.

(12)(11) The personal care home shall operate in accordance with all applicable local, state, or federal requirements

(g) (No change.)

§145.182. *Personal Care Homes—Type A.*

(a) Building construction.

(1) Classification of facilities.

(A) A Type A-Class I facility is a building consisting of one or more floors or one or more units providing sleeping accommodations for eight or fewer residents exclusive of "live-in" houseparents, family, or staff.

(B)(A) A Type A-Class II [I] facility is a building consisting of one or more floors or one or more units providing sleeping accommodations for 9 to 15 persons [or less,] exclusive of "live-in" staff.

(C)(B) A Type A-Class III [II] facility is a building consisting of one or more floors or one or more units providing sleeping accommodations for 16 persons or more, exclusive of "live-in" staff.

(2) Applicability of requirements of construction and life safety.

(A) (No change.)

(B) Existing facilities (i.e., facilities with residents at time of initial inspection) shall be given time by the licensing agency in which to comply with the physical plant requirements as specified in §145.181(f)(9)(8) of this title (relating to General).

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

(3) Requirements of construction and life safety.

(A) Buildings and structures shall conform to the Life Safety Code, 1981 [1976] edition, number 101, as published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, [470 Atlantic Avenue, Boston, Massachusetts 02210,] as follows:

(i) Type A-Class I and II. Chapter 20 [11, section 11-5]. Lodging or Rooming Houses.

(ii) Type A-Class III [II]: Chapter 16 [11], Section 16-6 [11-4]. New Dormitories.

(iii) Other chapters, sections, subsections, or paragraphs of the Life Safety Code, such as Chapters 1-7 [4, 5, 6, and 7], and Chapter 31 [Sections 17-1 and 17-5], shall apply as referenced or intended for their relation to Section [Sections] 16-6 [11-4] and Chapter 20 [11-5]. Where Life Safety Code Section 11-4 refers to Life Safe-

ty Code Section 11-2 for requirements, the following sections will not be applicable: for existing construction, 11-2.3.6.1, 11-2.3.6.2, and 11-2.3.6.3; for new or existing construction, 11-2.2.8.1 and 11-2.3.3.4.]

(iv) Minimum construction for existing facilities (i.e., facilities with residents at time of initial inspection) shall conform to the construction requirements of this minimum standard paragraph (3)(F) and (G) of this subsection and need not comply with Section 16-6 and Chapter 20 for one-hour rated walls or 20-minute doors

(v) Where the building arrangement and operation of the personal care home resembles an apartment building more than a dormitory building or a lodging or rooming house, [Section 11-3], Chapter 18, new apartment buildings, shall be used for conformance.

(B) New construction shall be subject to local codes covering construction and electrical/mechanical systems for this occupancy. (The description of the occupancy will vary with local codes.) The licensing agency may require the facility sponsor or licensee to submit evidence that local requirements are satisfied. In the absence of or absence of enforcement of such local codes for new construction, the licensing agency will require conformance to the fundamentals of the following codes:

(i) The Uniform Building Code, 1979 edition by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, "R" Occupancy, Divisions 1 and 3. All fire and life safety requirements shall be in accordance with the National Fire Protection Association Standard Number 101 and these minimum standards only. [National Building Code, 1976 edition, recommended by the American Insurance Association, 85 John Street, New York, New York 10038 (hotels, dormitories, lodging, and rooming houses occupancy)]

(ii)-(iii) (No change)

(C)-(E) (No change)

(F) Interior wall and ceiling surfaces shall have as the finished surface or as substrate or sheathing a fire resistance of not less than that provided by 3/8-inch gypsum board, unless approved otherwise by the licensing agency. [(Supercedes 11-2.3.6.1 of the Life Safety Code that would otherwise apply to Class II facilities)] Flame spread rate requirements specified in the Life Safety Code shall be satisfied. **Exception: Existing small one story buildings housing Type A-Class I residents will not be required to have a time rated structure. Walls and ceilings shall be sheathed with at least 3/16-inch thick plywood (flame spread of 200 or less) or equivalent.**

(G) Doors between resident rooms and corridors or public spaces shall be not less than 1-3/8-inches thick solid core wood construction and latch in their frames. [(Superceded 11-2.3.6.2 of the Life Safety Code that would otherwise apply to Class II facilities.)] **Exceptions: In existing facilities housing Type A-Class I residents, bedroom doors can be 1-3/8 inches hollow core with tight fit and latching hardware. Bedroom doors for both new and existing facilities need not comply with the Life Safety Code requirement for automatic closure.**

(H) Vertical openings between floors, such as stairs, shall be protected by separation equal to at least a 20-minute (1/3-hour) fire resistance rating and shall be

smoke tight. Doors shall be at least 1 3/4 inches solid core wood.

(I) Upper floors shall have at least two separate approved stairs. Each stair shall be arranged and located so that it is not necessary to go through another room (such as bedroom or bath) to reach the stair. All stairs shall be provided with handrails and with normal lighting. (Refer Life Safety Code Section 5-2.2 and 5-2.5.) **Exception for existing 15 beds or less: at least one main stair shall be Class B. Secondary exterior stairs may be fire escape stairs in accordance with Life Safety Code 5-2.9 and Table 5-2.9.4 for existing stairs. Such stairs may be constructed of wood.**

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

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

(L)(J) Should any provisions of these licensing standards be in conflict with the Life Safety Code, the more stringent requirements shall govern, except as may be clearly stated or implied otherwise.

(4) (No change)

[(5) Mobile homes or trailers. Mobile homes or trailers are prohibited "Manufactured homes" (prefab homes) if meeting requirements of these standards as determined by the licensing agency are acceptable.]

(5)(6) Facility location

(A)-(C) (No change)

(b) Personal safety and comfort

(1) **Fire alarm and smoke detection system.** A manual alarm initiating system shall be provided in accordance with the Life Safety Code Section 7-6 [6-3.6] and be supplemented by an automatic smoke detection and alarm initiation system in accordance with the Life Safety Code Section 7-6 [6-3.8]. Smoke detectors shall be installed in resident bedrooms, corridors, hallways, public areas, and service areas. The primary power source for the complete fire alarm system must be commercial electric. Emergency power source shall be from storage batteries or on-site engine-driven generator set. The manual operation of any alarm initiating device will sound an alarm(s) at the site and Section 7-6.3.4 [6-3.11] of the Life Safety Code is not applicable. **The facility shall have a written contract with a fire alarm company or person licensed by the State of Texas to maintain the fire alarm system semiannually. Exception: Independent self-contained smoke detectors located in bedrooms, hallways, and living/dining areas may be installed in small one-story buildings with Type A-Class I residents. Detectors must be heard throughout the building with the doors closed. Units at bedroom halls shall be integral wired with house current. Smoke detectors shall be inspected monthly and maintained by facility personnel.**

(2) Portable fire extinguishers.

(A) Dry chemical. At least one portable UL or FM-approved five-pound Class B:C dry chemical fire extinguisher, rechargeable type, is required in each laundry, kitchen, and walk-in mechanical room. (Exception: UL or FM-approved equivalent Class B five pound carbon dioxide extinguisher in an existing facility (i.e., facility with residents) prior to the initial inspection of the licensing agency is acceptable.) A B C type extinguishers shall not be used in kitchens. **Exception: In small buildings, housing Type A-Class I residents, A.B.C. type extinguishers will be acceptable.**

(B) Water type. Portable UL or FM-approved 2½-gallon stored-pressure water-type fire extinguishers (Class A) must be provided in public areas serving resident [patient] bedrooms. One such unit shall be located within 50 feet of any resident bedroom door. Acidic base (A.B.C.) and dry chemical types are not acceptable. **Exception: Not required in small facilities housing Type A-Class I residents.**

(C)-(E) (No change)

(3) General fire safety.

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

(E) **Fire drills shall be conducted and recorded at least once every month. Alternate means of exit shall be practiced.**

(4) Waste and storage containers

(A) Metal wastebaskets of substantial gauge or approved plastic trash containers must be provided for resident [patient] bedrooms, offices, attendant areas, lounges, handicraft rooms, and similar locations. Covers are not required if containers at these locations are emptied at least daily.

(B)-(C) (No change)

(5) Other requirements of safety and comfort.

(A){(5)} All draperies and other window coverings shall be flame retardant in a manner satisfactory to the licensing agency. All new carpet installed after the initial inspection of the licensing agency shall have a maximum flame spread rate of 75 based on the ASTM "tunnel test" method. Proper documentation must be provided.

(B){(6)} Open flame heating devices are prohibited. All fuel burning heating devices shall be vented. Working fireplaces are acceptable if of safe design and construction and if screened or otherwise enclosed.

(C){(7)} Smoking regulations shall be established and conspicuously posted throughout the facility. Smoking in bed shall be prohibited. Ashtrays of noncombustible material and safe design shall be provided.

(D){(8)} The facility shall develop and conspicuously post throughout the facility an emergency evacuation plan approved by the local fire marshal having jurisdiction and the licensing agency.

(E){(9)} The facility shall have emergency fire lane for access of fire apparatus if required by local authorities.

(F){(10)} There shall be at least one telephone in the facility available to either staff or residents' use in case of an emergency. Emergency telephone numbers shall be posted conspicuously at or near the telephone.

(G){(11)} An annual pressure test of facility gas lines from the meter shall be provided. Any unsatisfactory conditions shall be corrected promptly.

(H){(12)} Storage of hazardous items such as janitor supplies and equipment shall be provided in closets or spaces separate from resident-use areas. Closets or spaces shall be maintained in a safe and sanitary condition and ventilated in a manner commensurate with the use of the closet or space.

(I){(13)} In the event of failure of normal lighting, all individual buildings housing 30 or more residents shall be provided with emergency lighting in corridors, exit access ways, and stairwells, in accordance with section 5-9 of the Life Safety Code.

(J){(14)} For individual buildings housing 30 or more residents, exit signs shall be provided in accordance with section 5-10 of the Life Safety Code.

(K){(15)} All exterior site conditions shall be designed, constructed, and maintained in the interest of resident safety. Newly constructed ramps shall not exceed 1:12 slope. Ramps, walks, and steps shall be of slip-resistant texture and be smooth and uniform, without irregularities. Guard rails, fences, and hand rails shall be provided where needed. Grounds, grass, shrubbery, trees, and other site features shall be maintained in a neat and attractive manner in the interest of health and safety.

(L){(16)} All stairways shall have substantial hand rails.

(M){(17)} Tubs and showers shall have nonslip bottoms or floor surfaces, either built in or applied to the surface.

(N){(18)} All lavatories and bathing units shall be supplied with hot water in quantities to meet the needs of the residents.

(O){(19)} **Cooling and heating systems shall be provided for occupant comfort. Conditioning systems shall be capable of maintaining the comfort ranges of heating and cooling.** [Cooling and heating shall be provided as necessary for resident comfort. Heating systems in resident use areas shall be capable of maintaining a minimum temperature of 68°F.]

(P){(20)} The facility shall be well ventilated through the use of windows, mechanical ventilation, or a combination of both.

(Q){(21)} Illumination, either natural or artificial, shall be provided to supply the needs of the residents without eye strain or glare.

(R){(22)} Passenger elevator shall be provided in the facility for resident bedroom and use areas which are on the third floor or higher, the street floor being considered the first floor. Applicable codes (building and Life Safety) shall be observed in the design and construction of elevators.

(S){(23)} It is desirable that finish materials, colors, decorations, and furnishings contribute to physical and emotional comfort. Furniture shall be substantial and stable and of design commensurate with its function and use. **Loose rugs creating a hazard shall be avoided.** Building [Maintenance of building] features, furnishings, and furniture shall be provided and maintained free of hazardous conditions and in the interest of [for] continuing resident benefit.

(T)(24) There shall be no occupancies or activities undesirable to the health and safety of the residents in the buildings or on the premises of the facility.

(c) Sanitary environment.

(1)-(9) (No change)

(10) In kitchens and laundries, there shall be adequate procedures to avoid cross contamination between clean and soiled utensils and linens. **Exception: In facilities with Type A-Class I residents, the clothes washer and dryer can be located in the kitchen area. Sanitary conditions shall be maintained.**

(11)-(13) (No change)

(d) Accommodations

(1) Resident bedrooms

(A)-(D) (No change)

(E) Each bedroom shall have at least one operable window giving outside exposure. Unless approved otherwise by the licensing agency, the window sill of the required window shall be no higher than 36 inches from the floor and shall be at or above outside grade level. **The window will be readily operable from the inside and provide a clear opening of at least 5.7 square feet (minimum width of 20 inches, minimum height of 24 inches). Windows required for evacuation will not be blocked by bars, shrubs, or any obstacle that would impede evacuation.** [Otherwise, window requirements shall be as called for in the Life Safety Code]

(F) (No change)

(2) Resident toilet and bathing facilities

(A) All bedrooms shall be served by separate private, connecting, or general toilet rooms for each sex (if facility houses both sexes) General toilet room or bathing room shall be accessible from corridor or public space. A lavatory shall be readily accessible to each water closet. At least one water closet, lavatory, and bathing unit shall be provided on each sleeping floor accessible to residents of that floor. **Exception: In Type A-Class I facilities toilet rooms for each sex are not required.**

(B) One water closet and one lavatory for each six occupants [residents] or fraction thereof **are required [are recommended]** One tub or shower for each ten occupants [residents] or fraction thereof is **required [recommended]**

(C) Privacy partitions and shields shall be provided at water closets and bathing units in rooms for multi-resident use.

(D) (No change)

(3) Recreation, living, and day room.

(A) Recreation, living, and day room space and furniture shall be provided to allow seating of not less than 50% of the residents at one time. Each facility shall have at least one space not less than 144 square feet regardless of number of residents. The required total space may include more than one room or area, second and subsequent spaces shall be not less than 100 square feet each. **Exception: In small facilities, housing Type A-Class I residents, these spaces shall be of sufficient size to seat all occupants simultaneously.**

(B)-(C) (No change.)

(4) Miscellaneous

(A) Separate fixed electrical cooking equipment acceptable for use in Apartments or in One-and Two-Family Dwellings, **Chapters 18 [Sections 11-3] and**

22 [11-6] respectively of the Life Safety Code, may be provided for individual residents if approved by the licensing agency.

(B)-(C) (No change)

(e) Care and services

(1) Personnel

(A) Eligibility for licensure.

(i) An applicant for license to operate a personal care home shall have graduated from or hold a certificate of equivalency of graduation from an accredited high school. **Exception: For Type A-Class I facilities the graduation or certificate is not required; however, the applicant must be able to read, write, and comprehend.**

(ii) Application shall be on a form made available by the licensing agency and will include references [in sworn affidavit form] attesting to the moral character, stability, continuing financial responsibility, and [physical and mental] capability of the applicant to operate a personal care home

(iii) Any owner, manager, or employee may, with cause, be required by the licensing agency to secure an examination by a physician that to the best of his or her knowledge the person examined is free of transmittable disease or infection and has no gross [physical or mental] debility which would adversely affect the person from proficiently operating a personal care home.

(iv) (No change)

(B)-(C) (No change)

(D) Staffing

(i) There shall be an attendant in the facility at all times when residents are in the facility. Additionally, there shall be other attendant personnel as needed to maintain order, safety, and cleanliness, to assist [or supervise] with the taking of medications, to prepare and serve meals, to keep an adequate supply of clean linens, and to assure that each resident receives the kind and amount of supervision and care required to meet his basic needs. Attendants shall be up, dressed, awake, and on duty at all hours, except that the attendants need only be immediately available in the facility during resident nighttime sleeping hours or at any other time as specifically approved by the licensing agency. When daily schedule of residents results in all residents being away from the facility, an attendant in the facility is not required at those times.

(ii)-(iii) (No change)

(2) Operational policies, admission policies, and records.

(A) (No change)

(B) Admission policies

(i) **Each resident shall have a medical examination on admission and at least an annual health assessment.** [For the personal care home's protection and that of other residents, each resident should have a medical examination on admission and as needed during residency]

(ii)-(iii) (No change)

(C)-(D) (No change)

(2) Medications

(A) General requirements

(i) **The personal care home shall have a locked central medication storage area under control of the facility staff for residents' prescribed medications, or**

the personal care home may use one of the state-approved medication storage and distribution cart systems, or residents may keep their own medications in their rooms for the purpose of self-administration. When residents keep their medication in their rooms, the personal care home shall provide each resident a locked medication storage area in his or her room for security of the resident retained medications. [The personal care home shall have a locked, central medication storage area under control of the facility staff for residents' prescribed medications, or the personal care home may use one of the state-approved medication storage and distribution cart systems.]

(iii)-(iv) (No change.)

(v) Residents may retain their own prescribed medications in their rooms if they are capable of handling and self-administering their medications, and if the personal care home maintains the necessary security of the medications kept in the residents' rooms.]

(B) Assistance with medications, treatments [medication]

(i) Residents shall be capable [are encouraged] of self-administering [to self-administer] their medications/treatments, however, staff of the personal care home may [shall remind,] assist [, or supervise], as necessary, the residents in the self-administration of their medications/treatments.

(iii) Residents who cannot properly manage the self-administration of their medications may be assisted by the physician designated personal care home staff member or by persons licensed to administer medications by their respective Texas examining board.]

(ii)(iii) Residents whose medications are kept in a central medication storage area under control of facility staff may be permitted entrance or access to the area for the purpose of self-administering their medication/treatments or receiving assistance with their medications/treatments. A personal care home staff member shall remain in or at the storage area the entire time any resident is present.

(iii)(iv) Residents whose medications are kept in a central storage area under control of facility staff and are self-administering [who self-administered] their prescribed medications/treatments shall do so in the presence of a staff member of the personal care home.

(iv)(v) Each resident's prescribed medications kept in the central storage area under control of the facility staff shall be listed on an individual resident's medication profile record. The recorded information obtained from the prescription label shall include the name and strength and/or prescription number of each medication, the amount of each medication, and the date each medication was issued by the pharmacy.

(v)(vi) For residents whose medications are kept in the central storage area under control of the facility staff, a written record shall be kept when the resident does not receive or take his or her medications/treatments as prescribed. The documentation shall include the date and time the dose should have been taken, and the name and strength and/or prescription number of medication missed, provided the recording of missed doses of medications does not apply when the resident is away from the personal care home.

(vi)(vii) For residents who are permitted to keep their own medications in their rooms, staff of the facility will counsel with the residents at least once a month to ascertain if the residents continue to be capable of self-administering [handling] their medications/treatments and if security of medications continues to be maintained. A written record of the counseling shall be kept.

(vii)(viii) Residents furloughed from or leaving the personal care home shall have their medications sent with them in the pharmacy or physician dispensed container, unless other provisions have been made for the resident to obtain his or her prescribed medications while away from the personal care home. Written documentation shall be made of the medications sent with the resident and shall include the date, the amount of medication, and the name and strength and/or prescription number of the medication.

(viii) Residents who become unable to self-administer, or self-administer with assistance, their medications/treatments due to a temporary incapacitating illness or accident may have their medications/treatments administered to them in the personal care home by persons permitted to administer medications/treatments by their respective Texas examining boards in accordance with Texas law. Administration of medications/treatments, due to temporary incapacitation, shall not exceed 14 days, unless a specified longer time is authorized in writing by the resident's physician.

(4) Accident, injury, or acute illness

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

(D) The facility shall stock and maintain in a single location first aid supplies.

(5)-(7) (No change.)

(8) Dietary service

(A) A dining room or rooms with appropriate furnishings shall be provided. Ideally, the dining space and furnishings should allow the residents to dine at one sitting. Where alternate or second meal services are employed, those services must be equal in quantity, quality, and sanitation to the first serving. **Exception: Small facilities, housing Type A-Class I residents, must have ample space to provide seating for all occupants simultaneously.**

(B)-(I) (No change.)

(9) (No change.)

§145.183 Personal Care Homes—Type B

(a) Building construction

(1) (No change.)

(2) Requirements of construction and life safety.

(A) Buildings and structures shall conform to the Life Safety Code, 1981 [1976] edition, Number 101, as published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02210, [470 Atlantic Avenue, Boston, Massachusetts, 02210] as follows:

(i) Personal care facilities of Type B which are in operation on the date of initial inspection by the licensing agency shall conform at least to Chapter 13 [10, Section 10-1, General Requirements, and Section 10-3], Existing Health Care Occupancies. The requirements therein for residential-custodial care facilities may be used.

(iii) New personal care facilities of Type B shall conform to Chapter 12 [10], [Section 10-1, General Requirements, and Section 10-2] New Health Care Occupancies. The requirements therein for residential-custodial care facilities may be used.

(iii) Buildings converted to Type B from other licensed health care occupancies shall conform to Chapter 13 or Appendix C [10], as determined by the licensing agency

(iv) Buildings converted to Type B from occupancies other than health care shall conform to Chapter 12 [10, Sections 10-1 and 10-2], except as may be waived or allowed otherwise by the licensing agency

(v) Type B personal care homes in the actual physical process of being built or converted at the time of initial contact by the licensing agency need conform only to Chapter 10, Sections 10-1 and 10-3]

(v)(vi) Other chapters, sections, subsections, or paragraphs of the Life Safety Code, such as Chapters 1-7 [4, 5, 6, and 7] and Chapter 31 [Sections 17-1 and 17-4] shall apply as referenced or intended for their relation to Chapter 12 and 13 [Chapter 10]

(B) New construction shall be subject to local codes covering construction and electrical-mechanical systems, for Type B personal care home occupancy. (The description of the occupancy will vary with the local codes.) The licensing agency may require the facility sponsor or licensee to submit evidence that local requirements are satisfied. In the absence of or absence of enforcement of such local codes for new construction, the licensing agency will require conformance to the fundamentals of the following codes:

(i) **The Uniform Building Code, 1979 edition, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90602, Group I Occupancy. All fire and life safety requirements shall be in accordance with the National Fire Protection Association Standard Number 101 and these minimum standards only.** [National Building Code, 1976 edition, recommended by the American Insurance Association, 85 John Street, New York, New York 10038 (health care occupancy)]

(ii)-(iii) (No change)

(C)-(E) (No change)

(F) **Bedroom doors for both new and existing facilities need not comply with the Life Safety Code requirements for automatic closure.**

(G)(F) Electrical and mechanical systems shall be safe and in working order. Electrical systems, air conditioning, ventilating, heating, cooking, and other service equipment shall be as required by the Life Safety Code.

(H)(G) The facility shall conform to all applicable state laws and local codes and ordinances. When such laws, codes, and ordinances are more stringent than these standards for personal care homes, the more stringent requirement shall govern. Should state laws or local codes or ordinances be in conflict with the requirements of these standards, the licensing agency shall be so informed so that these conflicts may be legally resolved.

(I)(H) Should any provisions of these licensing standards be in conflict with the Life Safety Code,

the more stringent requirements shall govern, except as may be clearly stated or implied otherwise.

(3) (No change)

(4) Mobile homes or trailers. Same as that for Personal Care Homes—Type A]

(4)(5) Facility location. Same as that for Personal Care Homes—Type A

(b) Personal safety and comfort. All requirements in this subsection are the same as for Personal Care Homes—Type A except with the addition or modifications as follows:

(1) The fire alarm smoke detection system must comply with but need not exceed 12-3.4 [10-2.3.3] and 13-3.4 [10-3.3.3] of the Life Safety Code, except that the alarm need sound only at the site and 12-3.3.4 [10-2.3.3.4] and 13-3.4.4 [10-3.3.3.4] of the Life Safety Code need not be applicable.

(2)-(3) (No change)

(4) Smoking regulations. Additional smoking regulations are as found in Chapter 31 [Section 17-4] of the Life Safety Code.

(5)-(10) (No change)

(c)-(e) (No change)

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

Issued in Austin, Texas, on May 2, 1983

TRD 833236

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

Earliest possible date of adoption
July 16, 1983

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 15. Driver's License Application Requirements—Original, Renewal, Duplicate, Identification Certificates

37 TAC §15.28

(Editor's note: The Texas Department of Public Safety proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas Department of Public Safety proposes amendments to §15.28, concerning minors' restricted driver's license applications. This rule is amended by adding new language and deleting language and sub-

sections from the current rule. The changes are necessary to comply with amendments to Texas Civil Statutes, Article 6687b, §12(d), as amended and passed by the 68th Legislature. This law is intended to restrict the issuance of a driver's license to minors who have completed a driver training course approved by the department, except for certain emergency cases. It is necessary to file emergency action simultaneously with this proposal because the law became effective on May 3, 1983.

Melvin C. Peoples, chief accountant II, 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.

Joe E. Milner, traffic law enforcement chief, has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be a reduction in motor vehicle accidents involving 15-year-old drivers. The anticipated economic cost to individuals who are required to comply with the rule as proposed will be the cost of a driver education course in public school or from a commercial school which

may be from \$0-\$214. The average cost per student is \$143 for the years 1983-1987.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773, (512) 465-2000.

The amendments are proposed under Texas Civil Statutes, Article 6687b, §12(d), as amended, which provides the Texas Department of Public Safety with the authority to issue driver's licenses to 15- to 18-year-olds only after completion of an approved driver training course; except a 60-day license may be issued without this course in cases of an illness, disability, death, or economic-related emergency.

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 May 3, 1983.

TRD-833238

James B. Adams
Director
Texas Department of Public
Safety

Earliest possible date of adoption:
June 10, 1983

For further information, please call (512) 465-2000.

Withdrawn Rules

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

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

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

**TITLE 16. ECONOMIC
REGULATION**
**Part I. Railroad Commission of
Texas**
**Chapter 9. Liquefied Petroleum Gas
Division**
Subchapter G. Division V
16 TAC §9.191

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §9.191 submitted by the Railroad Commission of Texas has been automatically withdrawn, effective May 3, 1983. The new section as proposed appeared in the November 2, 1982, issue of the *Texas Register* (7 TexReg 3865).

TRD-833194
Filed: May 3, 1983

**Part II. Public Utility Commission of
Texas**
Chapter 23. Substantive Rules
General
16 TAC §23.3

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption proposed amendments to §23.3, concerning substantive rules. The text of the amended section as proposed appeared in the December 7, 1982, issue of the *Texas Register* (7 TexReg 4243).

Issued in Austin, Texas, on May 3, 1983.
TRD-833233 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Filed: May 3, 1983
For further information, please call (512) 458-0100.

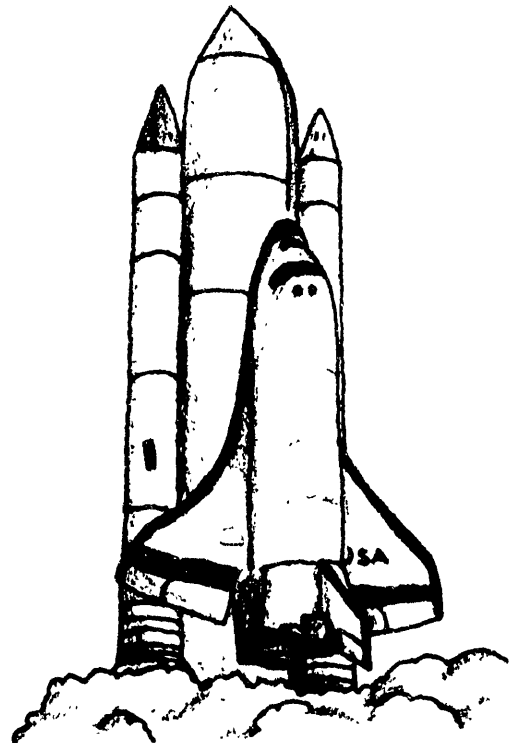
Records and Reports
16 TAC §23.11

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption proposed amendments to §23.11, concerning substantive rules. The text of the amended section as proposed appeared in the December 7, 1982, issue of the *Texas Register* (7 TexReg 4244).

Issued in Austin, Texas, on May 3, 1983.

TRD-833234 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Filed: May 3, 1983
For further information, please call (512) 458-0100.



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 19. EDUCATION Part I. Coordinating Board, Texas College and University System Chapter S. Program Development Subchapter O. Offering of Small Classes by Public Senior Colleges and Universities

19 TAC §5.301

The Coordinating Board, Texas College and University System adopts an amendment to §5.301, without changes to the proposed text published in the February 18, 1983, issue of the *Texas Register* (8 TexReg 550).

The amendment gives universities flexibility in offering small classes and reduces the reporting burden on the institutions. A small class is defined as an undergraduate course with less than 10 students enrolled or a graduate class with less than five students enrolled. The present rules require the universities to report to the coordinating board all small classes offered, the class enrollment, and justifications for teaching each small class. Only those institutions which exceed 1.0% will be required to submit to the coordinating board a small class report with appropriate justifications.

The coordinating board will continue to provide the governor's budget and planning office and the Legislative Budget Board with reports on small class offerings for the public senior colleges and universities.

No comments were received regarding adoption of the amendment.

The amendment is adopted pursuant to the Texas Education Code, §51.403(d), which provides the Coordinating Board, Texas College and University System with the authority to set forth these guidelines for use by public senior colleges and universities for the offering of small classes.

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 29, 1983.

TRD-833180

James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Effective date: May 23, 1983

Proposal publication date: February 18, 1983

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



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.)

Rating and Policy Forms
Reducing Hazard

059.05.33.001

The State Board of Insurance adopts an amendment to Rule 059.05.33.001, with changes to the proposed text published in the March 4, 1983, issue of the Texas Register (8 TexReg 759)

The State Board of Insurance has amended the key rate schedule for grading cities and towns of Texas with reference to their defenses and physical conditions by providing a credit for mutual aid for those cities and towns having a written mutual aid agreement and meeting the qualifications as set forth in Rule 25 of the schedule

No comments were received by this agency regarding this amendment during the 30-day publication period in the Texas Register. However, the following comments were received at a board meeting on February 17, 1983, prior to the publication as a proposed rule in the Texas Register.

Speaking in favor of adoption of the amendment were Jim Miceli, of the City of Del Rio; and G. J. Jones and Hugh Heflin, of the staff of the State Board of Insurance. No one spoke against adoption of the amendment.

The commentators stated that recognition of a mutual aid agreement allows those qualifying cities or towns to further reduce the applicable key rate of a city or town and provide lower insurance cost to the citizens of those qualifying cities or towns. In doing so, increased fire protection is available from sources other than the protection that is afforded by a single city. This affords the small cities and towns a method of increasing fire protection for lower cost in insurance premiums without large outlays of money for extra equipment that may not be justified.

The board agreed with the proponents' position that the adoption of this proposal produced savings in insurance cost and provided extra fire protection to a city or town.

This amendment is adopted under the Texas Insurance Code, Article 5.33, which provides the board with the authority to give each city, town, village, or locality credit for each hazard they may reduce or entirely remove.

.001 Key Rate Schedule. The State Board of Insurance adopts by reference the attached key rate schedule for grading cities and towns of Texas with reference to

their fire defenses and physical conditions as amended and to be effective on June 1, 1983. This document is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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 29, 1983

TRD-833244

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: June 1, 1983

Proposal publication date: March 4, 1983

For further information, please call (512) 475-2950.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XI. Texas Department of Water Resources

Chapter 371. Private Sewage Facilities

Subchapter R. Richland Creek Reservoir

31 TAC §§371.401-371.414

The Texas Water Development Board adopts new §§371.401-371.414, without changes to the proposed text published in the March 1, 1983, issue of the Texas Register (8 TexReg 728).

These rules were adopted to regulate discharges of sewage into private sewage facilities in an area around the Richland Creek Reservoir. After a public hearing, it was determined that such discharges may cause pollution or may injure the public health and that these rules were necessary to prevent such situations from occurring.

Adopted Rules

In the regulated area, these rules control sewage that is not disposed of in authorized organized disposal systems by providing for licensing of private sewage facilities and designating the Tarrant County Water Control and Improvement District 1 to perform the licensing, regulation, and enforcement functions related to the rules set forth in this subchapter.

No comments were received regarding adoption of these new rules.

These new rules are adopted under the authority of the Texas Water Code, §26.031, which provides the Texas Water Development Board with the authority to adopt rules to abate or prevent pollution or injury

to the public health caused by the use of private sewage facilities.

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 28, 1983.

TRD-833217

Susan Plettman
General Counsel
Texas Department of Water
Resources

Effective date: May 24, 1983

Proposal publication date: March 1, 1983

For further information, please call (512) 475-7845.

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 on Aging

Wednesday, May 11, 1983, 9:30 a.m. The Citizens Advisory Council of the Texas Department on Aging will meet in the board room, 210 Barton Springs Road, Austin. Items on the agenda include installation of new members; approval of the February 16, 1983, minutes; election of a vice chairman of the council; establishment of a Steering Committee; annual evaluation schedule of area agencies on aging; progress reports of department preparations for the Sunset Review Commission and budget appropriations as recommended by the Texas Legislature; consideration of a state plan on aging for fiscal year 1984-1985, with recommendations to be forwarded to the board; proposed state-wide public forums on the Older Americans Act; and setting of the location, date, and time of the next meeting.

Contact: Chris Kyker, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: May 3, 1983, 11:47 a.m.
TRD-833222

Texas Commission on Alcoholism

Saturday, May 14, 1983, 10 a.m. The Texas Commission on Alcoholism will meet in the

eight floor conference room, Sam Houston Building, Austin. Items on the agenda include approval of minutes, appeal of funding decisions, a budget update, certification of DWI education programs, divergence and legislative updates, proposed policy statements, a presentation by the West Texas Council on Alcoholism, and the executive director's report. The commission will also meet in executive session.

Contact: Jane C. Maxwell, Sam Houston Building, Room 809, Austin, Texas 78701, (512) 475-2577.

Filed: May 4, 1983, 4:44 p.m.
TRD-833290

Texas Education Agency

Thursday, May 12, 1983, 2:30 p.m. The State Board of Education Committee for Vocational Education and High Technology of the Texas Education Agency will meet in Room 101-E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the agency will consider a vocational education study.

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

Filed: May 4, 1983, 12:37 p.m.
TRD-833269

Friday, May 13, 1983. Committees of the State Board of Education of the Texas Education Agency will meet at the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Times, rooms, committees, and agendas follow.

7:30 a.m. In Room 101-E, the Committee for Internal Rules will consider travel for board members, board operating rules; a new rule concerning the appointment of trustees to the Teacher Retirement System of Texas, and a report on activities of advisory groups, September 1982-February 1983.



8:30 a.m. In Room 101-E, the Committee for Rules, Budget, and Finance will meet jointly with the Committee for Special Populations to consider proposed new rules and proposed repeal of existing rules concerning the Good Neighbor Scholarship Program and special education; a medical examination report for school bus drivers and substitute school bus drivers; approved nonpublic schools for handicapped students for contracting purposes for school year 1983-1984; a request for authority to contract for support services in conducting the 1984-1985 Texas Assessment of Basic Skills (TABS) tests; personnel unit adjustment for special education and vocational education personnel; and transportation services related to special education.

8:30 a.m. In Room 101, the Committee for Vocational Education and High Technology will consider an annual program plan for vocational education for fiscal year 1984; an accountability report for fiscal year 1982; and recommendations of Select Committee on Public Education and for appointment to the State Advisory Committee for Marketing and Distributive Education.

10 a.m. In the Joe Kelly Butler Board Room, the Committee of the Whole will consider proposed amendments to the Texas Administrative Code, Title 19, Chapter 81, Subchapter D, concerning the State Textbook Program

2 p.m. In Room 101, the Committee for Instruction, Research, and Evaluation will consider recommendations for appointment to the 1983 State Textbook Committee and of the Select Committee on Public Education, the proposed schedule and procedures for public hearings on implementation of House Bill 246, the Texas Education Code, §21.101, concerning the public school curriculum; Texas Public Schools Week for 1984, a progress report on development of the Spanish Language Achievement Test; and analysis of performance of Texas students on the Scholastic Aptitude Test (SAT).

2 p.m. In Room 101-E, the Committee for Investment of the Permanent School Fund will review securities transactions and the portfolio; consider the recommended investment program for May, changes to the approved list of corporations for security purchases, and estimated funds available for the May program, and hear a report of the investment officer.

2 p.m. In Room 214, the Committee for Teacher Preparation, Support Services, and Litigation/Appeals will consider a proposed amendment and withdrawal of a proposed

amendment to the Texas Administrative Code, Title 19, Chapter 157, concerning hearings and appeals as published in the *Texas Register*; a recommendation on accreditation of school districts and a recommendation of the Select Committee on Public Education; and hear a status report on Texas proprietary schools.

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

Filed: May 4, 1983, 12:36 p.m.
TRD-833270-833276

Saturday, May 14, 1983, 8:30 a.m. The State Board of Education of the Texas Education Agency will meet in the Joe Kelly Butler Board Room, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda summary, the board will consider the Texas Teacher of the Year for 1983; appeals on decisions of the commissioner of education; a motion for rehearing of a board decision; agency administration; the Good Neighbor Scholarship Program; proposed new rules and proposed repeal of existing rules concerning the Good Neighbor Scholarship Program and special education; a medical examination report for school bus drivers and substitute school bus drivers, approved nonpublic schools for handicapped students for contracting purposes for school year 1983-1984; a request for authority to contract for support services in conducting the 1984-1985 Texas Assessment of Basic Skills (TABS) Tests; a personnel unit adjustment for special education and vocational education personnel, special education transportation services, funding, units, and costs, an annual program plan for vocational education for fiscal year 1984 and accountability report for fiscal year 1982, recommendations for appointment to the State Advisory Committee for Marketing and Distributive Education and to the 1983 State Textbook Committee; proposed amendments to rules concerning the State Textbook Program and to rules concerning hearings and appeals; the proposed schedule and procedures for public hearings on implementation of House Bill 246, the Texas Education Code, §21.101, concerning the public school curriculum; Texas Public Schools Week for 1984; recommended changes to the approved list of corporations for security purchases; estimated funds available for the May investment program for the Permanent School Fund, the withdrawal of proposed amendments to rules concerning hearings and appeals, as published in the *Texas Register*; a recommendation on accreditation of school districts and recommendations of the Select Committee on

Public Education; approval of travel for board members; reports of the commissioner of education, the chairman of the board, and the Ad Hoc Committee to Review Recommendations of the Select Committee on Public Education; legislative recommendations; resolutions for Claud H. Gilmer and Thomas M. Spencer; and reports of committees.

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

Filed: May 4, 1983, 12:38 p.m.
TRD-833277

Texas Employment Commission

Wednesday, May 11, 1983, 9 a.m. The Texas Employment Commission will meet in Room 644, 15th Street and Congress Avenue, Austin. Items on the agenda summary include prior meeting notes; reports of administrative staff on program operations, funding, and legislation; an update on adding instructions in Spanish; and the date and agenda items for the next meeting. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, status of litigation, and attorney general opinion requests.

Contact: Pat Joiner, TEC Building, 15th Street and Congress Avenue, Room 656, Austin, Texas, (512) 397-4514.

Filed: May 3, 1983, 3:56 p.m.
TRD-833235

Texas Health Facilities Commission

Friday, May 13, 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

Notice of Intent/Declaratory Ruling
Wood Care Centers, Inc., Wichita Falls
AN83-0330-260

Memorial Community Health Centers, Inc., a Texas nonprofit corporation, Houston
AN83-0404-302

Notices of Intent to Acquire Existing Health Care Facilities
Wood Care Centers, Inc., Wichita Falls
AN83-0330-262
Presbyterian Medical Center, Dallas
AH83-0331-264

Texas Register

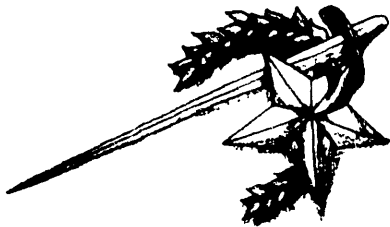
Lela Ann Jewell, Jefferson
AN83-0401-286
Stonebrook Properties, Inc., Arlington
AN83-0401-288
Jewell Enterprises, Arlington
AN83-0401-290
Lela Ann Jewell, Hughes Springs
AN83-0401-292
Stonebrook Properties, Inc., Arlington
AN83-0401-294
AN83-0401-296
Larry L. Claunch and William E.
Colson, Salem, Oregon
AN83-0401-298
Thomas E. Hickman, trustee,
Brownwood
AN83-0401-300
Coastal Bend Hospital Authority,
Corpus Christi
AH83-0405-306

**Notice of Intent to Acquire Major Medical
Equipment**
Diagnostic Imaging Center, Limited,
San Antonio
AN83-0405-304

Amendments of Certificate of Need Orders
Spohn Hospital, Corpus Christi
AH82-0609-018A(040583)
Texas Outpatient Surgery, Houston
AO81-0305-005A(032583)
Metropolitan General Hospital,
San Antonio
AH81-1014-015A(031883)
Mesquite Memorial Hospital, Inc.,
Mesquite
AH81-0601-012A(032483)
Methodist Central Hospital, Dallas
AH80-0115-015A(032483)

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

Filed: May 4, 1983, 9:11 a.m.
TRD-833240



Texas Housing Agency

Wednesday, May 11, 1983, 10 a.m. The Programs and Legislation Committee of the Texas Housing Agency will meet in the conference room, Suite 604, 411 West 13th Street, Austin. According to the agenda summary, the committee will consider ap-

proval of minutes, response to pending state and federal legislation, possible action on a single family demand survey, and the multifamily bond issue using insurance company guarantee

Contact: Earline Jewett, P.O. Box 13941,
Austin, Texas 78711, (512) 475-0812.

Filed: May 3, 1983, 1:30 p.m.
TRD-833223

State Board of Insurance

Wednesday, May 4, 1983, 11:30 a.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto, Austin. According to the agenda the board met with the attorney general's office concerning pending litigation. The emergency status was necessary because of the necessity to make a decision concerning pending litigation.

Contact: Pat Wagner, 1110 San Jacinto,
Austin, Texas 78786, (512) 475-2950.

Filed: May 4, 1983, 9:22 a.m.
TRD-833243

Texas Department of Labor and Standards

Tuesday, May 10, 1983, 9 a.m. The Labor/Licensing and Enforcement Section of the Texas Department of Labor and Standards will meet in emergency session in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the section will conduct revocation and suspension hearings and will discuss alleged violations. The emergency status is necessary to consider possible boxing and auctioneer violations which jeopardize individual safety and the public's welfare

Contact: Allen Parker, Sr., P.O. Box
12517, Austin, Texas, (512) 475-0155.

Filed: May 4, 1983, 1:34 p.m.
TRD-833278

Texas National Guard Armory Board

Saturday, May 14, 1983, 1 p.m. The Texas National Guard Armory Board will meet in Building 64, Camp Mabry, Austin. According to the agenda summary, the board will consider facility construction, remodeling, renovation, administrative, fiscal, and other

matters that may properly come before the board.

Contact: T. W. Meek, P.O. Box 5218,
Austin, Texas 78763, (512) 451-6394.

Filed: May 3, 1983, 2:29 p.m.
TRD-833224

North Texas State University

Friday, May 13, 1983. Committees of the Board of Regents and the full board of the Texas College of Osteopathic Medicine (TCOM) of North Texas State University (NTSU) will meet in the board room, North Texas State University, Denton. Times, committees, and agendas follow.

9 a.m. The Role and Scope Committee will consider the following NTSU items: awarding of honorary degrees, a professor emeritus recommendation, leave of absence, personnel changes, small class and faculty workload reports, a bachelor of science degree with a major in applied behavior analysis, a bachelor of science degree with a major in emergency administration and planning, promotion and tenure recommendations, approval of the NTSU policy manual, a statement of mission and goals of NTSU; and TCOM items: personnel transactions, an amendment to the TCOM personnel handbook, and an academic presentation of the Department of Rehabilitation/Sports Medicine

11 a.m. The Budget and Finance Committee will consider the following NTSU items: equipment purchases for the university union, the computer equipment budget, the fee register for fiscal year 1984, and the student registration information management system.

11:30 a.m. The Facilities Committee will consider the following NTSU items: central heating and cooling system, Phase 1, replacing the roof and repairing the cornice on Bruce Hall, repairing parking lots, and approval for employment of outside legal counsel

1 p.m. The Board of Regents will consider the following NTSU items: approval of minutes, committee recommendations, and other business concerning revision of the bylaws, and TCOM items: approval of minutes, committee recommendations, and other business. The board will also meet in executive session to consider Texas Civil Statutes, Article 6252-17, §2, paragraphs (e) concerning legal, (f) concerning real estate, and (g) concerning personnel

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203.

Filed: May 5, 1983, 9:33 a.m.
TRD-833291-833294

State Pension Review Board

Thursday, May 12, 1983, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet in Room G-35-B, Senator Traeger's office, State Capitol, Austin. According to the agenda, the committee will discuss upcoming legislation.

Contact: Benette Meadows, P.O. Box 13498, Austin, Texas 78711, (512) 475-8332.

Filed: May 4, 1983, 3:02 p.m.
TRD-833316

Texas State Board of Public Accountancy

Thursday-Saturday, May 12-14, 1983, 9 a.m. Thursday and Friday, 10 a.m. Saturday. The Texas State Board of Public Accountancy will meet in Suite 500, 3301 Northland Drive, Austin, on Thursday and Friday and at the Erwin Special Events Center, Austin, on Saturday. Items on the agenda include committee meetings, minutes; National Association of State Board Accountancy and committee reports, contingent fee definition review, panel recommendations, approval of amendments to §511.122 and §511.123, status of appropriation bills and other legislation, board correspondence; plans for swearing-in ceremony; meeting schedule; review of proposed procedure change, and a swearing-in ceremony.

Contact: Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: May 3, 1983, 1:29 p.m.
TRD-833225

Public Utility Commission of Texas

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

Thursday, May 19, 1983, 10 a.m. A second prehearing in Docket 5095—application of

Southwest Texas Electric Cooperative, Inc., for a rate increase

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

Filed: May 3, 1983, 1:52 p.m.
TRD-833226

Friday, May 27, 1983, 1:30 p.m. A prehearing in Docket 4581—application of Valley Municipal District 2 for certificates of convenience and necessity for water and sewer service within Cameron County.

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

Filed: May 4, 1983, 1:56 p.m.
TRD-833283

Thursday, June 23, 1983, 10 a.m. A hearing in Docket 5095—application of Southwest Texas Electric Cooperative, Inc., for a rate increase.

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

Filed: May 3, 1983, 1:54 p.m.
TRD-833227

Wednesday, July 6, 1983, 10 a.m. A hearing in Docket 5100—application of Associates Utility Company for a rate increase.

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

Filed: May 3, 1983, 1:54 p.m.
TRD-833228

Railroad Commission of Texas

Thursday, May 12, 1983, 9 a.m. The Surface Mining and Reclamation Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin. According to the agenda, the division will hear an argument in surface mining and reclamation Docket 16—application of Lower Colorado River Authority for a surface mining permit to mine in Bastrop County.

Contact: J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206

Filed: May 4, 1983, 8:56 a.m.
TRD-833239

University of Texas System

Monday, May 9, 1983, 2 p.m. The Intercollegiate Athletics Council for Men of the

University of Texas at Austin of the University of Texas System, met in Room 240, Belmont Hall, San Jacinto Street between 21st and 23rd Streets, Austin. Items on the agenda include approval of the April 11, 1983, minutes, team schedules, the football schedule for 1984-1985, special events schedules and budgets, NCAA regional and championship baseball budget, budgets and changes, summer camp budgets, athletic ticket policies and policy changes, concession prices and modifications to facilities; reports on baseball tickets, concessions construction, baseball concessions, and on a telephone system, establishment of a fund raising committee, items approved from previous council meetings, old business concerning the golf driving range, football/basketball program and other publications, the football television situation, office relocations, and hiring of a new secretary; committee reports regarding athletics facilities, air conditioning the T-I lounge, construction on the 10th floor and basketball offices; and new business concerning hiring Doug Messer. 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: May 3, 1983, 2:21 p.m.
TRD-833229

Texas Tech University

Thursday, May 12, 1983. Committees of the Texas Tech University Board of Regents and the Texas Tech University Health Sciences Center Board of Regents will meet jointly in the board suite, Administration Building, Texas Tech University, Lubbock. Times, committees, and agendas are as follows.

8:30 a.m. The Finance Committees will jointly consider approval of the interagency cooperation contract for rental of Thompson Hall, an increase in the general property deposit assessed and collected from students, awarding a general operating account depository contract, approving a fee for the student identification card, a revision of current board policy on approval and signing of contracts, the student service fee, ratification of the delegation of officers to approve travel, appropriated fund expenditures, travel reimbursements, specification of employees to sign checks, cashier's checks only, and to authorize wire transfers; and the commissioning of peace officers.

Texas Register

The committees will also meet in executive session

The Finance Committee of the Texas Tech University Board of Regents will also consider February and March budget adjustments, approval of the City of Lubbock contract to provide campus bus service, continuation of an employee after age 70, increase of new student orientation fee, ratification of the student service fee schedule for summer and fall, the sale of property, residence hall rates, the lease of property for parking, and specification of employees to sign financial aids cashier's checks only.

The Finance Committee of the Texas Tech University Health Sciences Center Board of Regents will also consider specification of officers to sign checks, cashier's checks only, and to authorize wire transfers, and consideration of a security services contract with the Lubbock County Hospital District for Lubbock General Hospital

11 a.m. The Campus and Building Committees will jointly consider a revision of the Board of Regents Policy on Building Program and will also meet in executive session

The Campus and Building Committee of the Texas Tech University Board of Regents will also consider awarding an HVAC modification contract for the Science Building and for the stairwell in the Business Administration Building tower, receive bids for renovation of the David M. DeVitt and Mallet Ranch Building, construction of a campus-south utilities tunnel interconnect, renovation of the existing Petroleum Engineering Building, expansion of the cooling capacity of Central Heating and Cooling Plant 2 with appointment of an engineer, renovation of HVAC systems in the housing office with the appointment of a project engineer, appointing a project architect for the lab theater addition to the university theater and a project engineer to design a groundwater distribution system and renovation of a sewage effluent storage reservoir; and revision of the Board of Regents Policy, Building Program, 01-02-06 052

The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents will also consider authorization to award a construction contract to renovate the fifth floor, Pod B, for the Department of Anatomy

1 p.m. The Academic and Student Affairs Committees will jointly consider ratification of leaves of absence, hear reports, and meet in executive session

The Academic and Student Affairs Committee of the Texas Tech University Board of Regents will also consider the granting of academic tenure with appointment

The Academic and Student Affairs Committee of the Texas Tech University Health Sciences Center Board of Regents will also consider employment of a faculty member beyond age 70 and conferral of degrees on June 5, 1983

2:30 p.m. The Ad Hoc Policy Manual Committees will jointly consider board policy for Equal Employment Opportunity and Affirmative Action for Texas Tech University and approval of revisions to the university and health sciences center board of regents policy manuals. The committees will also meet in executive session

3:15 p.m. The Public Affairs, Development, and University Relations Committees will meet jointly in executive session

The Public Affairs, Development, and University Relations Committee of the Texas Tech University Board of Regents will also consider Board Policy 01-02-06 02 and the naming of university buildings

The Public Affairs, Development, and University Relations Committee of the Texas Tech University Health and Sciences Center will also consider Board Policy 03.02 and naming of buildings for the health sciences center

Contact: Freda Pierce, P O Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 5, 1983, 9:36 a.m.
TRD-833295-833304

Friday, May 13, 1983, 8:30 a.m. The Texas Tech University Board of Regents and the Texas Tech University Health Sciences Center Board of Regents will meet jointly in the board room, Administration Building, Texas Tech University, Lubbock. According to the agenda summary, the boards will consider reports and actions on minutes, the Academic and Student Affairs, Finance, Campus and Building, Public Affairs, Development and University Relations Committees, other business, and meet in executive session. The Texas Tech University Board of Regents will also meet at 10.45 a.m.

Contact: Freda Pierce, P O Box 4039, Lubbock, Texas 79409, (806) 742-2161

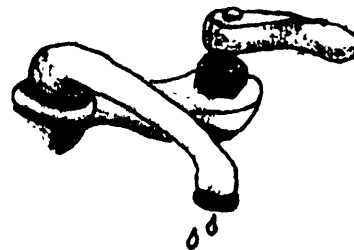
Filed: May 5, 1983, 9:35 a.m.
TRD-833305, 833306

University Interscholastic League

Tuesday, May 10, 1983, 2 p.m. The State Executive Committee of the University Interscholastic League will meet in Room 3 122, Joe Thompson Conference Center, University of Texas, Austin. According to the agenda, the committee will conduct a hearing on the mistreatment of soccer officials involving Westlake players, coach, and fans, interpretation of soccer Rule 25-7-3-(1), and selection of a site for regional spring meet events for Region IV, Conferences AAAA and AAAAA

Contact: Bailey Marshall, P O Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: May 4, 1983, 9:36 a.m.
TRD-833248



Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas are as follows:

Monday, May 16, 1983, 10 a.m. In Room 118, the commission will consider a water district bond amendment and use of surplus funds, proposed water quality permits, amendments and renewals, and the filing and setting of hearing dates, and take action on water use permits

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

Filed: May 4, 1983, 3:17 p.m.
TRD 833284

Wednesday, May 18, 1983, 10 a.m. In Room 118, the commission will consider the following applications to the Texas Department of Water Resources:

Application of the City of Woodville, Attention: Dr. Brian Babin, Mayor, Box 517, Woodville, Texas 75979, for a temporary order which would authorize the discharge of partially treated effluent at a volume not to exceed a maximum flow of 550,000 gallons per day to rehabilitate the existing

modified activated sludge singular unit type package plant.

Contact: Kenneth J. Peterson, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: May 3, 1983, 11:32 a.m.
TRD-833219

Application of the City of Bryan, P.O. Box 1000, Bryan, Texas 77801, for a temporary order which would authorize a discharge of chlorinated raw sewage of approximately 2.5 million gallons over a 24-hour period from its municipal sewage treatment plant to complete the expansion and modification of the facility

Contact: James Haley, P.O. Box 13087, Austin, Texas 78711, (512) 475-7856

Filed: May 3, 1983, 11:32 a.m.
TRD-833220

Application of the City of Rockport, P.O. Box 1058, Rockport, Texas 78382, for a temporary order which would authorize the discharge of approximately 750,000 gallons per day of treated domestic wastewater from its municipal wastewater treatment plant to a series of three lakes on land owned by the Rockport Country Club, for application to surrounding land by irrigation

Contact: James Haley, P.O. Box 13087, Austin, Texas 78711, (512) 475-7856.

Filed: May 3, 1983, 11:33 a.m.
TRD-833221

Thursday, May 19, 1983, 10 a.m. In Room 618, the commission will conduct a public hearing to consider the petition of the executive director of the Texas Department of Water Resources for an enforcement order directing Heat Energy Advanced Technology, Inc., 4460 Singleton Boulevard, Dallas, to cease and desist all solid waste disposal activities at its Western States Refining facility in Dallas

Contact: Kenneth J. Peterson, Jr., P.O. Box 13087, Austin, Texas 78711, (512) 475-7841

Filed: May 4, 1983, 9:57 a.m.
TRD-833247

Tuesday, May 24, 1983, 9:30 a.m. In Room 124A, the commission will conduct hearings on the following applications

Application TA-4597 of Clearwater Construction for a permit to divert and use 135 acre-feet of water for a two-year period from the Concho River, tributary of the Colorado River, Colorado River Basin, for industrial (highway construction) purposes in Concho County.

Application TA-4598 of Adams Brothers, Inc., for a permit to divert and use 11 acre-feet of water for a three-year period from Sawmill Creek, tributary of Kickapoo Creek, tributary of the Neches River, Neches River Basin, for industrial (highway construction) purposes in Henderson County

Application TA-4602 of I. R. Lewis Construction Company, Inc., for a permit to divert and use 33 acre-feet of water for a three-year period from Huana Creek, tributary of Tenaha Creek, tributary of the Sabine River, Sabine River Basin, for industrial (highway construction) purposes in Shelby County

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

Filed: May 4, 1983, 11:22 a.m.
TRD-833252-833254

Friday, June 10, 1983, 10 a.m. In Room 618, the commission will conduct a hearing on Application 3339A of Gunstream Land Corporation for an amendment to Permit 3046 to authorize the diversion and use of 16 acre-feet of water per annum from the perimeter of Reservoir 1 on Mill Creek, tributary of Big Sandy Creek, tributary of the Sabine River, Sabine River Basin, for irrigation purposes in Wood County

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

Filed: May 4, 1983, 11:26 a.m.
TRD-833255

Thursday, June 16, 1983, 10 a.m. In Room 618, the commission will conduct hearings on the following applications

Application 4347 of the Lakeway Company for a permit to authorize the applicant to maintain 10 existing on-channel dams and six off-channel levees creating 16 reservoirs for recreational and irrigation purposes in Travis County. The water is from the Colorado River, Colorado River Basin

Application 1600C of the Lower Colorado River Authority for an amendment to Permit 1493, as amended, and, to the extent Permit 1493 may be considered as an amendment to or restatement of certified Filing 376. The water is to be used for irrigation purposes in Colorado and Wharton Counties

Application 4348 of the City of Austin for a permit to impound water in an existing 5.2 acre-foot capacity reservoir on an unnamed tributary of Shoal Creek, tributary of the Colorado River, Colorado River

Basin, for nonconsumptive recreational purposes in Travis County

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

Filed: May 4, 1983, 11:26 a.m.
TRD-833256-833258

Thursday, June 23, 1983, 10 a.m. In Room 618, the commission will conduct hearings on the following applications

Application 4038A of Conroe Country Club for an amendment to Permit 3752 to authorize an increase in the amount of water impounded in an existing reservoir on Live Oak Creek, from 11 acre-feet to 65 acre-feet. The reservoir is on an unnamed tributary of the West Fork of the San Jacinto River, tributary of the San Jacinto River, San Jacinto River Basin, Montgomery County. The water is used for recreational purposes

Application 2584A of Mike Adams and Charles B. Ranley, doing business as Webb Hill Country Club, for an amendment to Permit 2348 to increase the storage capacity of the permitted reservoir by an additional 21 acre-feet of water. The reservoir is located on an unnamed tributary of the South Sulphur River, Sulphur River Basin, in Hunt County. Diversion from the reservoir is for irrigation purposes

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

Filed: May 4, 1983, 11:27 a.m.
TRD-833259, 833260

Friday, June 24, 1983, 10 a.m. In Room 618, the commission will conduct hearings on the following applications

Application 4349 of Longhorn Army Ammunition Plant for a permit to divert and use a maximum of 40,200 acre-feet of water per year from an arm of Caddo Lake and Big Cypress Bayou, Cypress Basin, for municipal and industrial purposes at a U.S. Army ammunition plant in Harrison County

Application 2423C of Franklin County Water District to increase the maximum diversion rate authorized by Permit 2231, Cypress River Basin, for irrigation, municipal, and industrial purposes

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

Filed: May 4, 1983, 11:28 a.m.
TRD-833261, 833262

Friday, July 1, 1983, 10 a.m. In Room 618, the commission will conduct hearings on the following applications.

Texas Register

Application 4354 of C. H. and Betty Jean Williamson for a permit to divert and use 135.66 acre-feet of water per annum from the Brazos River, Brazos River Basin, for irrigation purposes in Waller County.

Application 4355 of J. V. J. Inc., for a permit to divert and use 360 acre-feet of water per annum from Austin Bayou, tributary of the Intracoastal Canal, San Jacinto-Brazos Coastal Basin, for irrigation purposes in Brazoria County.

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

Filed: May 4, 1983, 3:17 p.m.
TRD-833285, 833286.

Thursday, July 7, 1983, 10 a.m. In Room 618, the commission will conduct hearings on the following applications:

Application 4351 of the City of San Antonio for a permit to maintain an existing on-channel dam and 77 acre-foot reservoir on Alazan Creek, tributary of San Pedro Creek, tributary of the San Antonio River, San Antonio River Basin, for recreational purposes in Bexar County.

Application 4350 of John R. Barranco, Jr., for a permit to authorize the construction of and the impoundment of water in three dams and reservoirs on an unnamed tributary of Cibola Creek, tributary of the San Antonio River, San Antonio River Basin, in Comal County for recreational purposes.

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

Filed: May 4, 1983, 3:18 p.m.
TRD-833287, 833288.

Friday, July 8, 1983, 10 a.m. In Room 618, the commission will conduct hearings on the following applications:

Application 3834A of Johnny W. Jones and Don E. Stone for an amendment to Permit 3547 to authorize the diversion and use for irrigation purposes an additional 78 acre-feet of water per annum from Caney Creek, Brazos-Colorado Coastal Basin in Matagorda County.

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

Filed: May 4, 1983, 11:24 a.m.
TRD-833263.

Application 4352 of Louis A. Waters for a permit to divert and use 110 acre-feet of water per annum from four reservoirs on Little Creek, tributary of the Sabinal River, tributary of the Nueces River, tributary of the Atascosa River, tributary of the Nueces

River, Nueces River Basin, for irrigation purposes in Uvalde County.

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

Filed: May 4, 1983, 3:18 p.m.
TRD-833289.

Thursday, July 14, 1983, 10 a.m. In Room 119, the commission will conduct hearings on the following applications:

Application 4356 of Zane Blanton and wife, Ann Blanton, for a permit to divert and use 120 acre-feet of water per annum from Mud Creek, tributary of the Angelina River, tributary of the Neches River, Neches River Basin, for irrigation purposes in Cherokee County.

Application 2482A of Temple-Eastex, Inc., for an amendment to Permit 2248 to increase the authorized annual diversion of water by 1,000 acre-feet per year to a total of 3,000 acre-feet per year for industrial purposes and fire protection and to maintain eight existing off-channel reservoirs and one existing reservoir, Neches River Basin, Angelina County.

Application 4357 of Temple-Eastex, Inc., for a permit to maintain eight existing reservoirs and to use the reservoirs and 2,000 acre-feet of water diverted from the reservoir for industrial and fire protection purposes at a sawmill owned by the applicant in Pineland, Sabine County. The water is to be diverted from the Neches River Basin.

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

Filed: May 4, 1983, 11:25 a.m.
TRD-833264, 833266.

Thursday, August 4, 1983, 10 a.m. In Room 618, the commission will conduct a hearing on Application 1733C of Aluminum Company of America to amend Permit 1608 to either remove or reduce to reasonable limits a streamflow restriction presently found in the permit, Brazos River Basin, Milam County.

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

Filed: May 4, 1983, 11:25 a.m.
TRD-833267.

West Texas State University

Monday, May 16, 1983, 10 a.m. The West Texas State University Board of Regents will meet in Room 211, Activities Center, West Texas State University, Canyon. Items on the agenda include approval of the Feb-

ruary 15, 1983, minutes, reports of the president of the student body and chairman of the Advisory Athletic Committee, president's report on business and finance items concerning budget changes, construction contracts, change orders, petroleum wing acceptance and name; adoption of university traffic and parking regulations, statement of authority of university police, faculty and staff and curriculum items concerning retirement, resignations, leave of absence, employment, approval of major in dance for existing Bachelor of Fine Arts degree, promotion and tenure, development leaves for 1983-1984, and information items. The board will also meet in executive session as authorized by Texas Civil Statutes, Article 6252-17, §21 and §2g, concerning personnel.

Contact: Texas Smith, Box 997, Canyon, Texas 79016, (806) 656-3962.

Filed: May 4, 1983, 10:31 a.m.
TRD-833250.

Regional Agencies Meetings Filed May 3

The Angelina and Neches River Authority, Board of Directors, will meet at the Crown Colony Country Club, 900 Crown Colony Drive, Lufkin, on May 10, 1983, at 11 a.m. Information may be obtained from Angela Quillin, P.O. Box 387, Lufkin, Texas 75901, (409) 632-7795.
TRD-833218.

Meetings Filed May 4

The Comal County Appraisal District, Board of Review, will meet at 130 East Mill Street, New Braunfels, on May 10, 1983, at 9 a.m. Information may be obtained from Glenn E. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The DeWitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on May 12, 1983, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Region VII Education Service Center, Board of Directors, will meet at the Holiday Inn, Highway 259, Henderson, on May 10, 1983, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (214) 984-3071.

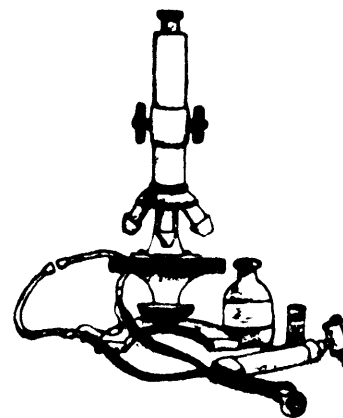
The Middle Rio Grande Development Council, Regional Manpower Quarterly Advisory Committee, will meet in the reading room, Uvalde Civic Center, Uvalde, on May 18, 1983, at 10 a.m. Information may be obtained from Emilio Hernandez, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at 2514 Pliska Drive, Midland, on May 11, 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 May 12, 1983, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.
TRD 833249

Meeting Filed May 5

The Region I Education Service Center, Board of Directors, will meet at 1900 West Schunior, Edinburg, on May 10, 1983, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.
TRD-833307



The Legislature

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

Bills Submitted to the Governor

May 4

SB 33 Relating to rights, powers, duties, and functions of the Texas Rehabilitation Commission; providing for a right of subrogation for the cost of services provided

Sponsor Glasgow

SB 168 Relating to the regulation of health insurance policies and employee benefit plans which provide benefits for dental care expenses as a result of an accident or sickness.

Sponsor Glasgow

SB 173 Relating to an aggravated or deadly assault on a jailer or a guard

Sponsor Parker

SB 257 Relating to the authority of the Commissioners Court of Wichita County to create the office of public defender for that county, to the funding and operations of the office, and to the powers and duties of the public defender

Sponsor Farabee

SB 288 Relating to an increase and/or change in the computation of fees, imposed or authorized, charges, assessments, deposits, and penalties charged and collected in connection with the powers and duties of certain state agencies

Sponsors Leedom, *et al*

SB 320 Relating to penalties and interest on delinquent county hotel occupancy taxes and to reporting and remittance requirements by hotel owners and operators

Sponsor Henderson

SB 326 Relating to false information given and certain guardianships created that affect a student's eligibility for enrollment in a school or school district

Sponsor Leedom

SB 339 Relating to the powers of navigation districts.

Sponsor Uribe

SB 357 Relating to annexation of county territory by certain junior college districts and to duties of the governing boards of such districts

Sponsor Sarpalius

SB 368 Relating to the continuation, administration, membership, and grounds for removal of members of the Council for Social Work Certification, and to powers and duties of the Texas Department of Human Resources.

Sponsor Sarpalius

SB 384 Relating to the guarantee of certain school district bonds, prescribing certain powers and duties of the State Board of Education, the commissioner of education, and the state auditor; and providing enforcement proceedings

Sponsors Jones, Grant

SB 453 Relating to regulation of certain reinsurance by the State Board of Insurance.

Sponsor McFarland

SB 454 Relating to the powers and duties of the Fort Bend County Drainage District, to certain elections, to certain duties of the commissioners court, to notice, hearing and application procedures, and to injunctive relief.

Sponsor Sharp

SB 499 Relating to the election and terms of directors of the Lavaca Hospital District

Sponsor Sharp

SB 500 Relating to the administration, collection, and enforcement of the state inheritance tax and to the due dates for filing certain returns and payment of taxes and to liability of certain persons

Sponsors Harris, *et al*

SB 555 Relating to voting absentee because of a death in the immediate family occurring after the expiration of the regular period for absentee voting

Sponsor Sarpalius

SB 570 Relating to the motor fuel tax requirement of surety bonds for interstate truckers.

Sponsor Montford

SB 590 Relating to penalties and interest on certain taxes administered by the comptroller of public accounts on assessments on certain public utilities and for failure to file certain reports.

Sponsor: Farabee

SB 581 Relating to limitations on the collection and refunds of state taxes administered by the comptroller and to the filing and release of state tax liens.

Sponsor: Farabee

SB 588 Relating to the authority of water control and improvement districts to enter into certain contracts.

Sponsors: Jones, Grant

SB 594 Relating to the application of sales and use tax to parts and accessories added to manufactured houses that are subject to the manufactured housing tax and relating to credits or refunds for sales in interstate commerce.

Sponsor: Sharp

SB 606 Relating to the creation, funding, dissolution, and powers and duties of a special district in counties with a population of more than two million to administer a system by which the 911 telephone number is the emergency number.

Sponsor: Brooks

SB 614 Relating to the period of validity of motor fuel tax decals and permits, to refunds for unused portions of advanced taxes paid, and to the determination of tax liability in the first year after issuance of a liquefied gas tax decal.

Sponsor: Santiesteban

SB 637 Relating to the issuance of warrants to persons owing certain delinquent taxes.

Sponsor: Traeger

SB 663 Relating to certain probate court fees collected by county clerks and clerks of county courts.

Sponsor: Sarpalius

SB 683 Relating to discharge from the Texas military forces.

Sponsor: Williams

SB 684 Relating to the law regulating enlistments and appointments in the Texas National Guard.

Sponsor: Williams

SB 685 Relating to compensation for a member, or the survivors of a member, of the Texas military forces if the member is killed or disabled while performing state military duty and to reimbursement for funeral expenses.

Sponsor: Williams

SB 686 Relating to disciplinary punishment for a minor offense committed by a member of the Texas military forces.

Sponsor: Williams

SB 687 Relating to awards, decorations, and medals for meritorious service presented to a member of the military forces.

Sponsor: Williams

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 Proclamation Designating Kendall County as a Control Zone for Imported Fire Ants

The Texas Department of Agriculture issues the following proclamation as authorized under the Texas Agriculture Code, §71.008(d), (1981).

Whereas, the Commissioners Court of Kendall County held hearings on April 11, and April 25, 1983, concerning the control of imported fire ants; and

Whereas, the Commissioners Court of Kendall County made a written report of its conclusions to the Texas Department of Agriculture; and

Whereas, the Commissioners Court of Kendall County has requested the Texas Department of Agriculture to establish a control or eradication zone for imported fire ants in Kendall County; and

Whereas, the commissioners of Kendall County have requested the Texas Department of Agriculture to apply the insect growth regulator Pro-Drone in Kendall County according to guidelines set out in the order of the commissioners;

It is hereby proclaimed that Kendall County be designated a control zone for imported fire ants and that a program for the application of Pro-Drone be implemented by the Texas Department of Agriculture in cooperation with Kendall County and the United States Department of Agriculture.

Issued in Austin, Texas, on May 3, 1983.

TRD-833193 Walter H. Richter
 Deputy Commissioner
 Texas Department of Agriculture

Filed: May 3, 1983
For further information, please call (512) 475-6346.

Texas Energy and Natural Resources Advisory Council Consultant Proposal Request

Description of Project Objectives. In accordance with the Texas Energy Development Act of 1977, Texas Civil Statutes, Article 4413(47b), pursuant to rules adopted for administration of the Energy Development Act, and under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Energy and Natural Resources Advisory Council (TENRAC) is continuing a program leading to the utilization of waste and naturally occurring salts and brines to collect solar energy in salt gradient solar ponds in Texas. This request is for a continuation of work satisfactorily completed by Applied Solar Engineering, Inc., of San Antonio, and the TENRAC expects to contract for the additional effort with the same organization, unless a better offer is received.

SPI 84-S-1. The contractor will execute a detailed design of a salt gradient solar pond (SGSP) facility which will use oil field brine and produce heat for emulsion breaking. Bid documents shall be prepared suitable for construction. A realistic estimate shall be made of the complete, installed cost.

The final report by Applied Solar Engineering on the conceptual study is available from the TENRAC as EDF 086. Other prospective proposers must include in their proposal assurances of cooperation from the site owner.

Funding. The TENRAC funding will be limited to one project. Funding is dependent on favorable action by the 68th Legislature and the TENRAC.

Selection Criteria. The following criteria are established for acceptability of proposers.

(1) Texas-based proposers will be given priority consideration and only in unusual circumstances will this priority be disregarded.

(2) Projects to be conducted in Texas will be given priority consideration and only in unusual circumstances will this priority be disregarded.

(3) Individual members of the council, the TENRAC staff, or their immediate families are not eligible.

(4) Individuals who are part of the TENRAC review team are eligible and their review function will be appropriately limited.

Proposal Content. Voluminous proposals are not desired. It is suggested that the body of the proposal be limited to 25 pages, plus appendices. The proposal must contain as a minimum:

(1) project objectives, schedule, plan for accomplishing the work, and suggested project monitoring procedures (monthly progress reports, site visits, interim reports, etc.) Assume a starting date of September 1, 1983.

(2) what action the proposer will take, outside of contract effort, to make public the results of the project.

(3) key personnel and their responsibilities in the project (append resumes).

(4) budget of funds requested from TENRAC, including, but not limited to, salaries, indirect charges, travel, consultants, subcontracts, and reproduction.

(5) matching funds including cash value of noncash matching; indicate amounts, sources, and how the matching funds will be used to support the project.

(6) appendices—resumes, and other appropriate information.

State Universities. The TENRAC cannot contract to pay indirect costs for state universities and state agencies. However, the full, federally-audited equivalent, indirect costs should be listed as matching funds. This restriction does not apply to other proposers.

Review Criteria. Evaluation of submitted proposals will be in accordance with rules adopted for administration of the Texas Energy Development Act cited previously. Proposals will be rated on:

(1) demonstrated knowledge of the state-of-the-art;
 (2) applicable experience of the proposed staff;
 (3) adequacy of work plan and schedule;
 (4) reasonableness of budget;
 (5) adequacy of resources proposed to support the project; and

(6) ability to adhere to schedules and budgets. Proposers who have had problems on previous TENRAC contracts should emphasize steps which will be taken to minimize schedule and budget difficulties.

Deadline for Proposals. To be considered, 10 copies of a proposal must be received at the TENRAC, Technology Development Division, Suite 506, Employees Retirement System Building, 200 East 18th Street, Austin, Texas 78701, no later than 5 p.m. on June 10, 1983.

It is anticipated that contract awards will be made about July 31, 1983.

Schedule for Completion. Work to be compensated for by state funds (including development of final report) must be completed by August 31, 1985, or earlier as individual contracts may provide. For lengthy projects, a comprehensive interim report will be required about mid-

way through the project. The interim report is a preliminary draft of the final report in as much detail as may be possible at that time. Proposers must schedule a date for completion of the final report.

Contact. For details, contact Charles Mauk, Texas Energy and Natural Resources Advisory Council, Technology Development Division, Suite 505, Employees Retirement System Building, 200 East 18th Street, Austin, Texas 78701, (512) 475-0414 or STS 822-0414. Interested persons considering submitting a proposal should contact Charles Mauk as soon as possible.

Issued in Austin, Texas, on April 29, 1983.

TRD-833230

M. Lee Wilson, Director
 Technology Development
 Division
 Texas Energy and Natural
 Resources Advisory Council

Filed: May 3, 1983

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

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.

Texas Medical Imaging Center,
a Texas joint venture, Houston
AO83-0429-436

NIE—Request for a declaratory ruling that a certificate of need is not required for Texas Medical Imaging Center, a Texas joint venture composed of physicians, to acquire by lease whole body CT scanning equipment. The equipment will be located at 3465 West Alabama, Houston, and utilized on an outpatient basis.

Care One, Inc., Tyler
AN83-0428-430

NIEH—Request for a declaratory ruling that a certificate of need is not required for Care One, Inc., to acquire by purchase Garland Manors Nursing Home from Michael J. Anderson. Garland Manors Nursing Home is a 60-bed ICF nursing facility located in Garland, which has been closed since June 18, 1982.

Jewell Enterprises, a Texas general partnership,
Arlington
AN83-0429-434

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises, a Texas general partnership, to acquire by purchase Stonebrook Care Center—Monahans (formerly Ward County Nursing Home), an existing 98-bed ICF nursing facility located in Monahans, from Larry S. Parker, trustee, and Kin-Myer, Inc.

Stonebrook Properties, Inc., Arlington
AN83-0429-438

NIEH—Request for a declaratory ruling that a certificate of need is not required for Stonebrook Properties, Inc., to acquire by lease Stonebrook Care Center—Monahans, (formerly Ward County Nursing Home), an existing 98-bed ICF nursing facility located in Monahans, from Jewell Enterprises.

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

TRD-833241 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: May 4, 1983
For further information, please call (512) 475-6940.

Show Cause Hearing

Memorial Hospital of Galveston County is ordered to appear at a show cause hearing before the Texas Health Facilities Commission in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, at 9 a.m. on June 1, 1983, to show cause why Certificate of Need Order AH80-0103-003 should not be forfeited because Memorial Hospital of Galveston County failed to begin development of the project approved by that order within 180 days of the date of the order, as required by the Texas Health Planning and Development Act, Texas Civil Statutes, Article 4418h, §3.13, and 25 TAC §523.1; and further, to show

cause why Memorial Hospital of Galveston County should not be found in violation of the Texas Health Planning and Development Act and commission rules because it began development of the project subsequent to the expiration of 180 days from the date of the certificate of need order, thereby commencing development of a project without appropriate authorization as prohibited by the Texas Health Planning and Development Act, §3.14, and 25 TAC §525.1.

This show cause hearing is ordered pursuant to the authority of Texas Civil Statutes, Article 4418h, and 25 TAC §523.3, and §525.9.

Issued in Austin, Texas, on May 4, 1983

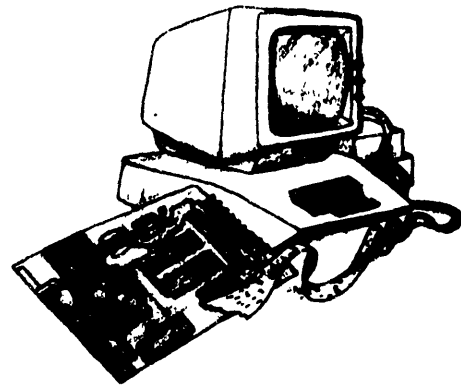
TRD 833242 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: May 4, 1983

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

Texas Department of Human Resources Correction of Error

A proposal submitted by the Texas Department of Human Resources contained an error as published in the April 15, 1983, issue of the *Texas Register* (8 TexReg 1253). The first sentence of §33.336 should read "If, during the review, exceptions are found which indicate overpayment for services rendered or payment for services not rendered, the department requires restitution."



Panhandle Regional Planning Commission Consultant Proposal Request

In accordance with the provisions of Texas Civil Statutes, Article 6252-11(c), the Panhandle Regional Planning Commission (PRPC) is soliciting proposals for parties interested in auditing Comprehensive Employment and Training Act (CETA) grants awarded to the PRPC for fiscal years 1980-1982 and the first quarter of fiscal 1983.

Parties interested in submitting such proposals should obtain request for proposal materials from Malcolm L. Cleveland, Director of Finance, PRPC, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381. All proposals will be due in the PRPC's office not later than 5 p.m. on May 24, 1983. The PRPC Board of Directors will make the final selection based upon evaluations and recommendations provided by staff. A contract will be awarded to the party considered best able to perform the services requested.

Issued in Amarillo, Texas, on April 28, 1983.

TRD-833182 Jerry S. McGuire
Executive Director
Panhandle Regional Planning
Commission

Filed: May 2, 1983
For further information, please call (806) 372-3381.

Public Utility Commission of Texas Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas publishes this invitation for offers of consulting services.

Description. The Public Utility Commission of Texas desires to contract with an individual for the performance of certain tasks related to regulation of telecommunications utilities, including:

(1) Investigating the effects of changes in interstate separations, initiation of interstate access charges, and interstate high cost factor (HCF) on independent telephone companies in Texas and their customers.

(2) Determining if the same factors and formulas adopted for interstate purposes should be adopted for intrastate purposes in Texas.

(3) Determining what changes in formulas are needed to prevent either high end user charges or a telephone company from receiving an inordinate share from a universal service fund.

(4) Seeing that the following questions are specifically addressed:

(A) Would a nationally averaged gross assignment factor be appropriate for Texas? If not, what gross assignment factor would apply for Texas on an intrastate basis?

(B) What transition period is needed?

(C) What requirements should be met for a Texas telephone company to qualify for intrastate HCF payments and what portion of the excess costs should be reimbursed?

(D) All related questions on how funds should be generated and the basis of costs and payments.

The Public Utility Commission will provide any data processing support needed to create or manipulate a data base and any clerical or secretarial support needed.

Experience Required. The contracted person must have demonstrated a thorough knowledge of telephone utility rate issues and be thoroughly familiar with the laws and rules affecting utility regulation in Texas, as well as Federal Communications Commission regulations. Preference will be given to applicants who have previously presented expert engineering or rate design testimony in telephone utility rate cases before the Public Utility Commission of Texas.

Terms. The contracted person is expected to work on this project approximately 360 hours from the date of assignment until completion which may not be complete until December 31, 1983. Payment for services is not expected to exceed \$16,000.

Contact. For more information, contact Lewis Gray, Administration Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0100. Offers must be received no later than May 20, 1983.

Issued in Austin, Texas, on May 3, 1983.

TRD-833251 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Filed: May 4, 1983
For further information, please call (512) 458-0100.

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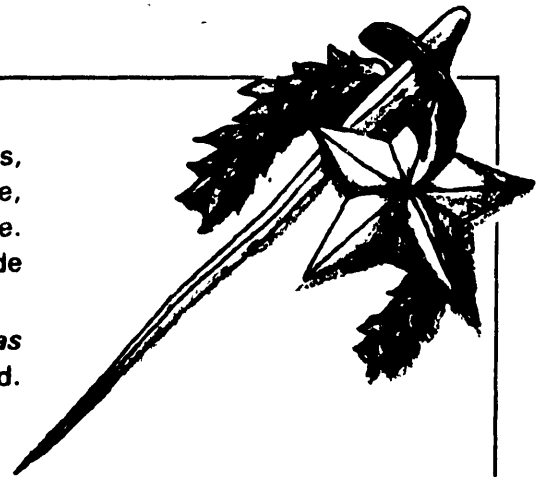
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