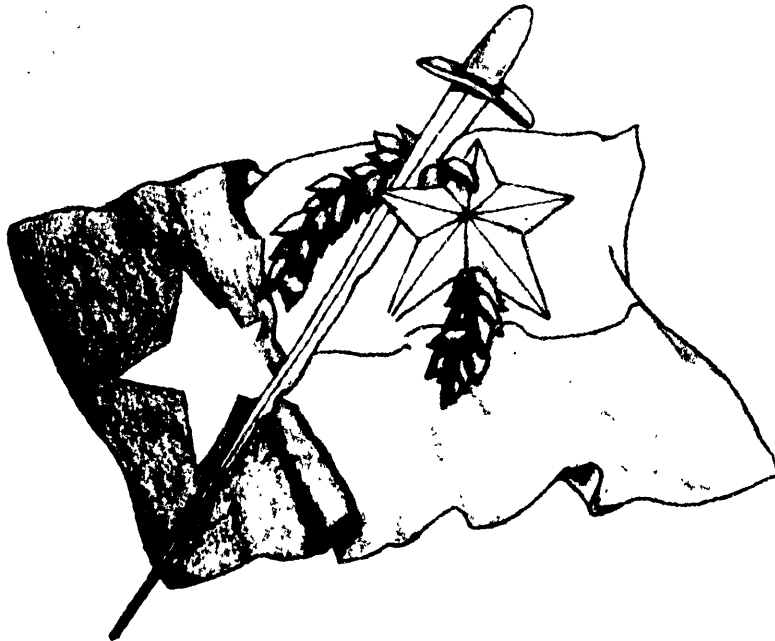


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Texas Register

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Highlights

- ★ The Office of the Secretary of State adopts on an emergency basis and simultaneously proposes for permanent adoption the repeal of sections concerning statutory documents and new sections concerning elections, lobby regulations, and standards of conduct of state officers and employees; effective date - November 3. pages 4702, 4706
- ★ The Texas Department of Labor and Standards adopts on an emergency basis and simultaneously proposes for permanent adoption new sections concerning licensing and regulating auctioneers; effective date - November 3 pages 4704, 4708
- ★ The Texas Board of Architectural Examiners adopts on an emergency basis and simultaneously proposes for permanent adoption an amendment to a section concerning the board's reinstatement fee; effective date - November 3 pages 4705, 4708

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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- Governor—appointments, executive orders, and proclamations
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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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
- Legislature—Bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- 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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John W. Falter, Jr.
Secretary of State

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Emergency Rules

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

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 1. ADMINISTRATION Part IV. Office of the Secretary of State

Chapter 73. Statutory Documents Lobbyist

1 TAC §§73.51-73.54

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the Office of the Secretary of State, Room 916, Sam Houston Building, 201 East 14th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Office of the Secretary of State adopts on an emergency basis the repeal of §§73.51-73.54. New rules in Chapters 81, 89, and 99 are simultaneously being adopted on an emergency basis to replace §§73.51-73.54. The new rules adopt revised forms prescribed by the Office of the Secretary of State and revise the reporting guidelines for registrants. Sections 73.51-73.54 are simultaneously proposed for repeal on a permanent basis in this issue.

The superseding forms are being adopted by reference on an emergency basis to enable compliance with the changes in the law resulting from Senate Bill 923, 68th Legislature, 1983.

The repeal is adopted on an emergency basis under Texas Civil Statutes, Article 6252-9c, §8(b), which provide the Office of the Secretary of State with the authority to administer reporting procedures and to provide appropriate forms to be used for registration and reporting of information required by Article 6252-9c.

§73.51. *Registration Form.*

§73.52. *Reporting Form.*

§73.53. *Termination Form.*

§73.54. *Reporting Requirements.*

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

TRD-839041 John W. Fainter, Jr.
Secretary of State

Effective date: November 3, 1983

Expiration date: March 2, 1984

For further information, please call (512) 475-2015.

Chapter 81. Elections Campaign Reporting and Disclosure

1 TAC §81.165

The Office of the Secretary of State adopts on an emergency basis §81.165, to clarify the procedure this office will follow in fulfilling the new statutory duty imposed on it by House Bill 2154, §8, 68th Legislature, 1983. Section 81.165 is simultaneously proposed for permanent adoption in this issue.

The new rule is adopted on an emergency basis under the Texas Election Code, Articles 1.03 and 14.13, which provides the Office of the Secretary of State with the authority to obtain and maintain uniformity in the application, operation, and interpretation of the election laws.

§81.165. *Notice of Late Filing.* If any person subject to a civil penalty for late filing under the Texas Election Code, Article 14.07c, tenders payment of the penalty before the Office of the Secretary of State has mailed a late

notice to the person, the Office of the Secretary of State will not mail a late notice to that person. The Office of the Secretary of State shall notify the attorney general to inform him that the person who filed late has already paid the penalty and, therefore, the civil suit may not be initiated. A candidate or officeholder may not utilize contributions accepted on or after September 1, 1983, for payment of the civil penalty. A political committee is permitted to use contributions for such purpose. A corporation or labor organization may not utilize its funds for the payment of the civil penalty incurred by a political committee which supports or opposes candidates.

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

TRD-839037 John W. Fainter, Jr.
Secretary of State

Effective date: November 3, 1983
Expiration date: March 2, 1984
For further information, please call (512) 475-2015.

Chapter 89. Lobby Regulation Registration, Reporting, Termination

1 TAC §§89.1-89.6

The Office of the Secretary of State adopts new §§89.1-89.6 on an emergency basis to facilitate compliance with the changes in the law resulting from Senate Bill 923 and House Bill 2154, 68th Legislature, 1983. These rules are simultaneously proposed for permanent adoption in this issue.

The new rules are adopted on an emergency basis under Texas Civil Statutes, Article 6252-9c, §§8, 13A, and 14A, which provide the Office of the Secretary of State with the authority to design forms, administer reporting procedures, make determinations of late filings, and issue advisory opinions under the Act.

§89.1. Registration Form. The Office of the Secretary of State hereby adopts by reference the following form, "Lobby Registration Form." All persons required to register shall use this form. Copies may be obtained by contacting the Office of the Secretary of State, Disclosure Filings Section, P.O. Box 12887, Austin, Texas 78711.

§89.2. Reporting Form. The Office of the Secretary of State hereby adopts by reference the following form, "Lobby Activity Report." All persons required to report shall use this form. Copies may be obtained by contacting the office of the Secretary of State, Disclosure Filings Section, P.O. Box 12887, Austin, Texas 78711.

§89.3. Termination Form. The Office of the Secretary of State hereby adopts by reference the following form, "Termination Notice." All persons required to terminate shall use this form. Copies may be obtained by contacting the Office of the Secretary of State, Disclosure Filings Section, P.O. Box 12887, Austin, Texas 78711.

§89.4. Reporting Requirements.

(a) A monthly report must be filed for any month in which the legislature was in session for even one day during that month. The monthly report is to cover the activity since the previous report and is to be filed between the first and 10th day of the succeeding month. A quarterly report must be filed for any quarter in which the legislature was not in session at all during that quarter. The quarterly report is to cover the activity since the previous report and is to be filed between the first and 10th day of the succeeding quarter.

(b) Any portion of a calendar month in which the legislature is in special session qualifies that month as a session month requiring a monthly report to be filed between the first and 10th day of the succeeding month.

(c) All reports required to be filed with the Office of the Secretary of State must be received by 5 p.m. on the 10th day of the reporting period. If the 10th day falls on a Saturday, Sunday, or state holiday, the deadline will be extended to 5 p.m. on the next day which is not a Saturday, Sunday, or state holiday.

§89.5. Notice of Late Filing. If any person subject to a civil penalty for late filing under Texas Civil Statutes, Article 6252-9c, tenders payment of the penalty before the Office of the Secretary of State has mailed a late notice to that person, the Office of the Secretary of State shall notify the attorney general to inform him that the person who filed late has already paid the penalty and that, therefore, the civil suit may not be initiated.

§89.6. Advisory Opinions. In order to expedite the processing of requests for advisory opinions under Texas Civil Statutes, Article 6252-9c, §14A(d), the Office of the Secretary of State will issue advisory opinions in response to written requests that address a question relating to the statute, the answer to which would clear up some ambiguity or difficulty in interpretation. Other written requests, the answers to which are clearly set out in the statute, will be answered by a letter unless the request asks if certain conduct would result in liability under this statutes. In such a case, an advisory opinion shall be issued in order to give full effect to Texas Civil Statutes, Article 6252-9c, §14A(c).

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

TRD-839043 John W. Fainter, Jr.
Secretary of State

Effective date: November 3, 1983
Expiration date: March 2, 1984
For further information, please call (512) 475-2015.

Chapter 99. Standards of Conduct of State Officers and Employees Financial Statement

1 TAC §99.1

The Office of the Secretary of State adopts on an emergency basis §99.1, to clarify the procedure this office will follow in fulfilling the new statutory duty

imposed on this office by House Bill 2154, § 12, 68th Legislature, 1983. The new rule is simultaneously proposed for permanent adoption in this issue.

The new rule is adopted on an emergency basis under Texas Civil Statutes, Article 6252-9b, § 12 and § 12A, which provide the Office of the Secretary of State with the authority to administer reporting procedures and to make determinations of late filings under the Act.

§99.1. Notice of Late Filing. If any person subject to a civil penalty for late filing under Texas Civil Statutes, Article 6252-9b, tenders payment of the penalty before the Office of the Secretary of State has mailed a late notice to the person, the Office of the Secretary of State will not mail a late notice to that person. The Office of the Secretary of State shall notify the attorney general to inform him that the person who filed late has already paid the penalty and, therefore, the civil suit may not be initiated.

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

TRD-839039 John W. Fainter, Jr.
 Secretary of State

Effective date: November 3, 1983
Expiration date: March 2, 1984
For further information, please call (512) 475-2015.

**TITLE 16. ECONOMIC
REGULATION
Part IV. Texas Department of
Labor and Standards
Chapter 67. Auctioneers
Licensing and Regulating Auctioneers
16 TAC §67.27, §67.28**

The Texas Department of Labor and Standards adopts on an emergency basis new §67.27 and §67.28, concerning the licensing and regulation of auctioneers. The new rules establish written criteria to determine whether an applicant for an auctioneer's license will protect property entrusted to his care. The rules also seek to ensure that the public can receive money due after a sale has been completed. The rules for auction houses are needed to insure that the intent of the legislature is quickly implemented and to protect the health, safety, and welfare of licensed auctioneers and the general public. The rules are simultaneously proposed for permanent adoption.

The new sections are adopted on an emergency basis pursuant to the authority vested in the commissioner of the Texas Department of Labor and Standards by Texas Civil Statutes, Article 8700(g), to promulgate rules and regulations to carry out the provisions of this Act.

§67.27. Denial, Suspension, or Revocation of License.

(a) The following criterion shall be utilized to determine whether an applicant shall be issued a license if that applicant states in his application for said license that he has previously been or is presently under conviction for a criminal offense:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purpose of requiring a license to engage in the occupation or industry;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the convicted same or similar type of criminal activity as that in which the applicant previously had been involved;
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the functions and responsibilities of the licensed occupation or industry.

(b) In addition to the factors that may be considered in subsection (a) of this section, the department, in determining the present fitness of a person who has been convicted of a crime, may consider the following:

- (1) the extended nature of the person's past criminal activity;
- (2) the age of the person at the time of the commission of the crime;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person prior to and following the criminal activity;
- (5) evidence of the person's rehabilitation or attempted rehabilitation effort while incarcerated or following release;
- (6) other evidence of the person's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person, the sheriff and chief of police in the community where the person resides, and any other persons in contact with the convicted person.

(c) It shall be the responsibility of the applicant to the extent possible to secure and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by these rules.

(d) The applicant should also furnish proof in any form, as may be required by the licensing authority, that they have maintained a record of steady employment and have otherwise maintained a record of good conduct and have paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which the applicant has been convicted.

(e) If the department suspends or revokes a valid license, or denies a person a license or the opportunity to be examined for a license in accordance with these rules because of the person's prior conviction of a crime and the relationship of the crime to the license, the department shall:

- (1) notify the person in writing, stating reasons for the suspension, revocation, denial, or disqualification;
- (2) use the review procedure provided by Texas Civil Statutes, 6252-13D, §3.

(f) The department will be concerned with those offenses defined as crimes of moral turpitude by statute or common law, and defined crimes, from Class A misdemeanors, first, second, and third degree felonies carrying fines and/or imprisonment or both.

§67.28. Auction Houses/Companies.

(a) When complying with the license requirement for auction houses/companies, operator shall mean the person who has total control of all aspects of the auction business including, but not limited to, arranging, managing, sponsoring, advertising, handling funds, and reporting.

(b) It is the interpretation of the department that in the following situations the persons indicated shall obtain the auctioneer license.

(1) In a corporation, the license shall be obtained by the individual who is responsible for the control and operation of the auction activities whether it be the president, chairman of the board, vice-president, etc.

(2) In a partnership, the license shall be obtained by one of the partners.

(c) In advertising the sale of an auction house/company, the advertisement shall contain the name and license number of the owner or operator of the auction house/company.

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

TRD-839058 Allen Parker, Sr.
Commissioner
Texas Department of Labor and
Standards

Effective date: November 3, 1983

Expiration date: March 2, 1984

For further information, please call (512) 475-0155.

TITLE 22. EXAMINING BOARDS
Part I. Texas Board of Architectural
Examiners

Chapter 1. Architects
Subchapter E. Fees

22 TAC §1.85

The Texas Board of Architectural Examiners adopts on an emergency basis an amendment to § 1.85, concerning the reinstatement fee, to continue to protect the public and consumer by reinstating qualified registrants and keeping reinstatement fees consistent with proposed increases in renewals.

The amendment is adopted on an emergency basis under authority of Texas Civil Statutes, Article 249a.

§1.85. Reinstatement Fee. Certificates of registration revoked for any cause stated in these rules may be reinstated by board action only upon payment of **\$100 [\$50]** as a reinstatement fee plus, at the board's discretion, back year renewals and penalties due for the period of revocation. Payments thus required can be remitted only as directed by notices from the board office.

Issued in Austin, Texas, on November 2, 1983.

TRD-839045 Philip D. Creer, FAIA
Executive Director
Texas Board of Architectural
Examiners

Effective date: November 3, 1983

Expiration date: March 2, 1984

For further information, please call (512) 458-1363.

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 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 73. Statutory Documents Lobbyist

1 TAC §§73.51-73.54

(Editor's note: The Office of the Secretary of State proposes for permanent adoption the repeal it adopts on an emergency basis in this issue. The text of the rules proposed for repeal will not be published. The rules may be examined in the Office of the Secretary of State, Room 916, Sam Houston Building, 201 East 14th Street, Austin, or the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Office of the Secretary of State proposes the repeal of §§73.51-73.54, concerning lobby registration, reporting, and termination.

Karen Gladney, special assistant to the secretary of state, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Ms. Gladney also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be compliance with the changes in Texas Civil Statutes, Article 6252-9c, resulting from Senate Bill 923 and House Bill 2154, 68th Legislature, 1983.

There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to C. Ed Davis, Assistant Secretary of State, P.O. Box 12887, Austin, Texas 78711-2287.

The repeal is proposed under Texas Civil Statutes, Article 6252-9c, §8, which provide the Office of the Secretary of State with the authority to design forms and administer reporting procedures under the Act.

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

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

TRD-839042 John W. Fainter, Jr.
Secretary of State

Earliest possible date of adoption:
December 12, 1983

For further information, please call (512) 475-2015.

Chapter 81. Elections Campaign Reporting and Disclosure 1 TAC §81.165

(Editor's note: The Office of the Secretary of State proposes for permanent adoption the new rule it adopts on an emergency basis in this issue. The text

of the rule is published in the Emergency Rules section of this issue)

The Office of the Secretary of State proposes new §81.165, concerning the procedure this agency will follow when a person tenders payment of the civil penalty for late filing of a required sworn statement before this office has mailed him a late notice under the Texas Election Code, Article 14.07c.

Karen Gladney, special assistant to the secretary of state, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Gladney also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is understanding and compliance with the administrative procedure resulting from House Bill 2154, §8, 68th Legislature, 1983, and to ensure uniformity in the application, operation, and interpretation of this election law. 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 C. Ed Davis, Assistant Secretary of State, P.O. Box 12887, Austin, Texas 78711-2887

The rule is proposed under the Texas Election Code, Articles 1.03 and 14.13, which provide the Office of the Secretary of State with the authority to obtain and maintain uniformity in the application, operation, and interpretation of the election laws and to administer the provisions of the Political Funds Reporting and Disclosure Act.

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

Issued in Austin, Texas, on October 31, 1983

TRD-839038 John W. Fainter, Jr.
Secretary of State

Earliest possible date of adoption:
December 12, 1983

For further information, please call (512) 475-2015.

Chapter 89. Lobby Regulation Registration, Reporting, Termination

1 TAC §89.1-89.6

(Editor's note: The Office of the Secretary of State proposes for permanent adoption the new rules it adopts on an emergency basis in this issue. The text of the rules is published in the Emergency Rules section of this issue.)

The Office of the Secretary of State proposes new §89.1-89.6, concerning lobby registration, reporting,

and termination. These rules adopt revised forms and reporting guidelines for lobby registrants and clarify administrative procedures resulting from additional duties imposed on this agency by Senate Bill 92 and House Bill 2154, 68th Legislature, 1983

Karen Gladney, special assistant to the secretary of state, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules

Ms. Gladney also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is compliance with changes in Texas Civil Statutes, Article 6252.9c, resulting from Senate Bill 923 and House Bill 2154, 68th Legislature, 1983. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed

Comments on the proposal may be submitted to C. Ed Davis, Assistant Secretary of State, P.O. Box 12887, Austin, Texas 78711-2887

The new rules are proposed under Texas Civil Statutes, Article 6252.9c, §§8, 13A, and 14A, which provide the Office of the Secretary of State with the authority to design forms, administer reporting procedures, make determinations of late filings, and issue advisory opinions under the Act

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

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

TRD 839044 John W. Fainter, Jr.
Secretary of State

Earliest possible date of adoption:
December 12, 1983

For further information, please call (512) 475-2015.

Chapter 99. Standards of Conduct of State Officers and Employees Financial Statement

1 TAC §99.1

(Editor's note. The Office of the Secretary of State proposes for permanent adoption the new rule it adopts on an emergency basis in this issue. The text of the rule is published in the Emergency Rules section of this issue.)

The Office of the Secretary of State proposes new §99.1, concerning the procedure this agency will follow when a person tenders payment of the civil penalty for late filing of a required financial statement before this office has mailed him a late notice under Texas Civil Statutes, Article 6252-9b, §12A.

Karen Gladney, special assistant to the secretary of state, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Gladney also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is understanding and compliance with the administrative procedure resulting from House Bill 2154, §12, 68th Legislature, 1983. 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 C. Ed Davis, Assistant Secretary of State, P.O. Box 12887, Austin, Texas 78711-2887.

The new section is proposed under Texas Civil Statutes, Article 6252 9b, §12 and §12A, which provide the Office of the Secretary of State with the authority to administer reporting procedures and make determinations of late filings under the Act

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

Issued in Austin, Texas on October 31, 1983.

TRD-839040 John W. Fainter, Jr.
Secretary of State

Earliest possible date of adoption:
December 12, 1983

For further information, please call (512) 475-2015.

TITLE 16. ECONOMIC REGULATION
Part IV. Texas Department of Labor and Standards
Chapter 67. Auctioneers
Licensing and Regulating Auctioneers
16 TAC §67.27, §67.28

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

The Texas Department of Labor and Standards proposes new §67.27 and §67.28, concerning the regulation of auctioneers. There is a need to publish definite criteria enabling auctioneers to evaluate their eligibility for an auctioneer's license.

Booker T. Morris III, general counsel, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or

local government as a result of enforcing or administering the rules.

Mr. Morris also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is better qualified and reputable auctioneers in the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Larry Kosta, P.O. Box 12157, Austin, Texas 78711, (512) 475-0721. A public hearing will be held in Room 103, 920 Colorado Street, Austin, at 9 a.m. on December 13, 1983.

The new rules are proposed under Texas Civil Statutes, Article 8700, which provide the Texas Department of Labor and Standards with the authority to promulgate rules to effectuate Texas Civil Statutes, Article 8700, for the safety and benefit of the population of the State of Texas.

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

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

TRD-839057 Allen Parker, Sr.
Commissioner
Texas Department of Labor and Standards

Earliest possible date of adoption:
December 12, 1983

For further information, please call (512) 475-0155.

TITLE 22. EXAMINING BOARDS
Part I. Texas Board of Architectural Examiners
Chapter 1. Architects
Subchapter E. Fees
22 TAC §1.85

(Editor's note: The Texas Board of Architectural Examiners proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)

The Texas Board of Architectural Examiners proposes an amendment to §1.85, concerning the reinstatement fee

Philip D. Creer, FAIA, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Creer also has determined that for each year of the first five years the rule as proposed is in effect the

public benefit anticipated as a result of enforcing the rule as proposed will be protection of the public and consumer by prompt reinstatement of qualified registrants and keeping reinstatement fees consistent with increased administrative costs.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be increased from \$50 to \$100 to cover the administrative expense of such reinstatement of licenses.

Comments on the proposal may be submitted to Philip D. Creer, FAIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249a, §5, which provide the Texas Board of Architectural Examiners with the authority to make all rules consistent with the laws of this state which are reasonably necessary.

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

Issued in Austin, Texas, on November 2, 1983.

TRD-839048 Philip D. Creer, FAIA
Executive Director
Texas Board of Architectural
Examiners

Earliest possible date of adoption:
December 12, 1983

For further information, please call (512) 458-1363.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. Aid to Families with Dependent Children

Job Training and Work Experience

40 TAC §§3.5201-3.5224

The Texas Department of Human Resources proposes new §3.5201-3.5224 in its Aid to Families with Dependent Children (AFDC) Program rules. These new rules describe the policies of the Job Training and Work Experience Program. The department will operate the program on a pilot basis that is scheduled to begin in January 1984.

The program is designed to prepare AFDC recipients for and place them into permanent employment through periods of job training and/or work experience. The program is voluntary for AFDC recipients. It will be offered to AFDC recipients in Dallas, Nueces, McLennan, and Smith Counties. AFDC recipients who are mandatory registrants must participate in other employment services unless they have volunteered for

or are participating in the Job Training and Work Experience Program.

The department will operate the program according to House Bill 1299, 68th Legislature, 1983, and federal approval obtained under the Social Security Act, §1115. The department will contract with both public and private providers (employers).

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. Mr. Hawes has determined that the estimated additional costs to the state to conduct the pilot test will be \$540,389 in fiscal year 1984 and \$323,809 in fiscal year 1985. Mr. Hawes has also determined that there will be savings to the state in fiscal years 1986-1988. The estimated savings to the state for each fiscal year are \$2,439,323 for fiscal year 1986; \$1,734,641 for fiscal year 1987; and \$1,231,722 for fiscal year 1988. These savings are anticipated through a reduction in the need for public assistance by AFDC recipients who are placed into permanent employment. There is no economic cost to units of local government.

Mr. Hawes has also determined that for each year the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be a reduction in the need for public assistance by AFDC recipients who are placed into permanent employment. There is no economic cost to individuals required to comply with the rules as proposed.

The department will hold a hearing to accept comments on the proposed rules at 9:30 a.m. on Wednesday, November 30, 1983, in the DHR board room, 706 Banister Lane, Austin.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-615, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

§3.5201. Pilot Sites.

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

- (1) Dallas County,
- (2) Nueces County,
- (3) McLennan County, and
- (4) Smith County.

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

§3.5202. Participation in Employment Services Programs.

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

(b) AFDC recipients who are mandatory registrants must participate in other employment services unless they have volunteered for or are participating in the Job Training and Work Experience Program.

§3.5203. Recipient Responsibilities. An AFDC recipient who volunteers for the Job Training and Work Experience Program must:

- (1) attend the interview for employability assessment conducted by the family support worker,
- (2) participate in activities of employment services planned by the family support worker,
- (3) report to the provider and participate in job training and/or work experience, and
- (4) notify the income assistance worker of any change that might affect the recipient's status in employment services within 10 days after the change.

§3.5204. Failure To Participate.

(a) If an AFDC recipient does not wish to actively participate in the employment assessment, objective setting, and job preparation sponsored by DHR or a provider, the recipient may withdraw from the Job Training and Work Experience Program at any time. The recipient may again volunteer for the program.

(b) DHR removes an AFDC recipient from the Job Training and Work Experience Program when two or more of the following instances occur. The recipient is entitled to be notified in writing of his removal.

(1) The recipient does not participate or ceases to participate in job training and/or work experience activities,

(2) the recipient refuses a bona fide job training and/or work experience offer, or

(3) the recipient does not report on the starting date for job training and/or work experience, and the provider refuses services.

(c) A bona fide job training and/or work experience offer is one which meets contractual requirements. The job training and/or work experience position offered is one that the recipient can perform and that the recipient has access to.

(d) AFDC recipients who are mandatory registrants are required to participate in other employment services if they withdraw from the Job Training and Work Experience Program.

§3.5205. Right To Appeal a Provider's Decision. An AFDC recipient may appeal a provider's decision related to services through the Job Training and Work Experience Program. Appeal procedures are addressed in Chapter 79 of this title (relating to Legal Services).

§3.5206. Types of Providers. DHR purchases services from a provider agency or company to prepare an AFDC recipient for permanent employment with the provider

agency or company. DHR may purchase services from public agencies; private, profit-making entities; and private, nonprofit corporations. Private, profit-making entities must be organized as corporations, partnerships, or sole proprietorships. DHR may also provide services to prepare AFDC recipients for permanent employment at DHR. DHR may also purchase services from agencies currently under contract with DHR.

§3.5207. Negotiation of the Provider Agreement.

DHR uses noncompetitive negotiation to select providers. DHR and the provider execute a provider agreement. The agreement specifies the duration of the agreement, what services are provided, how services are provided, and the rate DHR pays for each unit of service.

§3.5208. Executing the Agreement. The provider must agree to comply with the general provisions stated in the provider agreement and the provisions stated in the policies and procedures agreement. The beginning and ending dates of the agreement and the last date for participants to begin both job training and work experience are stated in the provider agreement. The provider's representative documents the provider's agreement with the provisions by signing the provider agreement form.

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

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

§3.5210. Provider Participation Requirements.

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

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

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

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

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

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

(1) no later than 10 months after the beginning date of services through the Job Training and Work Experience Program, or

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

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

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

(f) Providers may identify additional job requirements for participants.

§3.5211. Interview and Decision.

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

(b) At the interview, the provider pays the AFDC recipient \$10 cash to cover transportation and babysitting. The provider must obtain a signed receipt from the recipient for the \$10 payment. The provider is eligible for reimbursement.

§3.5212. Procedures for AFDC Recipients Who Do Not Report to the Provider on the Starting Date. The provider is not required to provide job training and/or work experience to an AFDC recipient who does not report to the provider on the starting date. The provider may, however, offer the recipient job training and/or work experience to begin within 30 calendar days of the original starting date. The provider must notify DHR via the Job Training and Work Experience Interview and Participation form when an AFDC recipient is denied participation or given a delayed starting date.

§3.5213. Job Training Phase.

(a) Job training provides the participant training needed to qualify him for work experience. If the provider determines that an AFDC recipient is ready to participate in work experience or permanent employment, job training is not mandatory.

(b) The provider must ensure that the job training assignment lasts until the participant has achieved enough proficiency to participate in work experience. Job training assignments may not last for more than 60 calendar days.

(c) The provider must have liability insurance coverage during job training to cover any injuries suffered by the participant as a result of job training activities.

The provider must ensure that the amount of liability insurance is appropriate for the risks involved in tasks associated with the assignment.

(d) On-the-job training is an appropriate activity in job training. The provider, however, must provide the participant with required training activities apart from regular work tasks. The provider must closely supervise the participant during job training.

(e) The provider must assess the participant's vocational strengths, weaknesses, and needs. The provider must provide the participant training activities directed at enabling him to acquire knowledge and skills adequate for entry into work experience or permanent employment. Training activities include, but are not limited to:

- (1) orientation to the company or agency;
- (2) orientation to the industry, service, trade, or field; and
- (3) job-related education and structured skills training to prepare and assist the participant to perform job tasks.

(f) The provider must notify DHR via the Job Training and Work Experience Interview and Participation form within seven calendar days when the:

- (1) participant starts work experience after job training,
- (2) participant is hired into permanent employment after job training,
- (3) provider determines that the participant is not qualified for work experience or permanent employment after job training, or
- (4) AFDC recipient ceases to participate in job training.

(g) The last date for participants to begin job training is six months before the ending date of the agreement.

§3.5214. Transportation and Job-Related Expense Allowance.

(a) The provider must pay the participant a transportation and job-related expense allowance during job training according to the following schedule:

- (1) A payment of \$40 cash when the participant reports on the starting date.
- (2) A payment of \$40 cash on the first training day of the month following the month in which the starting date occurs, if the participant is still in job training.

(b) The provider is eligible for reimbursement. The provider must obtain a signed receipt from the participant for each \$40 payment.

§3.5215. Work Experience Phase.

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

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

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

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

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

- (1) participant's AFDC grant, food stamps, or Medicaid coverage,
- (2) participant's transportation and job-related expense allowance,
- (3) participant's receipt of any other DHR services, or
- (4) provider's grant diversion payment.

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

- (1) improve the participant's present skill level,
- (2) bring the participant's skills to a level that is competitive in the work environment, and
- (3) prepare the participant for permanent employment.

(g) The provider must notify DHR via the Job Training and Work Experience Interview and Participation form within seven calendar days when the:

- (1) participant starts permanent employment after work experience,
- (2) provider determines that the participant is not qualified for permanent employment after work experience, or
- (3) AFDC recipient ceases to participate in work experience.

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

§3.5216. Transportation and Job-related Expense Allowance.

(a) The provider must pay the participant a transportation and job-related expense allowance during work experience according to the following schedule:

- (1) a payment of \$15 cash when the participant reports on the starting date,
- (2) a payment of \$15 cash on the first service delivery day of each month following the month in which the starting date occurs, if the participant is still in work experience.

(b) Total payments to any participant may not exceed \$60.

(c) The provider is eligible for reimbursement. The provider must obtain a signed receipt from the participant for each \$15 payment.

§3.5217. Grant Diversion Payment. DHR pays the provider a grant diversion payment for each AFDC recipient who participates in work experience for 120 continuous calendar days after the starting date. DHR determines the amount of the grant diversion payment during October of each year. The amount is effective from November 1 of that year through October 31 of the following year. The total amount of the grant diversion payment is four times the average monthly Texas AFDC grant per family, excluding special payments, in September of each year. If an AFDC recipient participates in work experience for less than 120 continuous calendar days from the starting date, the provider is entitled to

a prorated payment. The formula for prorating the payment is:

$$\frac{\text{No. of Continuous Calendar days of Participation}}{120} \times \text{120-day Grant Diversion Amount}$$

§3.5218. Units of Service. DHR pays or reimburses the provider as follows:

- (1) a transportation and babysitting allowance for the interview,
- (2) a transportation and job-related expense allowance during job training,
- (3) a transportation and job-related expense allowance during work experience,
- (4) a grant diversion payment during work experience.

§3.5219. Conditions for Payment. DHR pays or reimburses a provider only under the following conditions:

- (1) The provider must give the service within the effective dates of the provider agreement.
- (2) The provider must give the service on or after the date DHR authorizes the interview and/or participation for the AFDC recipient.
- (3) The provider must submit to DHR documentation, in a format prescribed by DHR, of the following events within seven calendar days of their occurrence:
 - (A) delivery of the initial interview or interviews,
 - (B) completion or termination of job training, and
 - (C) completion or termination of work experience.

(4) The provider must request payment by completing a purchase voucher and a report form prescribed by DHR.

(5) The provider must have paid the AFDC recipient the transportation and babysitting allowance and/or the transportation and job-related expense allowance(s) before requesting payment for these units of service.

(6) The provider must submit only one request for payment each month.

§3.5220. Documentation for Units of Service. The provider must complete and submit the Job Training and Work Experience Interview and Participation form to DHR to document services delivered.

§3.5221. Time Frames. To be paid, the provider must request payment for a unit of service within 45 calendar days after the end of the month in which the provider completes the unit of service.

§3.5222. Provider Agreement Termination and Renewal.

(a) Unless DHR and the provider renew the agreement, provider agreements expire on the termination date stated in the agreement.

(b) DHR or the provider may terminate an agreement before the termination date stated in the agreement if:

- (1) The provider and DHR mutually agree on an earlier termination date. The regional administrator and the provider's representative must document this agreement in writing.

(2) Either the provider or DHR gives 30 calendar days advance written notice to the other party. Termination may be earlier than 30 calendar days for a:

- (A) loss of license,
- (B) loss of certification status,
- (C) conviction of fraud,
- (D) breach of the agreement by the provider,
- (E) loss of federal or state funds, or
- (F) change in federal or state laws or regulations that makes reduction or termination of the program necessary.

(3) The provider changes ownership or ceases operation as a business entity.

§3.5223. Record Retention Requirements.

(a) The provider must keep all records pertaining to the agreement, units of service, and billing for three years after the end of the federal fiscal year in which services are provided. If an audit is initiated during this three-year period, the provider must keep his records until the audit is completed and audit exceptions are resolved.

(b) The provider's records include, but are not limited to:

- (1) the Provider Agreement for Job Training and Work Experience form,
- (2) the Policy and Procedures Agreement for Job Training and Work Experience Services form,
- (3) the Corporate Board of Directors Resolution form or its equivalent,
- (4) a list of required characteristics of participants and the type of employment offered,
- (5) the Job Training and Work Experience Interview and Participation form,
- (6) the State of Texas Purchase Voucher,
- (7) the Purchased Services Delivery Report,
- (8) receipts for cash paid to recipients for the transportation and babysitting allowance and the transportation and job-related expense allowance(s).

§3.5224. Participants Not Considered DHR Employees. Participants paid wages by a provider are employees of the provider and are not employees of DHR.

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

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

TRD-839067 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 12, 1983

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

Chapter 48. CCAD

The Texas Department of Human Resources proposes new rules and amendments concerning emergency re-

sponse services in its Community Care for Aged and Disabled (CCAD) Program rules. The department is proposing new §48.2928, concerning client eligibility criteria; §48.5907, concerning payment to contractors; and §48.8902, concerning standards for agencies contracted to provide the services. Amendments are being proposed to §48.1201, concerning definitions of program terms, §48.3903, concerning denial, reduction, or termination of services; and §48.5903, concerning methods of contracting.

Emergency response is a service provided through use of an electronic monitoring system for functionally impaired elderly or disabled clients who live alone. The client presses a button to signal for help in an emergency. The signal is received at a response center which is monitored 24 hours a day, seven days a week. Upon receipt of an alarm signal from a client, staff at the response center ensure that the appropriate person or service agency staff responds to the emergency.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. Additional cost to the state is estimated to be \$63,339 in fiscal year 1984; \$72,086 in fiscal year 1985; \$86,929 in fiscal year 1986; \$90,407 in fiscal year 1987; and \$94,023 in fiscal year 1988. There are no fiscal implications for local government.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect the public benefit will be expansion of community care services to aged and disabled clients. There are no economic costs to individuals who are required to comply with the rules.

A hearing to accept public comment on the proposal will be held Monday, November 21, 1983, at 1:30 p.m., in the DHR board room, 706 Banister Lane, Austin. Written comments are also invited and may be sent to Susan L. Johnson, Policy Development Support Division—571, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Definitions

40 TAC §48.1201

The amendments are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

In-home services—Services provided to eligible clients in their own homes or at a congregate meal site. In-home services include family care, primary home care,

home delivered meals, [and] congregate meals, and emergency response.

Out-of-home services—Services delivered outside the client's home or in a DHR-approved 24-hour living arrangement. These services include day activity and health services, adult foster care, supervised living, emergency care, and special services to [the] handicapped adults.

Responder—Any person who has agreed to assist the emergency response client by responding to an emergency call. Responders may include a relative, neighbor, volunteer, or staff of a sheriff's department, police department, or emergency medical service.

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

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

TRD-839071 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 12, 1983

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

Eligibility

40 TAC §48.2928

The new rule is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§48.2928. *Emergency Response Services.* A client must meet criteria for priority groups one through three and meet the following requirements to be eligible for emergency response services:

- (1) live alone, be alone routinely for eight or more hours each day, or live with an incapacitated individual who could not call for help or otherwise assist the client in an emergency;
- (2) be mentally alert, in the judgment of the DHR caseworker;
- (3) have a telephone with a private line.

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

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

TRD-839068 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 12, 1983

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

Case Management

40 TAC §48.3903

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

- (a) (No change.)
- (b) The client is not eligible for CCAD services in any of the following situations:

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

(6) **an emergency response client abuses the service by activating:**

(A) **four false alarms which result in a response by fire department, police/sheriff, or ambulance personnel within a six-month period; or**

(B) **ten false alarms of any kind within a six-month period.**

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

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

TRD-839072 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 12, 1983

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

Contracting for CCAD Services

40 TAC §48.5903

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§48.5903. *Methods of Contracting.* The three methods of contracting in the purchase of CCAD services are:

- (1)-(2) (No change.)
- (3) **Sole source procurement—The solicitation of a proposal from only one source. The department may renew sole source contracts if the contractor meets the service standards. Contractors meeting specific local service needs (home-delivered meals, congregate meals, special services for handicapped adults, supervised living, emergency care, and emergency response) may be awarded a new or renewed contract through this method of procurement. [Certain providers with specialized contracts (home-delivered meals, special services to handicapped adults, supervised living, and emergency care) which meet specific local needs, and providers with contracts grandfathered through executive decision (congregate meals, homemaker and chore contracts grandfathered in-**

to family care) may renew their contracts if they meet service standards.]

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

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

TRD-839073 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 12, 1983

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

40 TAC §48.5907

The new rule is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§48.5907. Special Payments for Emergency Response Services.

(a) The emergency response contractor is eligible for payment for a full month of service whether or not the client is on the system for an entire month.

(b) The long distance rate applies if the client lives outside the local call area of the largest city or town within the geographic area served by the contracted agency.

(c) The department reimburses contractors, up to certain limits, for the cost of emergency response equipment which is required in the client's home. This equipment includes the call button and the unit which relays signals to the response center. Together these two items are reimbursable up to a maximum of \$500. Any necessary adapters are also reimbursable up to a maximum of \$20 each. The cost of the equipment at the response center is not reimbursable.

(d) The department pays contractors a unit rate per client for each month of local or long distance service. The unit rate for each type of service is based on a cost study of salaries and fringe benefits, travel expenses, telephone charges, and equipment maintenance costs.

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

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

TRD-839069 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 12, 1983

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

Minimum Standards

40 TAC §48.8902

The new rule is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§48.8902. Minimum Standards for Agencies Contracted To Provide Emergency Response Services. Agencies contracted to provide emergency response services must:

(1) have a 24-hour, seven-day-a-week telephone monitoring capability;

(2) accept all DHR referrals;

(3) initiate services within 14 calendar days from the date of referral;

(4) deliver the following required services:

(A) install equipment in the client's home and connect equipment to the monitoring system, by either providing these services directly or arranging for them with the telephone company;

(B) conduct monthly equipment checks to ensure that the equipment is working properly;

(C) repair or replace malfunctioning equipment at no cost to the department. This standard applies to a malfunction within 10 years from the date of purchase;

(D) maintain equipment to ensure that the client is not without service for more than 24 hours because of an equipment malfunction. The 24-hour period begins when the agency becomes aware of the malfunction;

(E) ensure that the equipment placed in the client's home has an alternate power source and is able to operate if the power fails;

(F) teach the client to use the equipment properly;

(G) monitor the response center 24 hours a day, seven days a week;

(H) help the client find responders; obtain from the client a signed statement granting permission for each responder to enter the client's home in an emergency;

(I) monitor and/or contact the client if the client has not operated the equipment within a 12-hour period;

(J) contact the responder in an emergency;

(5) maintain a log of all incidents or alarm calls received and the nature and outcome of each call.

(6) report the following to DHR by the next workday:

(A) serious incidents or emergencies involving a client, including hospitalization; or

(B) death of a client.

(7) maintain a client information card for each client. Staff must maintain the cards at the agency and must ensure that the cards contain:

(A) client's name;

(B) date of birth;

(C) address;

(D) phone number;

(E) medical conditions;

(F) name and phone number of attending physician; and

(G) names and phone numbers of responders, police department, ambulance service, and fire department.

(8) maintain a record on each client that contains at least:

- (A) client information card,
- (B) authorization for services,
- (C) the date the emergency response equipment was installed,
- (D) release statements signed by the client, and
- (E) a record of service termination.

(9) maintain a record of the monthly system checks made to each client's emergency response equipment;

(10) maintain financial records using recognized fiscal and accounting procedures. The contracted agency must have current records that show who was charged and for whom the agency received payments. The contracted agency must make financial records available for review by DHR, the Department of Health and Human Services, and the attorney general's office during normal working hours and without prior notice;

(11) submit a yearly cost report:

- (A) in manner prescribed by the department, and
- (B) within the time frames required by the department.

(12) investigate and respond in writing to all complaints reported by DHR staff within 14 calendar days of receipt;

(13) designate an individual to be responsible for coordinating service delivery; this individual is the contact person for DHR;

(14) provide a minimum of two hours of initial training to each employee who installs the equipment or monitors the services. The contracted agency must ensure that training covers at least the following:

- (A) installation procedures for employees who install equipment,
- (B) proper use of the equipment, and
- (C) procedures for handling calls/alarms for employees who monitor services.

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

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

TRD-839070

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 12, 1983

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

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

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

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

Withdrawn Rules

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

(Editor's note: The Public Utility Commission of Texas is withdrawing TRD-833231, proposed amendments to §23.3, and TRD-833232, proposed amendments to §23.11, which were published in the May 10, 1983, issue of the Texas Register (8 TexReg 1552, 1553). The withdrawal of 833231 and 833232 does not affect the proposed action of §23.3 and §23.11 published in the October 18, 1983, issue of the Texas Register (8 TexReg 4245-4249).

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 sections as proposed appeared in the May 10, 1983, issue of the *Texas Register* (8 TexReg 1552).

Issued in Austin, Texas, on November 2, 1983.

TRD-839049 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: November 3, 1983

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

Records and Reports

16 TAC §23.11

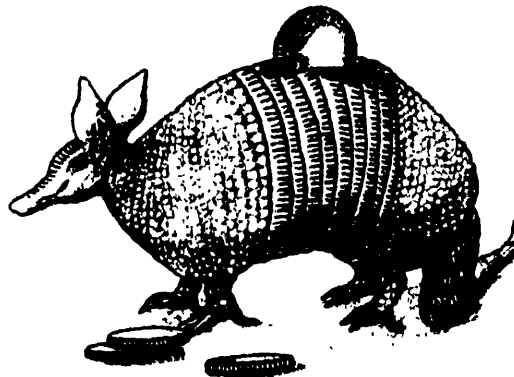
The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption proposed amendments to §23.11, concerning substantive rules. The text of the amended sections as proposed appeared in the May 10, 1983, issue of the *Texas Register* (8 TexReg 1553).

Issued in Austin, Texas, on November 2, 1983.

TRD-839050 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed: November 3, 1983

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



Adopted Rules

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

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

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



TITLE 22. EXAMINING BOARDS Part I. Texas Board of Architectural Examiners

Chapter 1. Architects Subchapter C. Written Examinations

22 TAC §1.44, §1.48

The Texas Board of Architectural Examiners adopts amendments to §1.44 and §1.48, without changes to the proposed text published in the September 2, 1983, issue of the *Texas Register* (8 TexReg 3390).

The rules will aid candidates for examination by relieving pressures of the 10-minute early arrival requirement and taking all divisions of the architect examination requirement. The rule will delete these two requirements from the examination.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249a, which provide the board with the authority to make all rules consistent with the laws of this state which are reasonably necessary.

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 November 2, 1983.

TRD-839051

Philip D. Creer, FAIA
Executive Director
Texas Board of Architectural
Examiners

Effective date: November 24, 1983
Proposal publication date: September 2, 1983
For further information, please call (512) 458-1363.

Subchapter E. Fees

22 TAC §1.82, §1.83

The Texas Board of Architectural Examiners adopts amendments to §1.82 and §1.83, without changes

to the proposed text published in the September 2, 1983, issue of the *Texas Register* (8 TexReg 3390).

The rules are amended to be consistent with Texas Civil Statutes, Article 249(a). The rules will enable the board to set the examination fees for the amount of purchasing the examination and administration thereof.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249a, which provide the board the au-

thority to make all rules consistent with the laws of this state which are reasonably necessary.

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 November 2, 1983.

TRD-839052 Philip D. Creer, FAIA
Executive Director
Texas Board of Architectural
Examiners

Effective date: November 24, 1983

Proposal publication date: September 2, 1983

For further information, please call (512) 458-1363.

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*.

State Depository Board

Monday, November 14, 1983, 10 a.m. The State Depository Board will meet in the Office of the State Treasurer, L.B.J. Building, 111 East 17th Street, Austin. Items on the agenda include consideration of depository applications received, centrally located depositories and concentration account network, investment of eleemosynary funds, and an administrative report from the staff.

Contact: Jorge Gutierrez, P.O. Box 12608, Austin, Texas 78711, (512) 475-2591.

Filed: November 4, 1983, 11:30 a.m.
TRD-839095

Office of the Governor

Monday, November 14, 1983. Subcommittees of the Governor's Task Force on State Employee Health Insurance Quality and Cost Containment of the Office of the Governor and the full task force will meet at the Texas Law Center, 1414 Colorado, Austin. Times, rooms, and agendas follow.

10 a.m. The task force will meet in Room 102 to consider organizational and procedural matters; hear opening remarks; discuss the charge and timetable for completion of a report and the work of subcommittees; and set future meetings.

1:30 p.m. The Subcommittees on Wellness and Benefits will meet in Rooms 202 and 203 to consider organizational and procedural matters; hear presentations on current benefit structure, history of benefits, wellness, employee fitness, and health promotion; discuss charges and timetables for completion of subcommittees' work; and set future meetings.

1:30 p.m. The Subcommittee on Bidding will meet in Room 204 to consider organizational and procedural matters; discuss the charge and timetable for completion of work; hear presentations on bidding procedures; and set future meetings.

Contact: Evelyn Ireland, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4285.

Filed: October 4, 1983, 3:51 p.m.
TRD-839099-839101

Texas Health Facilities Commission

Friday, November 18, 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.

Certificate of Need

Alcohol Inpatient Treatment Unit,
Fort Worth
AA83-0727-066
Groom Memorial Hospital, Groom
AH83-0601-563

Motions for Rehearing

Huguley Memorial Medical Center,
Fort Worth
AH82-0916-037
Humana Hospital Fort Worth,
Fort Worth
AH82-1015-125
Southwest Medical Center,
Tarrant County
AH82-1117-095
Southwest Fort Worth Community
Hospital, Benbrook
AH82-1206-249

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

Filed: November 7, 1983, 9:03 a.m.
TRD-839108

State Board of Insurance

Friday, November 4, 1983, 9 a.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto, Aus-

tin. According to the agenda, the commission considered for adoption on an emergency basis rules and regulations concerning the scope, type, conduct, and additionally incidental administrative and procedural considerations of the written examinations required for the licensure of accident and health insurance agents and applicants desiring to write insurance upon one life in excess of \$5,000. The rules and regulations were considered for emergency adoption because recent amendments to the Texas Insurance Code modified Articles 21.07 and 21.07-1 by adding §4A and §16, respectively, which required the adoption of rules and regulations by the board concerning the scope, type, and conduct of written examinations required for the licensure of those individuals desiring to write insurance upon any one life in excess of \$5,000 and those who desire to become accident and health insurance agents within 60 days of the effective date of the two Acts involved (Senate Bills 1094 and 706). Presently, there are no existing rules in this area. The emergency status was necessary to effect expeditious compliance with statutory requirements concerning written examinations required for licensure of potential insurance agents.

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

Filed: November 3, 1983, 4:09 p.m.
TRD-839061



Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, November 22, 1983, 10 a.m. The Texas Low-Level Radioactive Waste Disposal Authority will meet in Room 100-C, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include approval of the previous meeting minutes; the general manager's report and communications concerning legal matters, including Part 12 licensing fees, a real property status report, and revisions to the board policy manual; engineering matters, including an on-site exploration status report and the Electric Power Research Institute cooperative development agreement;

and special programs, including a health surveillance feasibility study, the Keystone approach, and an economic impact study; unfinished business; new business concerning a discussion of candidate sites; and public comments. The authority will also meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f).

Contact: Lawrence R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

Filed: November 4, 1983, 10:03 a.m.
TRD-839094

State Board of Morticians

Tuesday, November 8, 1983, 9 a.m. The State Board of Morticians submitted an emergency addition to the agenda of a meeting held at 1513 IH 35 South, Austin. The addition concerned an applicant for reciprocal licensure. The emergency status was necessary because all credentials and information were not received until after final deadline.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: November 3, 1983, 3:16 p.m.
TRD-839056

Texas Board of Licensure for Nursing Home Administrators

Wednesday, November 16, 1983, 2 p.m. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. Items on the agenda summary include introduction of a new board member, approval of the August 17, 1983, minutes, personal appearances, Texas Department of Health and Human Resources reports, and reports of the Education Committee, Suitability Committee, and Rules Committee, executive director, and chair.

Contact: Dottie Mathieson, 3407 IH 35 North, Austin, Texas 78722, (512) 479-0922

Filed: November 7, 1983, 9:11 a.m.
TRD-839109

Public Utility Commission of Texas

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

Thursday, December 8, 1983, 9 a.m. Docket 5071—application of the City of Pharr for a certificate of convenience and necessity to provide water service in Hidalgo County.

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

Filed: November 3, 1983, 10:24 a.m.
TRD-839032

Wednesday, February 29, 1984, 9 a.m. Docket 5071—application of the City of Pharr for a certificate of convenience and necessity to provide water service in Hidalgo County.

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

Filed: November 3, 1983, 10:25 a.m.
TRD-839033

State Purchasing and General Services Commission

Wednesday, November 16, 1983, 9:30 a.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. Items on the agenda include adoption of IAC §113.16, concerning embedded customer premises equipment after divestiture of such telephone equipment on January 1, 1984; a review of a report on the possibility of providing commercial lease space in the Lavaca Street parking garage; commission monthly reports; a visit to certain construction sites under commission responsibility; and setting the time and date for next meeting of the commission. The commission will also meet in executive session to discuss personnel matters.

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

Filed: November 7, 1983, 9:50 a.m.
TRD-839111

Railroad Commission of Texas

Monday, November 7, 1983, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made emergency additions to the agenda of a meeting held in the first floor auditorium, 1124 IH 35 South, Austin. The additions concerned the following.

Texas Register

Consideration of oil and gas Docket 6-80,587—Motion of rehearing in the application of Katy Management Company, Inc., to dispose of salt water by injection into a porous formation not productive of oil or gas, Katy SWD Co., Inc., lease, Well 1, Carthage (Rodessa) Field, Panola County. The item had to be considered on less than seven days notice as a matter of urgent public necessity. The item was properly noticed for the meeting on October 31, 1983, and was passed.

Contact: Terry Johnson, P.O. Drawer 12967, Austin, Texas 78704, (512) 445-1174.

Filed: November 4, 1983, 11:12 a.m.
TRD-839074

Consideration of oil and gas Docket 8A-80,839—application of Texland Petroleum, Inc., for approval of the East Broadview (Upper Clearfork) Unit and application for a permit to inject water for secondary recovery operations into the Ed-mission (Clearfork) Field, Lubbock County. The item had to be considered on less than seven days notice as a matter of urgent public necessity. The item was properly noticed for the meeting of October 31, 1983, and was passed.

Contact: Bob Rago, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1363.

Filed: November 4, 1983, 11:12 a.m.
TRD-839075

Monday, November 7, 1983, 9 a.m. The Transportation Division of the Railroad Commission of Texas met in the first floor auditorium, Room 107, 1124 IH 35 South, Austin. According to the agenda, the division considered Docket 02556722T—application of Melton Truck Lines, Inc., Box 7666, Shreveport, Louisiana 71107, to establish mileage rates in RCT Tariff 4-D, boards, building, wall, or insulating, viz: fiberboard or pulpwood made of vegetable wood, or mineral fibres, Grand Prairie to points in Texas.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: November 4, 1983, 11:14 a.m.
TRD-839076

Monday, November 14, 1983, 9 a.m. Divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Divisions, meeting rooms, and agendas follow.

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: November 4, 1983, 11:11 a.m.
TRD-839077

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: November 4, 1983, 11:12 a.m.
TRD-839078

The Flight Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: November 4, 1983, 11:15 a.m.
TRD-839079

The Gas Utilities Division will meet in Room 107 to consider various matters falling within its regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: November 4, 1983, 11:13 a.m.
TRD-839080

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: November 4, 1983, 11:15 a.m.
TRD-839081

The I.P.-Gas Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711.

Filed: November 4, 1983, 11:14 a.m.
TRD-839082

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within its regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: November 4, 1983, 11:11 a.m.
TRD-839083

Additions to the above agenda:

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

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: November 4, 1983, 11:11 a.m.
TRD-839084

Consideration of whether or not to institute legal action against Sterling Browning, doing business as Sterling Browning Tank Truck Service, and CAG Petroleum Corporation.

Contact: Glenn Jordan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229.

Filed: November 4, 1983, 11:15 a.m.
TRD-839085

Consideration of whether or not to adopt amendments to 16 TAC §3.8, pertaining to water protection. The proposed amendments were published in the July 22, 1983, issue of the *Texas Register*. A correction of error was published in the August 5, 1983, issue of the *Texas Register*.

Contact: Bill Barnes, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1373.

Filed: November 4, 1983, 11:13 a.m.
TRD-839086

Consideration of whether or not to approve the drilling application of Oil Mining International, Inc., for its W. Jackson, *et al.*—M. A. Roe Lease, Well 1, Wildcat Field, Comanche County.

Contact: Billy Thomas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1289.

Filed: November 4, 1983, 2:21 p.m.
TRD-839096

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: November 4, 1983, 11:13 a.m.
TRD-839087

The Office of the Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78701, (512) 445-1186.

Filed: November 4, 1983, 11:16 a.m.
TRD-839088

The Surface Mining and Reclamation Division will meet in Room 107 to consider an interagency contract with the Texas Department of Corrections for microfiling and microfiche document preparation and to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: November 4, 1983, 11:15 a.m.
TRD-839089

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within its regulatory jurisdiction.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: November 4, 1983, 11:14 a.m.
TRD-839090

State Commission on Standards for the Teaching Profession

Committees of the State Commission on Standards for the Teaching Profession and the full commission will meet at the Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Days, times, committees, rooms, and agendas follow.

Thursday, November 17, 1983, 9:30 a.m. The Interim Reports Committee will meet in Room 101-E to review interim reports from Paul Quinn College, the University of Texas at Austin, the University of Texas at El Paso, and Wiley College; and discuss materials concerning Texas A&M University.

Thursday, November 17, 1983, 11:30 a.m. The Committee on Standards and Procedures for Institutional Approval will meet in Room 101-E to review a recommendation of undergraduate and graduate institutional standards.

Thursday, November 17, 1983, 1:30 p.m. The Committee on Certification Programs and Requirements will meet in Room 214 to review a recommendation of the framework for provisional certificates and endorsements and discuss individual programs, transition planning, and future activities related to competency testing.

Friday, November 18, 1983, 8 a.m. The Executive Committee will meet in Room 105

to discuss agenda items with the committee chairmen.

Friday, November 18, 1983, 9 a.m. The commission will meet in Room 101 to consider an analysis of attendance at the 36th annual Conference on Teacher Education; State Board of Education action relative to a proposed amendment to the Texas Administrative Code, Title 19, Chapter 141, Subchapter S, concerning testing program; individual programs from St. Edward's University, Texas Christian University, and the University of Texas at San Antonio; and reports from the Interim Reports Committee, the Committee on Certification Programs and Requirements, the Committee on Standards and Procedures for Institutional Approval, and the Executive Committee.

Contact: Dr. Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: November 3, 1983, 10:11 a.m.
TRD-839027-839031

Board of Vocational Nurse Examiners

Monday-Wednesday, November 14-16, 1983, 8 a.m., daily. The Board of Vocational Nurse Examiners will meet at the Sunrise Motor Hotel, 7622 North Interregional, IH 35 and Highway 183, Austin. Items on Monday's agenda summary include a business meeting to approve the minutes; hear reports of the executive director and the director of education and special reports; consider old business, new business concerning a request for a policy statement, and voluntary surrender of licenses; and conduct reinstatement and administrative hearings. Tuesday and Wednesday the board will conduct a business meeting and administrative hearings. The board also may meet in executive session.

Contact: Waldeen D. Wilson, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

Filed: November 3, 1983, 10:24 a.m.
TRD-839034

Texas Water Commission

Wednesday, November 9, 1983, 2 p.m. The Texas Water Commission met in emergency session in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered findings of the Grievance Committee concerning the complaint of Sandra M. Fitzpatrick and Ms. Fitz-

patrick's appeal of the findings. The emergency status was necessary to comply with the grievance procedures adopted by the commission.

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

Filed: November 3, 1983, 3:42 p.m.
TRD-839059

Monday, November 14, 1983, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider water district applications for bond issues, use of surplus funds, release from escrow, setting the hearing date for district creation, water quality proposed permits, renewals and amendments, the examiner's proposal on water use permits, and an extension of time application.

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

Filed: November 3, 1983, 3:43 p.m.
TRD-839060

Regional Agencies

Meetings Filed November 3

The Bosque County Appraisal Board met at the Bosque County Courthouse, Meridian, on November 10, 1983, at 7 p.m. Information may be obtained from David G. Cooper, Box 393, Meridian, Texas 76665, (817) 435-2019.

The Concho Valley Council of Governments, Concho Valley Regional Review Committee, revised the agenda for a meeting held at 5002 Knickerbocker Road, San Angelo, on November 9, 1983, at 1 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on November 10, 1983, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met at the Brazos Center, 3232 Biarcrest Drive, Bryan, on November 10, 1983, at 3:30 p.m. Information may be obtained from Ann Pye-Shively, 707 South Texas Avenue, Suite 225 C, College Station, Texas 77840, (501) 992-758.

Texas Register

The West Central Texas Council of Governments, Regional Alcohol Abuse Advisory Committee, met at 1025 East North 10th Street, Abilene, on November 9, 1983, at 10 a.m. Information may be obtained from Sue Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. The Board of Directors and general membership will meet at Briarstone Manor, 101 Eplen's Court, Abilene, on November 12, 1983, at 7 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-839035

Meetings Filed November 4

The Ellis County Tax Appraisal District, Appraisal Review Board, met at 406 Sycamore Street, Waxahachie, on November 10, 1983, at 2 p.m. The district also met at the same location on the same day at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Garza County Appraisal District, Board of Directors, met in the courthouse, Post, on November 8, 1983, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Texas Municipal Power Agency, Board of Directors, will meet at the Gibbons Creek Steam Electric Station, Carlos, on November 11, 1983, at 10 a.m. Information may be obtained from Frank H. Bass, Jr., P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The Central Appraisal District of Rockwall County, Board of Directors, met at 106 North San Jacinto, Rockwall, on November 8, 1983, at 7:30 p.m. Information may be obtained from Eugene "Bo" Daffin, 106 North San Jacinto, Rockwall, Texas 75087, (214) 772-2034.

The Tarrant Appraisal District, Appraisal Review Board, will meet in Suite 300, 1701 River Run, Fort Worth, on November 16, 1983, at 8:30 a.m. Information may be obtained from Dick Curry, 1701 River Run,

Suite 300, Fort Worth, Texas 76107, (817) 332-3151, ext. 185.

TRD-839063

Meetings Filed November 7

The Blanco County Central Appraisal District, Board of Directors, will meet at the Blanco County Courthouse Annex, Johnson City, on November 14, 1983, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Fisher County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Fisher County Courthouse, Roby, on November 14, 1983, at 8 p.m. Information may be obtained from Kyle Moore, Route 1, Roby, Texas 79543, (915) 776-2733.

The Gonzales County Appraisal District, Board of Directors, met in Suite 201, Gonzales Bank Building, 508 St. Louis Street, Gonzales, on November 10, 1983, at 8:30 a.m. The Appraisal Review Board will meet at the same location on November 28, 1983, at 6 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hale County Appraisal District, Appraisal Review Board, met at 302 West Eighth, Plainview, on November 8, 1983, at 9:30 a.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Heart of Texas Region Mental Health and Mental Retardation Center, Board of Trustees, met in the conference room, second floor, 110 South 12th Street, Waco, on November 8, 1983, at 11:30 a.m. The Board of Trustees will also meet at the same location on November 22, 1983, at 11:30 a.m. Information may be obtained from Sue Richardson, P.O. Box 890, Waco, Texas 76730, (817) 752-3451, ext. 290.

The Lamar County Appraisal District, Board of Directors, will meet at 1523 Lamar Avenue, Paris, on November 14, 1983, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lampasas County Appraisal District, will meet at 403 East Second, Lampasas, on November 11, 1983, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Nortex Regional Planning Commission, Executive Committee, will meet at McBride Seafood and Steak, 5400 Seymour Highway, Wichita Falls, on November 17, 1983, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Parmer County Tax Appraisal Office, met in emergency session at 305 Third, Bovina, on November 7, 1983, at 8:30 p.m. Information may be obtained from Ronald Proctor, Box 56, Bovina, Texas 79009, (806) 238-1405.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on November 16, 1983, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the general office of the filter plant, Proctor Lake, on November 17, 1983, at 6:30 p.m. Information may be obtained from Zollie Skaggs, Box 67, Comanche, Texas, (817) 879-2258.

The Upshur County Appraisal District, Board of Directors, will meet at the district office, Trinity and Warren Streets, Gilmer, on November 14, 1983, at 7 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

The Wise County Appraisal District, Board of Directors, met in emergency session at 206 South State, Decatur, on November 10, 1983, at 9:30 a.m. The Board of Directors also met at the same location on the same day, at 1:15 p.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-839110

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

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

In Addition

State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, January 17, 1984, at 9 a.m. at 2601 North Lamar, Austin, on the charter application for State Bank and Trust, Ovilla. The location for the proposed bank is downtown Ovilla on the east side of FM Road 664 approximately 500 feet north of the corner of East Main and FM Road 664, Ovilla, Ellis County.

Additional information may be obtain from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on November 2, 1983.

TRD-839036 O. A. Cassity III
Hearing Officer
State Banking Board

Filed: November 3, 1983

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

Banking Department of Texas Applications To Acquire Control of State Banks

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

On November 1, 1983, the banking commissioner received an application to acquire control of Reagan State Bank/Reagan Bancshares, Inc., Big Lake, by John Daugherty, Curtis Skelton, Sam Mann, H. Wayne Smith, D. D. Poynor Jr., R. L. McKinney, Bill Schneemann, and Tim Sellman, all of Big Lake.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

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

TRD-839015 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: November 2, 1983

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

On November 1, 1983, the banking commissioner received an application to acquire control of Citizens State Bank, Princeton, by Kenneth A. Hathaway, William C. Kennedy, Jr., Michael R. Lewis, William C. Saunders, and David E. Wise, all of Dallas; and James F. Wood of McKinney.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on November 2, 1983.

TRD-839054 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: November 3, 1983

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

On October 19, 1983, the banking commissioner received an application to acquire control of Cielo Vista Bank, El Paso, by Robert C. Patton, Clarke Harvey, Harvey G. Herberman, M.D., Moses Holland, Sal Holland, George DiDonna, M.D., Fay E. Millett, M.D., Jack Cardwell, Gilbert Russell, Don Henderson, E. S. Crossett, M.D., John O'Neal, M.D., William J. Nelson, M.D., Douglas J. David, D.D.S., Albert R. Cox, and James Paul Kimble, all of El Paso.

On November 2, 1983, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on November 2, 1983.

TRD-839053 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: November 3, 1983
For further information, please call (512) 475-4451.

On October 4, 1983, the banking commissioner received an application to acquire control of the First State Bank of Bryson, Bryson, by Billye M. Stamper, Stephen F. Stamper, and Willis G. Stamper, Jr., all of Jacksboro, and James Craig Stamper of Graham.

On November 1, 1983, notice was given that the application would be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on November 2, 1983.

TRD-839055 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: November 3, 1983
For further information, please call (512) 475-4451.



Comptroller of Public Accounts Decision 13,161

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78744. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The taxpayer contended that the sale of its assets to another company exempted it from paying the sales tax due on transactions occurring before the asset sale date, and that the comptroller could look only to the purchasing company. The comptroller ruled that the Texas Tax Code, §151.613, did not release the

taxpayer from tax liability, as the legislature intended the seller and the purchaser to be jointly and severally liable for the tax, to "protect the interests of an innocent third party, the state, and its citizens."

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

TRD-839062 Bob Bullock
Comptroller of Public Accounts

Filed: November 3, 1983
For further information, please call (512) 475-1938.

Texas Department of Health Correction of Error

Proposals submitted by the Texas Department of Health contained several errors as published and one error as submitted in the October 18, 1983, issue of the *Texas Register* (8 TexReg 4254, 4256-4259).

On page 4254, the second sentence of §145.83(h) should have read:

The 12-month period beginning on October 1 of each year and ending on September 30 of the following year will be considered the annual period during which [for each licensed institution] at least two [one] unannounced licensure inspections [inspection] will be made of each licensed institution.

On page 4256, §145.84(b)(4)(A)(ii) should have read:

(ii) moving toward decertification of a facility, or toward denying certification of a facility, or toward denying certification status of a facility with respect to the Title XVIII and Title XIX programs, as may be applicable.

On page 4257, the rule title for §145.88 should have read:

§145.88. Report of Abuse and Neglect under Texas Civil Statutes, Article 4442c, §16.

On page 4259, §145.90(c)(3) should have read:

(3) personal care home, Type B (Article 4442c);

There was also one error as submitted on page 4258. Section 145.89(c)(3) should have read:

(3) Whenever possible, the requestor shall give reasonable prior notice of the time for inspection and/or copying of records.

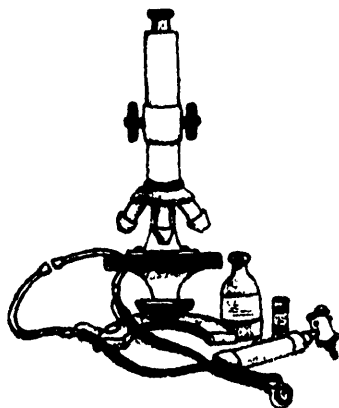
Proposed new rules submitted by the Texas Department of Health also contained two errors as published in the October 11, 1983, issue of the *Texas Register* (8 TexReg 4101, 4103).

On page 4101, the second sentence in §325.465(b)(4) should have read:

A natural liner or equivalent barrier of one foot of compacted clay with a permeability coefficient of 1×10^{-7} centimeters per second, or less, shall be provided

On page 4103, §325.483(c)(2)(C)(iii)(IV) should have read:

(IV) The final contours of the fill with provision for adding a final cover of at least three feet of a low permeability clay of 1×10^{-7} centimeters per second with top soil added in sufficient depth to support vegetation for erosion control;



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.

Valley Investment Associates, a Washington
general partnership, Wenatchee, Washington
AN83-1027-229

NIEH—Request for a declaratory ruling that a certificate of need is not required for Valley Invest-

ment Associates, a Washington general partnership, to acquire by purchase Bethesda Care Center, an existing 144-bed ICF nursing facility located in San Antonio, from Bethesda Foundation.

Triple C of Texas, a Texas general partnership,
San Antonio
AN83-1027-230

NIEH—Request for a declaratory ruling that a certificate of need is not required for Triple C of Texas, a Texas general partnership, to acquire by lease Bethesda Care Center, an existing 144-bed ICF nursing facility located in San Antonio, from Valley Investment Associates, a Washington general partnership. After the acquisition, the name of the facility will be changed to Camlu Care Center—Bandera Road.

Valley Investment Associates, a Washington
general partnership, Wenatchee, Washington
AN83-1027-231

NIEH—Request for a declaratory ruling that a certificate of need is not required for Valley Investment Associates, a Washington general partnership, to acquire by purchase Bethesda Care Center of Oakhills, an existing 87-bed skilled nursing facility located in San Antonio, from Bethesda Foundation.

Triple C of Texas, a Texas general partnership,
San Antonio
AN83-1027-232

NIEH—Request for a declaratory ruling that a certificate of need is not required for Triple C of Texas, a Texas general partnership, to acquire by lease Bethesda Care Center of Oakhills, an existing 87-bed skilled nursing facility located in San Antonio, from Valley Investment Associates, a Washington general partnership. After the acquisition, the name of the facility will be changed to Camlu Care Center—Louis Pasteur.

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

TRD-839065 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: November 4, 1983

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

Show Cause Hearing

The Texas Health Facilities Commission has found that sufficient grounds exist to require a show cause hearing regarding the matter of Bryan Radiology Associates. It has, therefore, been ordered that Bryan Radiology Associates, Bryan, appear before the commission in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, on Thursday, December 8, 1983, at 9 a.m., and show cause why Bryan Radiology Associates should not be found in violation of the Texas Health Planning and Development Act, Texas Civil Statutes, Article 4418h, and the commission rules for performing CT scanning

services on inpatients, on other than a temporary basis, without having secured a certificate of need from the commission.

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

TRD 839064 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: November 4, 1983

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

Texas Department of Human Resources Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources furnishes this notice of consultant contract award.

The notice was published in the September 20, 1983, issue of the *Texas Register* (8 TexReg 3769).

Description of Services. This contract is to continue the development of the department's management assessment center to be used in the selection of first line supervisors and to initiate development of a management assessment center for program director positions.

Name of Consultant. Assessment Designs, Inc., 601 North Ferncreek Avenue, Orlando, Florida.

Total Value and Terms of Contract. The contract began November 1, 1983, and will end August 31, 1984. The contract has a value of up to \$47,195 for enumerated services and materials. An additional amount of up to \$8,000 is included to pay for consultant's travel and shipping, postage and handling of supplies, and materials. All items are being purchased on an incremental basis, and delivery of specific items is by negotiation with the contractor. However, these guidelines and dates apply: the first computer analysis—first week of November 1983; the first set of exercises—first week of January 1984, the second computer analysis—spring of 1984, and the second set of exercises—summer of 1984.

Issued in Austin, Texas, on November 2, 1983

TRD 839016 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: November 2, 1983

For further information, please call (512) 441-3366,
ext. 2037.

Correction of Error

The preamble to adopted rules submitted by the Texas Department of Human Resources contained several errors as published in the October 25, 1983, issue of the *Texas Register* (8 TexReg 4412, 4413, 4417).

In the last paragraph of the second column on page 4412, a reference should have been made to Title XIX instead of Title XIV. This error also occurred in the third paragraph of the first column and the fourth, fifth, and sixth paragraphs of the second column on page 4413.

On page 4417 in the top paragraph of the second column, the phrase "If all cited deficiencies are not corrected within the compliance period" was inadvertently repeated.

Request for Proposals

The Texas Department of Human Resources invites all interested parties to submit proposals to evaluate the Child Support Enforcement Program's operation in state fiscal years 1983 and 1984. The successful bidder will be expected to begin work approximately January 2, 1984, and have all work completed before the regular session of the 69th Legislature convenes.

Persons desiring additional information, or a copy of the request for proposal, should contact the Texas Department of Human Resources, David Biemer—MC 506-A, P.O. Box 2960, Austin, Texas 78769, (512) 835-0440, ext. 2540.

All offers must be received by the department by 5 p.m., December 2, 1983, to be considered. The successful bidder will be chosen based on technical expertise and reasonableness of costs.

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

TRD 839066 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed: November 4, 1983

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

Public Utility Commission of Texas Correction of Error

Proposed rules submitted by the Public Utility Commission of Texas contained several errors as published in the October 21, 1983, issue of the *Texas Register*.

On page 4331, the second sentence of §23 24(b)(2) should have read:

The front page of the tariff shall contain the name of the utility and location of its principal office and the type of service rendered (telephone, electric, etc.)

On page 4345, the first sentence of §23 61(a)(27) should have read:

Primary service-- The initial provision of voice grade access between the customer's premises and the switched telecommunications network.

On page 4349, §23.61(k) should have read:

(k) Nondominant carriers. Telecommunications utilities who are not dominant carriers who commence providing service after September 1, 1983, shall provide within 30 days of commencing service the information in subsection (j) of this section.

On page 4352, the second sentence of §23.65(a)(2) should have read:

By statutory requirement, after January 1, 1978, no incorporated city or town, including a home-rule city or other political subdivision of the state, may issue a permit, certificate, or other authorization for the construction or occupancy of a new apartment house or conversion to a condominium unless the construction plan provides for individual metering by the utility company or submetering by the owner of each dwelling unit for the measurement of the quantity of electricity, if any, consumed by the occupants within that dwelling unit.



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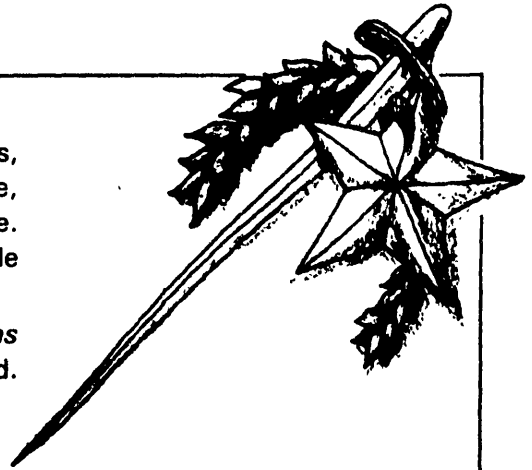
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