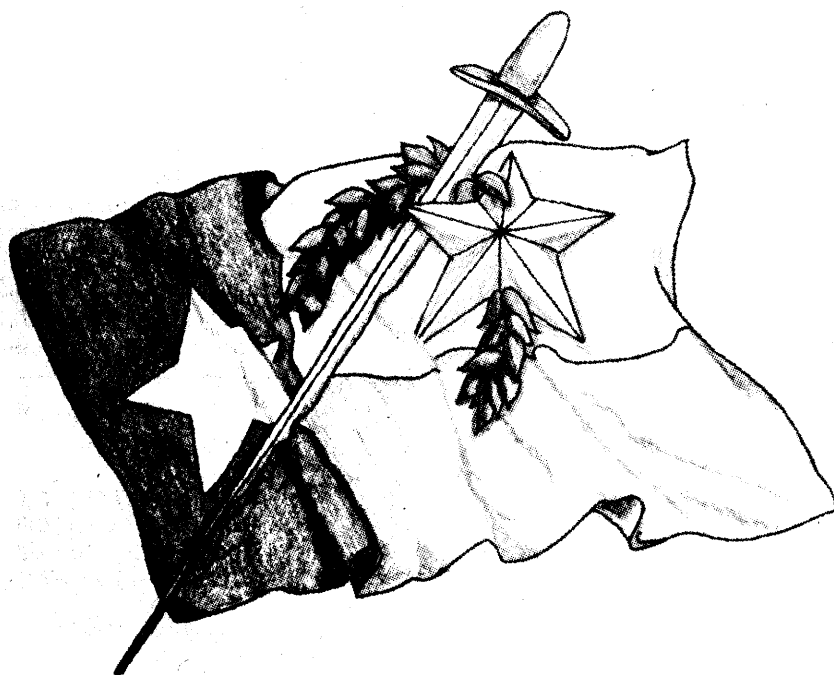


TXD S 500.6 R 263

Texas Register



Highlights

- ★ The governor issues a proclamation extending the rules of the Texas Animal Health Commission regarding brucellosis control; effective date - April 9 page 1594
- ★ Texas State Board of Pharmacy adopts new sections concerning compliance with the Texas Pharmacy Act; effective date - May 4 page 1597
- ★ Texas Parks and Wildlife Department adopts new sections concerning payment of rewards under the Operation Game Thief Program; effective date - May 4 page 1598

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 1982 with the exception of January 5, April 27, November 16, November 30, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register Division six months after proposal publication date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

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears,

the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "7 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 7 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 Division 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. 6, July 81

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The Governor

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

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

Brucellosis Proclamation 41-1852

This proclamation shall receive a unique identifying number from the Secretary of State of the State of Texas and shall hereafter be identified by such number.

This proclamation supersedes and takes the place of the proclamation known as Proclamation by the Governor Number 432 as amended January 29, 1982.

This proclamation has the effect of extending, until June 1, 1983, unless sooner revoked or amended, the rules of the Texas Animal Health Commission regarding brucellosis, which were due to expire April 9, 1982.

WHEREAS, the Texas Animal Health Commission has submitted quarterly reports to the governor for the period covering April through December, 1981, including statistical data which indicate progress in terms of an improved brucellosis control and eradication program with greater emphasis on vaccination than on test and slaughter; and

WHEREAS, the Texas Animal Health Commission's data, a compilation of which is attached hereto as Exhibit I, indicate such progress is reflected, in part, by trends in the number of calfhood vaccinations which has increased from 298,444 in 1978, to 839,952 in 1981, and 564,078 for the five-month period of October, 1981, through February, 1982; and by trends in the Market Cattle Identification Rate (MCI) which has decreased from 1.432% in 1978 to 0.969% in 1981; and

WHEREAS, pursuant to Proclamation of the Governor Number 432 as amended January 29, 1982, the Special Committee for Evaluation of the Texas Brucellosis Program has met and issued a report to the governor on the progress of the program, attached hereto as Exhibit II; and

WHEREAS, the Special Committee for Evaluation of the Texas Brucellosis Program has recommended in its report to the governor that the Texas Animal Health Commission should promote vaccination by educating cattlemen and the general public about the economic advantages of calfhood and adult vaccination, and by encouraging the U.S. Department of Agriculture to ease movement restrictions on cattle vaccinated with reduced dose strain 19 vaccine; and

WHEREAS, the Special Committee for Evaluation of the Texas Brucellosis Program has recommended in its report to the governor that research conducted at Texas A&M University's Agricultural Experiment Station should be continued; and

WHEREAS, the Special Committee for Evaluation of the Texas Brucellosis Program has stated that its recommendations were based on a consensus that the elimination of brucellosis and the need for testing and slaughter is a desirable goal but that due to the low vaccination rate currently existing in Texas, it is not practical to eliminate these procedures at this time; and

WHEREAS, pursuant to Proclamation of the Governor Number 432 as amended January 29, 1982, the Texas Animal Health Commission has adopted new recommendations by commission resolution dated March 11, 1982, and attached hereto as Exhibit III; and

WHEREAS, the commission's executive director submitted the commission's resolution and recommendations to the governor on March 15, 1982, as adopted by the commission at its meeting on March 11, 1982; and

WHEREAS, the Texas Animal Health Commission in its March 11, 1982, resolution has certified to the governor that the commission intends to conduct a final hearing by June 9, 1982, for adopting new calfhood vaccination regulations requiring vaccination of all breeding heifer cattle born after January 1, 1982, if being moved into the state or if changing ownership, and, states that it is the commission's objective to continue to place more emphasis on vaccination than on test and slaughter; and

WHEREAS, the Texas Animal Health Commission's March 11, 1982, resolution included a recommendation that brucellosis regulations proclaimed by the governor on January 29, 1982, be continued in effect after April 9, 1982; and

WHEREAS, the Texas Animal Health Commission's March 11, 1982, resolution and recommendations are predicated upon the continued use of the present program of surveillance with testing followed by slaughter of infected animals, and that future commission decisions will be based upon recommended changes that are epidemiologically sound, that are in accord with the national program, and that are adequately funded; and

WHEREAS, there are currently pending proposed federal regulations under the uniform methods and rules that will or should accommodate the goal of continuing to move toward a program which places more emphasis on vaccination than on test and slaughter; and

WHEREAS, there are currently pending federal budget proposals which will have a direct impact on both state and federal brucellosis programs; and

WHEREAS, marked progress has been accomplished and more progress can and should be accomplished in developing a program by moving away from the test and slaughter approach toward a program which emphasizes vaccination and utilizes testing surveillance as a means for monitoring program effectiveness and eliminating infected animals based on confirmatory laboratory testing.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me do hereby proclaim that Proclamation by the Governor Number 432 as amended January 29, 1982, is superseded hereby, and the accompanying regulations are to be continued in effect from April 9, 1982, and will remain in effect, subject to appropriate amendment, until June 1, 1983, at which time they will cease to be in effect. On or before May 1, 1983, appropriate recommendations together with adopted regulations which continue to place greater emphasis on vaccination than on test and slaughter shall be made by the commission to the governor.

Quarterly reports, coinciding with the state fiscal year, including statistical data shall be submitted by the commission to the governor concerning the progress of the program. The quarterly reports shall document the nature of the commission's interactions with the U.S. Department of Agriculture and the U.S. Animal Health Association regarding changes in the federal program to accommodate the Texas position. The quarterly reports shall be accompanied by appropriate written recommendations for amendments to the program. The commission shall publish in the *Texas Register* the quarterly reports and the accompanying recommendations within 10 days after their submission to the governor.

The Texas Animal Health Commission shall hold quarterly public hearings in different locations in the brucellosis control areas or zones during each quarter. In addition to the notice required by law, written notice of these public hearings shall be given to those in the industry, the State Senators and Representatives and other interested parties in the respective zones. The Texas Animal Health Commission shall request newspapers in the zone to carry stories relating to the public hearing and the

subject matter to be covered. The public hearings shall address the progress of the program for the preceding quarter, recommendations for amendment to the regulations and public comments on the program. The Texas Animal Health Commission shall cause a verbatim transcript of each hearing to be made. A summary of the public meeting, together with the verbatim transcript, list of invitees, and copies of news stories, shall be filed with each quarterly report.

In consultation with the governor, the commission shall appoint an evaluation committee which is representative of all interests and persuasions in the Brucellosis Program and this evaluation committee shall conduct hearings between February 1 and March 1, 1983, and issue an evaluation report on the progress of the program's movement toward a program which places greater emphasis on vaccination than on test and slaughter. The report shall be filed with the governor on or before April 1, 1983.

This proclamation is effective April 9, 1982.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the State of Texas to be affixed in Austin, Texas, this the 9th day of April, 1982.

TRD-823171

William P. Clements, Jr.
Governor of Texas

(Editor's note: The text of the brucellosis rules of the Texas Animal Health Commission are available for public inspection. The rules may be examined in the offices of the Texas Animal Health Commission, 1015 Sam Houston Building, Austin, and in the Texas Register Division office, 503E Sam Houston Building, Austin.)

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 Division, 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 it adopted the action under.

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

Adopted Rules

TITLE 22. EXAMINING BOARDS Part XV. Texas State Board of Pharmacy Chapter 291. Pharmacies

22 TAC §291.15

The Texas State Board of Pharmacy adopts new §291.15 without changes to the proposed text published in the March 12, 1982, issue of the *Texas Register* (7 TexReg 1019).

This rule is adopted to insure that pharmacists are in compliance with the Texas Pharmacy Act, House Bill 1628, Acts of the 67th Legislature, effective September 1, 1981. This rule identifies proper procedures a pharmacy must follow in order to comply with subsection (a) of §32 of the Act, which references the notification of the theft or significant loss of any controlled substance by a pharmacy.

No comments were received regarding adoption of the new section.

The new section is adopted under House Bill 1628, Acts of the 67th Legislature, 1981. Section 32 of the Act provides the Texas State Board of Pharmacy with the authority to require a pharmacy to report in writing to the board within 10 days of any of the following: permanent closing; change of ownership; change of location; change of pharmacist-in-charge; the theft or significant loss of any controlled substance on discovery of the theft or loss; the notification of theft or loss shall contain a list of all controlled substances stolen or lost; the sale or transfer of all controlled

substances or dangerous drugs on the permanent closing or change of ownership of a pharmacy; any matters and occurrences that the board may require by rule; and out-of-state purchases of controlled substances as determined by the board.

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

Issued in Austin, Texas, on April 12, 1982.

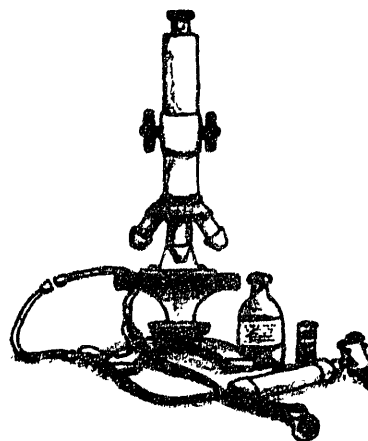
TRD-823172

Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Effective date: May 4, 1982

Proposal publication date: March 12, 1982

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



TITLE 28. INSURANCE

Part I. State Board of Insurance

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

General Provisions

Insurance Company Insider Trading and Proxy Solicitation Regulation Act

059.21.48

The State Board of Insurance has amended Rule 059.21.48.001 which adopts by reference its amendment of the permanent and general rules and regulations of the State Board of Insurance by adoption of rules of administrative construction and interpretation, insurance company reporting and filing rules, annual statement blanks and supplements, including schedule SIS, supplemental reports, regulations affecting foreign and domestic insurance companies, rules and regulations on proxies, consents, and authorizations of domestic stock insurance companies, rules and regulations governing insurance company insider trading, and provisions for codification. This proposal appeared in the January 1, 1982, issue of the *Texas Register* (7 TexReg 11).

The amendment substantially conforms §6.32 of Part VI of the rule to Securities and Exchange Commission (SEC) Rule 16b-3 which has been amended under authority of §16 of the Securities and Exchange Act of 1934, as amended. Prior to that amendment, §6.32 and SEC Rule 16b-3 were in substantial conformity. Section 6.4 of Part VI specifies that domestic insurers satisfying SEC requirements and provisions respecting insider trading (including the provisions and requirements of SEC Rule 16b-3) will be considered to comply with the provisions and requirements of Rule 059.21.48.001, if the matter regulated is the same or substantially the same, any other provision of Rule 059.21.48.001 to the contrary notwithstanding. Accordingly, this amendment merely updates §6.32 in accordance with the law as specified in §6.4.

No comments were received regarding adoption of the amendments.

The amendments are adopted under authority of Texas Insurance Code, Article 21.48, §3 and §10. Section 10 authorizes the board to make such rules and regulations as may be necessary for the execution of the functions vested in the board by Texas Insurance Code, Article 21.48, §52-9. Section 3 of Article 21.48 authorizes the board to exempt by rules and regulations, certain insider trading transactions.

.001. *Insider Trading and Proxy Solicitation.* The State Board of Insurance adopts by reference an amendment as of May 1, 1982, to the attached amendment of the permanent and general rules and regulations of the

State Board of Insurance by adoption of rules of administrative construction and interpretation, insurance company reporting and filing rules, annual statement blanks and supplements, including schedule SIS, supplemental reports, regulations affecting foreign and domestic insurance companies, rules and regulations on proxies, consents, and authorizations of domestic stock insurance companies, rules and regulations governing insurance company insider trading, and provisions for codification.

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

Issued in Austin, Texas, on April 12, 1982.

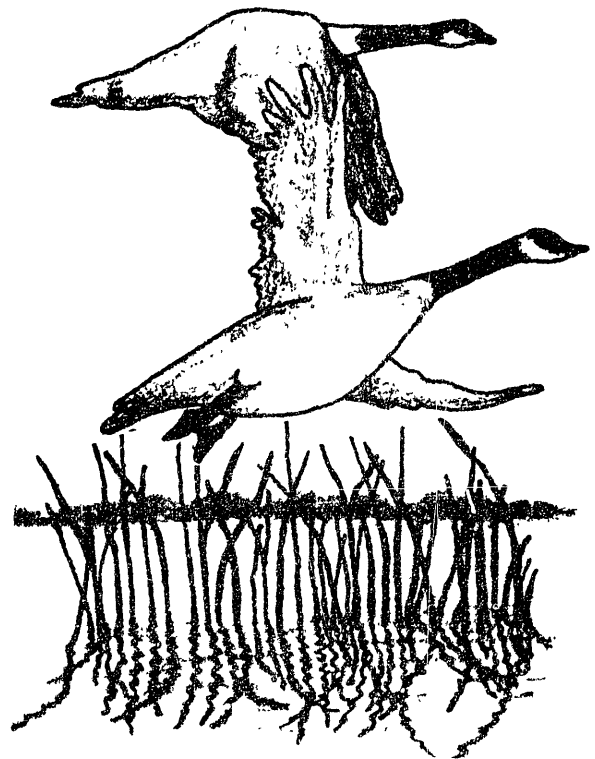
TRD-823167

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: May 3, 1982

Proposal publication date: January 1, 1982

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



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 55. Law Enforcement Operation Game Thief Fund

31 TAC §§55.111-55.114

The Operation Game Thief Committee adopts new §§55.111-55.114 concerning the operation game thief fund with changes to the proposed text publish-

ed in the March 12, 1982, issue of the *Texas Register* (7 TexReg 1028).

Subsection (b) of §55.113 as proposed was too restrictive. This subsection has been changed to make it consistent with the purpose of the Operation Game Thief Program by providing the necessary latitude for the committee to make adequate determination of all applicants requesting payment of rewards.

These sections are adopted to comply with the provisions of House Bill 1421 which was passed by the 67th Legislature. The rules provide for the establishment of a fund derived from donations by individuals and deposited in a special fund outside the state treasury for the disbursement of rewards to persons furnishing information to the department of persons committing flagrant violations of the Parks and Wildlife Code or a regulation or proclamation adopted under the authority of the Code that applies to the taking, possession, or sale of an animal, bird, reptile, or fish. These rules will provide an additional deterrent to poaching.

No comments were received regarding adoption of the new sections.

These new sections are adopted under the Texas Parks and Wildlife Code, Chapter 12, Subchapter C, which provides the Operation Game Thief Committee with the authority to adopt rules for the implementation and maintenance of the operation game thief fund.

§55.111. Definitions. The following words or terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Chairman—Chairman of the Operation Game Thief Committee.

Committee—The Operation Game Thief Committee.

Department—The Texas Parks and Wildlife Department.

Director—The executive director of the Parks and Wildlife Department.

Donation—Something of value, negotiable or convertible, and shall include but not be limited to, currency, stocks, bonds, or property, whether real or personal.

Eligible applicant—A person making application for a reward for furnishing information to the department which leads to an arrest and conviction of a flagrant violation.

Flagrant violation—Shall be as defined in Texas Parks and Wildlife Code, §12.203.

Information—Specific information of a flagrant violation furnished to the department that leads to the arrest and conviction of the violator.

Operation game thief fund—Monies collected and deposited in a special fund outside the state treasury.

§55.112. Donations and Disbursements.

(a) The director shall develop procedures for the acceptance, conversion, and deposit of all donations offered by individuals, clubs, or other organizations.

(b) Conversion of donations of real or personal property into United States currency shall be accomplished by the director or his designee.

(c) Donations received shall be deposited by the director in interest bearing accounts (operation game thief fund) insured by the Federal Deposit Insurance Corporation.

(d) Disbursements for rewards shall be approved by the committee. Disbursements for other expenditures directly related to implementation of the program shall be approved by the chairman and may include but not be limited to costs of the WATS line and promotional costs to enhance the fund. All donations may be used for these purposes unless otherwise specifically prohibited by the donor. All disbursements from accounts will be by check signed by the director. The committee will be furnished an annual report detailing all expenditures from the fund.

§55.113. Reporting Violations; Eligibility of Applicant.

(a) No person other than a person furnishing information to the department that leads to the arrest and conviction of a person for committing a flagrant violation of the Parks and Wildlife Code may be eligible for receiving a reward.

(b) No person shall be eligible for receiving a reward unless information required in subsection (a) of this section is forwarded to a designated office established by the department for the reporting of such information.

(c) The designated office defined in subsection (b) of this section shall provide:

(1) employees on duty 24 hours a day,

(2) a toll-free telephone number for use by the public for reporting flagrant violations, and

(3) assignment of a specific operation game thief report code number for persons reporting a flagrant violation.

(d) The director shall prescribe the documentation to be furnished to substantiate the information provided.

(e) Informants shall have the option of furnishing his name, address, and telephone number or requesting only a code number for anonymity which shall be used in lieu of applicant's name in all subsequent transactions with the informant.

§55.114. Rewards: Payment.

(a) The amount of reward granted to eligible applicants shall be determined on an individual basis by the committee according to the degree of flagrancy of each violation.

(b) In the event two or more eligible applicants furnish information pertaining to a specific flagrant violation, the reward may be divided among the eligible applicants in an amount determined by the committee.

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

Issued in Austin, Texas, on April 13, 1982.

TRD-823189

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: May 4, 1982

Proposal publication date: March 12, 1982

For further information, please call (512) 479-4808.

Part X. Texas Water Development Board

Chapter 337. Boat Regulations Boat Sewage Disposal

**31 TAC §§337.1-337.8, 337.10-337.16,
337.19, 337.20**

The Texas Water Development Board adopts amendments to §§337.1-8, 337.10-337.16, 337.19, and 337.20 concerning boat sewage disposal without changes to the proposed text published in the February 2, 1982, issue of the *Texas Register* (7 TexReg 420).

The amendments bring the rules into conformity with §312(f) of the Clean Water Act, to simplify procedures for certification of marine sanitation devices, and to provide for annual recertification of boat sewage pump-out facilities. The rules prohibit discharge of boat sewage into 24 designated lakes in the state and set forth guidelines for the certification of boat sewage disposal devices. The rules also establish criteria and certification procedures for boat sewage pump-out facilities.

No comments were received regarding adoption of the amendments.

The rules are adopted under the authority of Texas Water Code, §26.044, which requires that the board issue rules concerning the disposal of sewage from boats located or operated on inland fresh waters in this state.

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

Issued in Austin, Texas, on April 13, 1982.

TRD-823176 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: May 4, 1982
Proposal publication date: February 2, 1982
For further information, please call (512) 475-7851.

31 TAC §§337.17-337.18

The Texas Water Development Board adopts the repeal of §§337.17-337.18 concerning boat sewage disposal without changes to the proposed notice of repeal published in the February 2, 1982, issue of the *Texas Register* (7 TexReg 420).

The repeals are intended to simplify the rules by eliminating unnecessary language. The repealed rules merely restated the policies contained in Texas Water Code, §26.014, and Texas Parks and Wildlife Code, §31.129.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the authority of Texas Water Code, §26.044, which authorizes the Texas Water Development Board to issue rules concerning the disposal of boat sewage.

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

Issued in Austin, Texas, on April 13, 1982.

TRD-823177 M. Reginald Arnold II
General Counsel
Texas Department of Water
Resources

Effective date: May 4, 1982
Proposal publication date: February 2, 1982
For further information, please call (512) 475-7851.



Agencies with statewide jurisdiction must give a 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*.

Open Meetings

Texas Alcoholic Beverage Commission

Monday, April 26, 1982, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in the Jefferson Building, Suite 210, 1600 West 38th, Austin. Items on the agenda include: approval of minutes for the March 1982 meeting; administrator's and staff's report of agency activity; and approval of an affidavit of destruction of tested alcoholic beverages.

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

Filed: April 13, 1982, 2:01 p.m.
TRD-823182

State Bar of Texas

Wednesday, April 21, 1982, 2 p.m. The Executive-Budget Committee of the State Bar of Texas will meet in the Galvez Hotel, 21st and Seawall, Galveston. According to the agenda summary the committee will hear reports from the president concerning general reports, FTC matter, referendum items, the membership pattern jury charges committee, law media conference; from the president-elect concerning organization of the bar and committee appointments; from the board chairman; from the executive director concerning a proposed new

employee classification system; from the general counsel concerning grievance matters and additional space; and from the PDP director. The committee will also discuss purchasing rules and procedures, budgetary matters, report of 1982 convention, and recognition of lawyers. The committee also made emergency additions to the agenda which includes a request by Judge Tom Davis, Judicial Section, for assistance with legislative contacts during the next session and a report on the status of litigation in suit against the Internal Revenue Service by Robert Edwin Davis. The emergency revisions were necessary because these items were not brought to the attention of the executive director to place on the agenda until after the original meeting notice was filed.

Contact: Evelyn Avent, 1414 Colorado, Austin, (512) 475-4746.

Filed: April 13, 1982, 2:56 p.m.
TRD-823184, 823216

Thursday and Friday, April 22-23, 1982, 9 a.m. daily. The Board of Directors of the State Bar of Texas will meet in the Galvez Hotel, 21st and Seawall, Galveston. According to the summarized agenda, the board will consider reports from the presi-

dent concerning FTC matter, ratification of actions taken by the executive committee, referendum items, appointments; from the president-elect concerning approval of trustees for the Texas Bar Foundation, committee appointments, consideration of resolution opposing congressional limitations on federal court jurisdiction; from the executive director concerning a change in royalty to sections and TYLA, purchasing rules and procedures, new classification system for employees; from the general counsel; from the director of professional development; from the board committees; and from the Public Affairs, Search, Standing, and Special Committees. The board will also consider private law involvement in legal services to the indigent, budgetary matters, and the 1982 convention.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, (512) 475-4746.

Filed: April 14, 1982, 3:43 p.m.
TRD-823208

Texas Department of Corrections

Friday, April 16, 1982, 3 p.m. The Board of Directors of the Texas Department of Corrections held an emergency meeting in Room 220, State Capitol, to consider a partial settlement agreement in the Ruiz litigation.

Texas Register

tion. The emergency meeting was necessary because of pressing litigation matters.

Contact: W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (713) 295-6371.

Filed: April 15, 1982, 9:21 a.m.
TRD-823212

Interagency Council on Early Childhood Intervention

Thursday, April 22, 1982, 9:30 a.m. The Interagency Council on Early Childhood Intervention will meet in Room T-604, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary include: comments regarding grant applications from the Panhandle Co-op; Texas Society of Autistic Citizens; Adult-Child Training Center, Dallas; Association for Retarded Citizens, Dallas; Dallas East Center for the Developmentally Disabled; Dallas Services for Visually Impaired; Richardson Development Center; Special Care School, Farmers Branch; United Cerebral Palsy Association, Dallas; Association for Retarded Citizens, Dallas; and Brighton School, San Antonio.

Contact: James P. Rambin, 1100 West 49th Street, Austin, Texas, (512) 458-7241.

Filed: April 13, 1982, 4:12 p.m.
TRD-823190

State Department of Highways and Public Transportation

Thursday and Friday, April 22 and 23, 1982, 9 a.m. daily. The State Highway and Public Transportation Commission will meet in the Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. The commission will meet in the first floor auditorium, Room 101, on April 22 to hear presentations for various highway, bridge, and farm-to-market road requests by Anderson Company, Jefferson Company, Panola Company, Dallas Company, Gregg Company, and Collin Company. A docket is available in the second floor commission office in the Dewitt C. Greer State Highway Building. Upon completion of the presentation, the commission will meet in Room 207 to discuss the execution of contract awards; routine minute orders; decisions on presentations from public hearing dockets; review staff reports relative to planning and construction programs and projects. The agenda is available in the second floor of-

fice of the minute clerk in the Dewitt C. Greer State Highway Building.

Contact: Office of the Engineer-Director, 11th and Brazos Streets, Room 203, Austin, Texas, (512) 475-3525.

Filed: April 14, 1982, 10:05 a.m.
TRD-823200

State Board of Insurance

Thursday, April 22, 1982, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider alleged violations of the Texas Insurance Code by Erath County Abstract and Title Company, Stephenville.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: April 3, 1982, 10:05 a.m.
TRD-823175

Tuesday, May 4, 1982, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, to consider reports from the commissioner and fire marshal. The board will also meet in executive session.

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

Filed: April 14, 1982, 9:57 a.m.
TRD-823194

Tuesday, May 11, 1982, 2 p.m. The State Board of Insurance will conduct a meeting in Room 414, 1110 San Jacinto Street, Austin, to consider reports from the commissioner and fire marshal. The board will also meet in executive session.

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

Filed: April 14, 1982, 9:57 a.m.
TRD-823195

Tuesday, May 18, 1982, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, to consider reports from the commissioner and fire marshal. The board will also meet in executive session.

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

Filed: April 14, 1982, 9:57 a.m.
TRD-823196

Tuesday, May 25, 1982, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, to consider reports from the commissioner and fire marshal. The board will also meet in executive session.

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

Filed: April 14, 1982, 9:57 a.m.
TRD-823197

Texas Department of Mental Health and Mental Retardation

Thursday, April 22, 1982, 10 a.m. and 1:30 p.m. The Texas Board of Mental Health and Mental Retardation and Business Committee will meet at 909 West 45th Street, Austin. Items on the agenda include: announcements, status reports on board policy manual; citizen comments; review of bidder's conference, re: consultants on management information systems; selection of architects and engineers for JCAH life safety code humanization at state hospitals for renovations at Austin State Hospital, Big Spring State Hospital, Kerrville State Hospital, San Antonio State Hospital, Terrell State Hospital, Vernon Center, Wichita Falls State Hospital, and Rusk State Hospital; transfer of funds (fiscal year 1982); quarterly budget additions and revisions (fiscal year 1982); transfer of funds (fiscal year 1983); allocation of state grant-in-aid to boards of trustees operating community MHMR centers as transferred from the Mental Health Nonresidential Program to continue certain mental health outreach services (fiscal year 1983); status of budget request for fiscal year 1984-1985 biennium; and consideration of modification of board budget guidelines.

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

Filed: April 14, 1982, 4:36 p.m.
TRD-823210-823211

Texas Merit System Council

Thursday, April 22, 1982, 9 a.m. and 3 p.m. The Texas Merit System Council will meet in Room 507, Brown Building, 8th and Colorado, Austin. Items on the agenda include: appeal hearing; discussion of setting up meetings with the boards of the Merit System Council agencies; update on putting

the MSC reorganizational plan into effect and other Texas Merit System Council activities; presentation of modified and new personnel procedures for council adoption; and adoption of amendments to employees' committee bylaws. The council will also meet in executive session.

Contact: F. Kemp Dixon, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: April 14, 1982, 8:56 a.m.
TRD-823198, 823209

Friday, April 23, 1982, 9 a.m. The Texas Merit System Council will meet in Room 507, Brown Building, 8th and Colorado, Austin, to conduct an appeal hearing.

Contact: F. Kemp Dixon, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: April 14, 1982, 8:56 a.m.
TRD-823199

Texas Municipal Retirement System

Monday, May 17, 1982, 10 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet in the library at 1206 IH 35 North, Austin, to receive and consider actuarial audit report.

Contact: Jimmie L. Mormon, 1206 IH 35 North, Austin, Texas, (512) 476-7577.

Filed: April 13, 1982, 2:01 p.m.
TRD-823183

Texas Parks and Wildlife Department

Tuesday, May 4, 1982, 2 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will hold a hearing in Room A-200, 4200 Smith School Road, Austin, for an application by Padre Isles Property Owners Association, P.O. Box 8649, Corpus Christi, Texas 78412, (512) 933-8597, (agent: Urban Engineering, P.O. Box 6355, Corpus Christi, Texas 78411, (512) 854-3101), for a marl permit to remove approximately 100,000 cubic yards of marl (total) from Laguna Madre by means of hydraulic dredge for the purpose of maintenance dredging two existing channels (total 4,000 feet by 100 feet to a depth of eight feet). The dredged material would be placed on adjacent private property. The project area is located at the Padre Isles Subdivision, ad-

jacent to the J. F. Kennedy Causeway, Corpus Christi, Nueces County. (Corps of Engineers application Permit 15963.)

Contact: Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4864, ext. 2310.

Filed: April 15, 1982, 9:07 a.m.
TRD-823213

Public Utility Commission of Texas

Monday, April 26, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4342—petition of Union Carbide Corporation against Houston Lighting and Power Company.

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

Filed: April 14, 1982, 2:50 p.m.
TRD-823203

Tuesday, April 27, 1982, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4389—petition of Willow Springs Supply Corp. to settle certified service area dispute with Kempner Water Supply Corp.

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

Filed: April 14, 1982, 3:48 p.m.
TRD-823204

Monday, May 3, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4409—application of People's Water Supply, Inc. for a water rate increase within Brown County.

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

Filed: April 14, 1982, 3:45 p.m.
TRD-823205

Friday, May 7, 1982, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4386—application of Pinehurst-Decker's

Prairie Water Supply Corp. for a CCN (water) within Montgomery County.

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

Filed: April 14, 1982, 3:45 p.m.
TRD-823206

Tuesday, June 1, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4400—application of Central Power and Light Company for a systemwide rate increase.

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

Filed: April 13, 1982, 3:43 p.m.
TRD-823188

Thursday, July 1, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4403—application of China Spring Water Company for a rate increase within McLennan County.

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

Filed: April 14, 1982, 3:46 p.m.
TRD-823207

State Purchasing and General Services Commission

Thursday, April 15, 1982, 1:30 p.m. The State Purchasing and General Services Commission made an emergency revision to the agenda of a meeting held in Room 916, LBJ Building, 111 East 17th Street, Austin. The commission met in executive session to review for commission action on the purchase of a parcel of land in the capitol complex. The emergency addition was necessary because of the urgent need to have the consideration and approval of the commissioners to proceed with the acquisition of the specific property.

Contact: Homer Foerster, P.O. Box 13047, Austin, Texas 78711.

Filed: April 13, 1982, 4:19 p.m.
TRD-823191

State Securities Board

Monday, April 26, 1982, 10 a.m. The State Securities Board will hold a hearing at 1800 San Jacinto Street, Austin, for the purpose of determining whether the application of Roger Curtis Owen for registration as a securities salesman should be granted or denied.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas, (512) 474-2233.

Filed: April 13, 1982, 1:58 p.m.
TRD-823181

Texas Tech University

Saturday, April 24, 1982, 8 a.m. The Finance Committees of the Texas Tech University Board of Regents and Texas Tech University Health Sciences Center Board of Regents will meet in the academic council room, Administration Building, main campus, Lubbock, in executive session. The committees will also consider the appropriations process in the State of Texas and Texas Tech University and Texas Tech University Health Science Center; major repair and rehabilitation projects to be recommended for Texas Tech University and Texas Tech Health Sciences Center; and special items to be recommended for Texas Tech University and Texas Tech University Health Science Center.

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

Filed: April 15, 1982, 9:05 a.m.
TRD-823214-823215

Texas Water Commission

Tuesday, May 4, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will conduct a public hearing regarding whether a temporary order should be issued to E. I. du Pont de Nemours and Company, Inc., concerning recompletion of its waste disposal well Number 8 which is located in Orange County. The disposal well is operated pursuant to Permit WDW-132.

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

Filed: April 13, 1982, 2:58 p.m.
TRD-823187

Wednesday, May 5, 1982, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the notice, the commission will conduct an informal meeting with representatives of the City of Houston to discuss the general wastewater situation of the city and future plans to accommodate the city's growth.

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

Filed: April 14, 1982, 3 p.m.
TRD-823202

Tuesday, April 27, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will conduct a meeting concerning application by Carriage Estates, Inc., for proposed water quality Permit 12483-01 to authorize discharge of treated domestic sewage effluent at a volume not to exceed an average of 10,000 gallons per day, Angelina County.

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

Filed: April 13, 1982, 2:57 p.m.
TRD-823185

Tuesday, April 27, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will conduct a public hearing concerning whether Temporary Order 81-10E should be extended. The temporary order is issued to Hughes Sand Pits, Inc., and authorizes the discharge of approximately 25,000,000 gallons of contaminated storm water from the company's Class IV landfill operation, San Jacinto-Brazos Coastal Basin, Harris County.

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

Filed: April 13, 1982, 2:57 p.m.
TRD-823186

Regional Agencies

Meetings Filed April 13

The Central Counties Center for Mental Health Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on April 22, 1982, at 7:45 p.m. Information may be obtained from

Dr. Stephen B. Schnee, P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knickerbocker Road, San Angelo, on April 14, 1982, at 7 p.m. Information may be obtained from Robert R. Weaver, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666.

The Houston-Galveston Area Council, will meet at 3701 West Alabama, Houston, on April 20, 1982, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 335.

The Houston-Galveston Area Health Systems Agency, Area Health Commission, will meet at 3701 West Alabama, Houston on April 19, 1982, at 10 a.m. Information may be obtained from Jack Gazelle, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 301.

TRD-823178

Meetings Filed April 14

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on April 22, 1982, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720.

The Deep East Texas Council of Governments, Rural Development, will meet at City Hall, Center, Shelby County, on April 22, 1982, at 10 a.m. Information may be obtained from Floyd Herbert, P.O. Drawer 1170, Jasper, Texas 75951, (713) 384-5704.

The Deep East Texas Council of Governments, Board of Directors, will meet in Fannie Brown Booth Memorial Library, Center, Shelby County, on April 22, 1982, at 1:30 p.m. Information may be obtained from Billy D. Langford, P.O. Box 1170, Jasper, Texas 75951, (713) 384-5704.

The Education Service Center Region 10, Board of Directors, will meet in the Region 10 Board Room, 400 East Spring Valley, Richardson, on April 21, 1982, at 12:30 p.m. Information may be obtained from H. W. Goodgion, 400 East Spring Valley, Richardson Texas, (214) 231-6301.

The Interim Regional Transportation Authority, Board, will meet in Room 4ES, Dallas City Hall, Dallas, on April 15, 1982, at 7:30 a.m. Information may be obtained

from Cinde Weatherby, Suite 201, Love Field Terminal, Lock Box 12, Dallas, Texas 75235, (817) 640-3300, ext. 173.

The North Texas Municipal Water District, Board of Directors, will meet in the Administration Building, Brown Street at Highway 78, Wylie, on April 22, 1982, at 4 p.m. Information may be obtained from Carl W. Riehn, Wylie, Texas, (214) 442-5405.

The Panhandle Regional Planning Commission, Board of Directors, will meet in the first floor conference room, Gibraltar Building, 8th and Jackson, Amarillo, on April 22, 1982, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Trinity River Authority of Texas, Utility Services Committee, will meet in the ex-

ecutive conference room, Trinity River Authority's general office, 5300 South Collins, Arlington, on April 21, 1982, at 9 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Trinity River Authority of Texas, Legal Committee, will meet in the executive conference room, Trinity River Authority's general office, 5300 South Collins, Arlington, on April 22, 1982, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-823201

Meetings Filed April 15

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on April 22, 1982, at 12:45 p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513.

The Dallas County Appraisal District, Board of Directors, will meet in the board room at 2601 Live Oak, Dallas, on April 21, 1982, at 7:30 a.m. Information may be obtained from Jerry Yeatts, 2601 Live Oak, Dallas, Texas, (214) 826-0030.

The Heart of Texas Council of Governments, Executive Committee, will meet in the conference room, 320 Franklin Avenue, Waco, on April 22, 1982, at 12:30 p.m. Information may be obtained from Mary A. McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Sabine Valley Regional Mental Health Mental Retardation Center, Board of Trustees, will meet in the administrative offices, Highway 80 at Sun Camp Road, Longview, on April 22, 1982, at 7:30 p.m. Information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

TRD-823217

APR 22 1982 (FRI) 12:00 PM FAXED 1500

In Addition

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

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

Texas Department of Agriculture Correction of Error

An adoption submitted by the Texas Department of Agriculture contained several errors as published in the March 12, 1982, issue of the *Texas Register*. Listed as follows are the page numbers and errors.

At 7 TexReg 1041, the last sentence of the first paragraph in the left column should read "Spelling corrections have been made to 'relates' in §1.14(c)(1) and 'has' in §1.14(c)(4), also to 'refuses' in §1.25(1)(M)."

Also at 7 TexReg 1041, in the right column, third paragraph, the sentence relating to subsection (b) should read "Subsection (b) was amended to detail the form and content of all comments submitted to the department in relation to a proposed departmental rule."

At 7 TexReg 1044, in the left column, the second sentence of the seventh paragraph should read "The section provides the charges required for the reproduction of departmental records."

At 7 TexReg 1047, the next-to-last sentence of §1.14(b)(1) should read "Notice of protest being timely filed, the application shall be administered as a contested case as provided for in the Act and Chapter 1 of this title (relating to General Practice and Procedure)."

State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Monday, April 26, 1982, at 9 a.m. at

2601 North Lamar, Austin, on the charter application for the Odessa Industrial Bank, to be located in Odessa, Ector County.

Additional information may be obtained from O. A. Cassity III, assistant general counsel, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on April 13, 1982.

TRD-823173

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

Filed: April 13, 1982, 9:36 a.m.

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

Comptroller of Public Accounts Public Comment 34 TAC §3.297

Although the time allowed for comments on 34 TAC §3.297 (relating to Carriers) has elapsed, it appears that a written comment sent to the comptroller's department was apparently lost in the mail. If the letter had not been lost, the comments would have been published in the *Texas Register* when the rule was adopted. For this reason, the comptroller has requested that the comments be accepted as though received timely and that the comments, with the comptroller's response, be published.

Additionally, a comment received from another business was received late. However, since both comments were similar, both comments will be combined and the business acknowledged herein.

Comments against the rule's adoption were submitted by Lone Star Gas Company, Division of Enserch Corporation, and El Paso Natural Gas Company. Comments against the rule were that the proposed rule would attempt to limit the statutory exemption to those licensed and certificated carriers which are common or contract carriers. Such limitation would discriminate against those carriers which are not common or contract carriers. Such a limitation would go beyond Texas Taxation General, Article 20.40(G)(3)(a), and would and is therefore, in direct conflict with the tax statute.

The comptroller's department disagrees with the comments in that it has been the long standing position of the comptroller's department that private carriers are not "licensed and certificated" carriers as that term is used in Texas Taxation General, Article 20.04 (now Texas Tax Code Annotated, Chapter 151, subchapter H.)

The Texas Railroad Commission regulates the pipelines operated by commentators as an extension of their businesses as gas utilities. The Texas Railroad Commission does not permit these companies as private carriers, for the commission does not regulate private carriers per se.

The comptroller's office believes a Texas Railroad Commission permit of a gas utility pipeline is much in the same nature of an airworthiness or inspection certificate required of every aircraft. Such a permit does not make the recipient a "licensed and certificated carrier."

Issued in Austin, Texas, on April 14, 1982.

TRD-823193 Bob Bullock
Comptroller of Public Accounts

Filed: April 14, 1982, 9:35 a.m.
For further information, please call (512) 475-7000.

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; and 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 15023, Austin, Texas 78761, 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.

Colonial Care Center, Inc., Lubbock
AN82-0409-015

NIEH—Request for a declaratory ruling that a certificate of need is not required for Colonial Care Center, Inc. to acquire a 100% leasehold interest of Colonial Care Nursing Home of Lubbock by means of an assignment of lease agreement.

Edward P. Burns, Jr., Lubbock
AN82-0402-022

NIEH—Request for a declaratory ruling that a certificate of need is not required for Edward P. Burns, Jr. to lease the Colonial Nursing Home of Lubbock, an existing 134-bed nursing facility, from Stonebrook Properties, Inc.

Texas College of Osteopathic Medicine, Fort Worth
AO82-0412-018

DR—Request for a declaratory ruling that a certificate of need is not required for the Texas College of Osteopathic Medicine to set up a teaching office for the education of medical students. Services to be delivered from the teaching office would be consultations and minor surgical procedures involving post-operative care.

Children's Medical Center of Dallas, Dallas
AH78-1222-010A (040982)

CN/AMD—Request to extend the completion deadline and to increase the project cost from \$14,000,000 to \$18,161,029 in Certificate of Need AH78-1222-010 which authorized an expansion program which includes: addition of 41 inpatient pediatric beds; the expansion of the ambulatory care building; the addition of a building to accommodate additional storage space; the relocation of the day surgery facilities; expansion of major support departments; and construction of a three story parking garage.

Timberlawn Psychiatric Hospital, Dallas
AH80-0620-016A (041282)

CN/AMD—Request to extend the completion deadline by amendment of Certificate of Need AH80-0620-016 which authorized Timberlawn Psychiatric Hospital to conduct a construction and renovation project to increase the licensed psychiatric beds from 168 to 206; a new two-story

building containing 34,740 gross square feet to house four 15-bed sub-units for long-term adult psychiatric care; with 4,200 square feet being remodeled to close 22 existing beds and to convert the area to administrative and office space.

Issued in Austin, Texas, on April 14, 1982.

TRD-823192

Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities
Commission

Filed: April 14, 1982, 9:20 a.m.
For further information, please call (512) 475-8940.

Texas Department of Labor and Standards Correction of Error

A proposal submitted by the Texas Department of Labor and Standards contained two errors as published in the April 13, 1982, issue of the *Texas Register* (7 TexReg 1508). The last sentence of §65.45(a) should be enclosed in brackets to indicate that the material is to be deleted. In the same sentence the word "Housed" should be lowercased.

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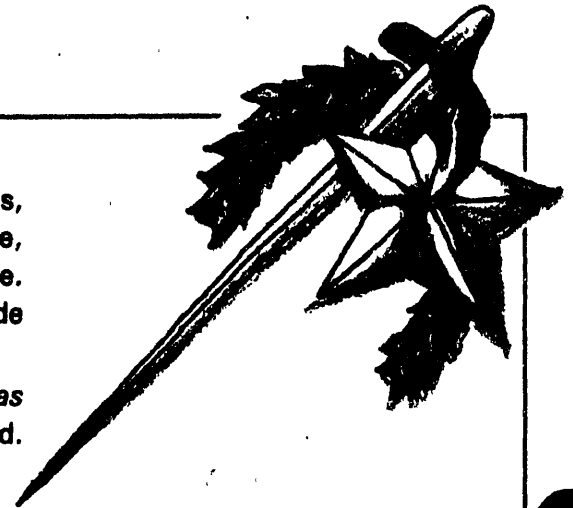
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