

# Texas Register

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## Highlights

- ★ The Railroad Commission of Texas proposes amendments concerning rates, fares, and charges for motor bus companies; proposed date of adoption December 10 ..... page 3949
- ★ The Texas Department of Human Resources proposes amendments and a new rule concerning protective services for adults in its community care for aged and disabled rules; proposed date of adoption - December 10 ..... page 3952
- ★ Also published in this issue is a schedule variation for the *Texas Register* for the remainder of November ..... page 3968

# How To Use the Texas Register

## ***Texas Register***

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notice 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* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code* (explained below), rule number, or TRD number.

## ***Texas Administrative Code***

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

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

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

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

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 8, February 1982

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# Proposed Rules

Thirty days before an agency intends to permanently adopt a new or amended rule, or repeal an existing rule, it must submit a proposal detailing the action in the *Register*. 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.

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, 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 legal authority under which the proposed rule is to be adopted (and the agency's interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division Subchapter M. Motor Bus Companies

##### 16 TAC §5.230

The Railroad Commission of Texas proposes amendments to §5.230, concerning the establishment, change, or discontinuance of bus schedules. Existing provisions are retained, except when inconsistent with the Bus Regulatory Reform Act of 1982. The amendments also contain provisions for establishing initial schedules when a motor bus company is created by a grant of new authority or of the transfer of authority from another carrier. Other provisions are also contained.

Rory K. McGinty, transportation division assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

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

the public benefit anticipated as a result of enforcing the rule as proposed will be compliance with the Bus Regulatory Reform Act of 1982. 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 Walter Wendlandt, Acting Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 19267, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 911a, §4, which provides the Railroad Commission of Texas with the authority to adopt rules to regulate motor bus companies.

##### **§5.230. Establishment, Change, or Discontinuance of Bus Schedules [or Charges].**

(a) Establishment of bus service schedules on wholly intrastate routes. Except as provided in subsection (c) of this section, the schedule(s) of service filed with the application for the certificate under which the service is authorized shall be the motor bus company's authorized schedule(s) upon issuance of the certificate unless the commission's order granting the certificate provides otherwise. Likewise, the schedule(s) of service filed with an application to sell and transfer a certificate shall be the transferree's authorized schedules upon reissuance

of the certificate to the transferee, unless the commission's order authorizing the sell and transfer provides otherwise. If no schedules of service were filed with the application pursuant to which the motor bus company acquired the certificate, the company must file an application to establish authorized schedules.

(b) Change or discontinuance of schedules generally.

(1) Unauthorized change or discontinuance prohibited. Except as provided in subsection (c) of this section, motor bus companies are prohibited from changing or discontinuing any authorized schedule of bus service until:

(A) the motor bus company has filed an application for authority to change or discontinue its authorized schedule(s) of motor bus service in accordance with paragraph (2) of this subsection, and

(B) the proposed change or discontinuance has been approved by order of the commission.

(2) Change or discontinuance procedure.

(A) Form of application. Applications for authority to change or discontinue schedules of motor bus service must be filed with the commission on forms prescribed by the director.

(B) Contents of application. Each application for authority to change or discontinue schedules of motor bus service shall be accompanied by a verified statement showing:

(i) the reason for which authority to change or discontinue schedules is sought,

(ii) whether interim relief is sought and on what grounds such relief is sought, and

(iii) any point(s) at which the proposed change or discontinuance would reduce the motor bus company's level of service to less than one trip per day (excluding Saturdays and Sundays).

(c) Change or discontinuance of schedules pursuant to 49 United States Code §§10935(h) and 11501(e)(5).

(1) Authorization not required. Authorization shall not be required to:

(A) discontinue a schedule of intrastate motor bus service corresponding to a schedule of interstate service authorized under 49 United States Code §10922(c)(4), or

(B) change a schedule of intrastate motor bus service on an authorized interstate route.

(2) Notice requirements. A motor bus company shall, at least 30 days prior to the effective date of any change or discontinuance of a schedule of intrastate motor bus service pursuant to 49 United States Code §10935(h), and of any change in a schedule of intrastate motor bus service on an authorized interstate route, file with the commission:

(A) a copy of the proposed change or discontinuance,

(B) certification that a copy of the proposed change or discontinuance was served, at the same time and in the same manner as notice was served on the commission, on the appropriate officer or officers or owners of connecting motor bus companies and of competing motor bus companies, and of all mayors and county

judges of jurisdictions effected by the proposed change or discontinuance, and

(C) a verified statement of facts showing that the corresponding interstate service was initiated pursuant to the provisions of 49 United States Code §10922(c)(4). [Motor bus companies shall not discontinue the service called for under the certificate, or change the schedule of operation of fares relating thereto until the approval of the commission shall have been received. As to the change or discontinuance of schedules of motor bus companies, the request therefor must be filed with the commission as outlined in the instructions on the application for proposed schedule changes in the form prescribed by the director. Applicant shall certify in the application for proposed schedule changes that it has served a copy of the proposed changes on the appropriate officer or officers or owners of connecting lines, and of competing lines, stating how such service was effected and the date of such service. Hearing on the application may, at the discretion of the commission, be waived, provided no protest has been filed within 10 days after receipt of the application by the commission.]

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 25, 1982.

TRD-828298

Walter Earl Lillie  
Special Counsel  
Railroad Commission of Texas

Proposed date of adoption: December 10, 1982  
For further information, please call (512) 445-1186.

## 16 TAC §5.236

The Railroad Commission of Texas proposes amendments to §5.236, concerning rates, fares, and charges for motor bus companies. Existing provisions are returned, except when inconsistent with the Bus Regulatory Reform Act of 1982. Specifically, provision is made for the establishment of lawful rates pursuant to 49 United States Code, §11501(e), and for rate decreases made effective by filing on 10 days' notice. Other provisions are also made.

Rory K. McGinty, transportation division assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. McGinty has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be compliance with the Bus Regulatory Reform Act of 1982. 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 Walter Wendlandt, Acting Director, Transportation

Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 911a, §4, which provides the Railroad Commission of Texas with the authority to adopt rules to regulate motor bus companies.

**§5.236. Rates, Fares, and Charges for Motor Bus Companies [Tariff Approved by the Commission].**

(a) **Tariff of rates, fares, and charges required.** Each motor bus company shall have on file a tariff containing all lawful rates, fares, and charges applicable via such motor bus company. The tariff shall be made available to any member of the public on request.

(b) **Assessment of unauthorized rates, fares, and charges prohibited.** Motor bus companies are prohibited from charging, collecting, demanding, or receiving any rate, fare, charge, or other compensation other than the lawful rates and charges prescribed by order of the commission or otherwise made lawful under 49 United States Code, §11501(e) and on file with the commission.

(c) **Changes in rates, fares, and charges.**

(1) **Rate increases.** Requests for rate increases shall be filed with the commission on forms prescribed by the director. Each request shall include a verified statement of facts in support of the application, together with a copy of all exhibits to be presented at hearing.

(2) **Rate decreases.** Notice that a motor bus company proposes to reduce a rate, fare, or charge must be filed with the commission at least 10 days prior to the effective date of such reduction, unless special permission to file a reduction on less than 10 days' notice has been received from the commission.

(d) **Application of section.** The provisions of this section apply to the intrastate transportation of passengers in regular route, charter, or special party service. The provisions of this section do not apply to the transportation of property, other than passengers' baggage, by a motor bus company which is also certificated as a limited common carrier.

(e) **Conflicting provisions.** The provisions of this section shall govern, notwithstanding any conflicting provisions in §5.304 of this title (relating to Rates, Charges, and Fares) or any other conflicting provisions in the commission's regulations. [All certificated motor bus companies performing transportation service (charter or otherwise) shall have on file with the commission a tariff approved by the commission or, with the commission's approval, the carrier may adopt an existing tariff that has been approved by the commission.]

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 25, 1982.

TRD-828299      Walter Earl Lillie  
Special Counsel  
Railroad Commission of Texas

Proposed date of adoption: December 10, 1982  
For further information, please call (512) 445-1186.

## TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts

### Chapter 3. Tax Administration Subchapter Q. Business Tax Division— Franchise Tax

#### 34 TAC §3.394

The Comptroller of Public Accounts proposes amendments to §3.394 relating to cash security deposits. The proposed amendments change a statutory reference in this section to coincide with the comprehensive recodification of the franchise tax statutes as enacted in the Texas Tax Code, Title 2, and reword the section for clarity. No substantive change is made.

Mr. Bill Allaway, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Allaway has also determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed; there is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules and regulations relating to the enforcement and administration of the tax code.

#### §3.394. Cash Security Deposits.

(a) **Each** [Effective September 1, 1975, each] foreign corporation doing business in Texas is required to [have on] deposit **\$500 in cash** with the comptroller of Public Accounts [, a \$500 cash security] to insure the filing of all franchise tax reports and payment of all franchise tax, penalties and interest that may be due by the corporation.

(b) [However,] A corporation is exempt from this security requirement if it has been in good standing in respect to the payment of the franchise tax for three consecutive reporting years, and the exemption will remain in effect as long as the good standing status is maintained. **After June 15 of each year, the comptroller will automatically refund the \$500 security deposit to those corporations which have been in good standing for the three previous reporting years. It is not necessary for a corporation to apply for the refund.**

(c) If a [an exempt] corporation **exempt from this security requirement** [thereafter] becomes delinquent in reporting or paying the franchise tax, a demand for a [the] **\$500 cash security deposit** will be made on the corporation.

(d) Corporations that are exempt under the Texas Tax Code, §§171.051-171.083 (formerly Texas Taxation-General, Article 12.03) from payment of any franchise tax are also exempt from this [the] security requirement [deposit], as long as [such] exempt status continues in effect.

[(b) After June 15 of each year, the comptroller will refund the \$500 security deposit to those corporations which have been in good standing for the three previous reporting years. The refund will be automatic and it is not necessary for the corporations concerned to apply for or otherwise inquire in regard to the refund.]

(e)[(c)] Except as indicated in subsection (b) of this section, a foreign corporation must request in writing the refund of its \$500 cash security deposit, stating in detail the reasons [for which] it believes that it is due refund of the deposit. The comptroller may require additional information or documentation in support of the request for refund. The request must be made on the corporation's letterhead stationery and be signed by an officer of the corporation.

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 3, 1982.

TRD-828359      Bob Bullock  
Comptroller of Public Accounts

Proposed date of adoption: December 10, 1982  
For further information, please call (512) 475-1933.

### 34 TAC §3.402

*(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, LBJ Building, 17th and Congress Avenue, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)*

The Comptroller of Public Accounts proposes the repeal of §3.402, concerning limitations on collections and refunds. This section is being repealed in order that a substantially revised rule dealing with the same subject matter may be adopted simultaneously. This action is necessitated by changes in the franchise tax law passed by the 1981 legislature.

Bill Allaway, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Allaway has also determined that for each year of the first five years the rule as proposed is in effect there will be no public benefit anticipated as a result of enforcing the rule as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules and regulations relating to the enforcement and administration of the tax code.

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 3, 1982.

TRD-828357      Bob Bullock  
Comptroller of Public Accounts

Proposed date of adoption: December 10, 1982  
For further information, please call (512) 475-1933.

The Comptroller of Public Accounts is proposing a new §3.402 to replace §3.402 that is being repealed simultaneously. The purpose of the new section is to reflect changes in the law enacted during the 1981 legislative session. The new section notifies taxpayers of the change in the statute of limitations from seven to four years. It sets out the conditions under which interest will be paid on amounts found to have been erroneously paid to the comptroller and the proper procedure for making protest payments.

Bill Allaway, revenue estimating director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications to state government as a result of enforcing or administering the rule. The estimated loss in revenue due to interest on refunds will be \$176,000 in 1982, \$977,700 in 1983, \$1,598,500 in 1984, \$2,113,000 in 1985, and \$2,389,800 in 1986. There will be no effect on local government.

Mr. Allaway has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the monetary benefits received by the public due to the interest paid and clarification of the procedure required to apply for a refund. This will aid the public in complying with the rule. The estimated increase in revenue to the public due to interest on refunds is \$176,000 in 1982, \$977,700 in 1983, \$1,598,500 in 1984, \$2,113,000 in 1985, and \$2,389,800 in 1986. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Carolyn Busch, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce

rules and regulations relating to the enforcement and administration of the tax code.

**§3.402. Limitations on Collections and Refunds.**

(a) Four-year limitation period. The statute of limitations for assessment of delinquent franchise taxes is four years from the date the tax is due and payable. Franchise tax assessments are issued in the form of deficiency determinations, statements of account or delinquent notices.

(b) Calculation of period. For purposes of limitations, the date that franchise tax is due and payable is the day after the date on which the tax payment is due under the Texas Tax Code.

(c) Exceptions to four-year limitation. The comptroller may assess taxes at any time, without regard to the limitation period, in the case of:

(1) a false or fraudulent report with intent to evade the tax;

(2) failure to file a report; or

(3) gross error in a report which would increase the amount of tax due by 25% or more.

(d) Agreement to extend limitation period. The comptroller may issue an assessment after expiration of the limitation period if, prior to the expiration, the comptroller and the taxpayer have consented in writing to extend the period during which an assessment may be made. No single extension agreement may be for a period of more than 24 months from the expiration date of the period being extended.

(e) Refund request. Any corporation or its attorney, assignee, or receiver may request from the comptroller a refund of any franchise tax which the corporation has remitted to the state but which was not due.

(1) A refund request must be made within:

(A) four years from the day the tax was due and payable;

(B) six months after any determination becomes final; or

(C) six months after any determination would have become final had payment not been made before the due date.

(2) Failure to file a claim within the limitation prescribed by this section constitutes a waiver of any demand against the state on account of the overpayment.

(f) Interest. Interest will be paid at the rate of 10% per annum on an amount found to have been erroneously paid to the comptroller for tax periods beginning on or after January 1, 1982.

(1) Interest begins to accrue either 60 days after the date of payment or 60 days after the due date of the tax report, whichever is later.

(2) Interest stops on the date a notice of overpayment is mailed to the person entitled to the refund, or, if an overpayment notice is not mailed, on a date within 10 days prior to the date the refund warrant is issued.

(3) Credits taken by a taxpayer on the taxpayer's return do not accrue interest.

(g) Payments under protest. If taxes are paid under protest pursuant to the authority of the Texas Tax Code, §112.051, the amount protested will be placed in a suspense account pending resolution of the matter in

issue. A written letter of protest that sets out fully and in detail each and every ground or reason why it is contended that the assessment is unlawful or unauthorized must accompany the payment. If the payment and letter of protest do not accompany one another, the payment will not be placed in a suspense account and the payment will not be deemed to have been made under protest. The comptroller will advise the taxpayer of the amount received that is paid under protest and the date of the payment. If suit is not filed in accordance with the statute, the amount placed in the suspense fund will be cleared to the appropriate fund after the expiration of 90 days from the date of the payment.

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 3, 1982.

TRD-828358

Bob Bullock  
Comptroller of Public Accounts

Proposed date of adoption: December 10, 1982  
For further information, please call (512) 475-1933.



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **Part I. Texas Department of Human Resources Chapter 48. CCAD**

**40 TAC §§48.1201, 48.2910, 48.2911,  
48.2916, 48.2919**

The Department of Human Resources proposes to amend rules §§48.1201, 48.2910, 48.2911, and 48.2916, and proposes new rule 48.2919, concerning protective services for adults in its community care for aged and disabled (CCAD) rules. The Human Resources Code (Chapter 48, Title 2) authorizes the department to provide protective services to adults 65 years old or older. The department is responsible for investigating reports of abuse, neglect, or exploitation of elderly persons and for providing voluntary protective services to all eligible elderly Texans. State law requires the department to initiate, within 24 hours, a thorough investigation of reports of suspected need



for protective services. The law also requires persons believing an elderly person is abused, neglected, or exploited to report the circumstances to the department.

The adult protective services proposals address the definition of terms, eligibility for specific CCAD services, protective services priorities, and eligibility for time-limited services. The department is adding a section on adult protective services to its CCAD Handbook. The majority of the requirements are covered by law and it is not necessary to duplicate them in the agency's rules.

David Hawes, director, programs budget and statistics, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications as a result of enforcing or administering the rules as proposed.

Mr. Hawes has also determined that for each year of the first five years the rule and amendments as proposed are in effect, the public benefit will be the provision of services to elderly victims of abuse, neglect, or exploitation. There is no anticipated economic cost to individuals required to comply with the proposals.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Policy Development Support Division—210, Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The following amendments are proposed under Human Resources Code, Title 2, Chapters 22 and 48, which authorizes the department to administer public assistance programs.

## Definitions

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

**Crisis intervention—**Casework with physically or mentally handicapped adults 18-64 years old who are alleged to be abused, neglected, or exploited to assess their need for CCAD services and protective case management.

**Fraud—**A deliberate misrepresentation or intentional concealment of information to receive or to be reimbursed for the delivery of services to which the individual is not entitled. The services may have been provided either directly or on a contracted [contract] basis by the department.

**Investigation—**Contacts with an elderly person or collateral source after receipt of a report to determine the validity of an allegation of abuse, neglect, or exploitation. (This contact does not require the consent of the client or his caretaker.)

**Involuntary protective services—**Arrangement for the emergency removal of an elderly person from life-threatening situations if directed by court order, as authorized by Human Resources Code, Chapter 48.

**Personal leave—**Any leave from a supervised living facility except for hospitalization or institutionalization.

**Protective case management services—**Developing and modifying the service plan, monitoring the client's situation and the delivery of services, arranging for a representative payee, working with the courts to obtain emergency orders for protective services or other legal alternatives, and locating resources that help the client to eliminate or reduce the severity of the income abuse, neglect, or exploitation.

**Protective service agency—**A public or private agency, corporation, board, or organization, under contract with the department, that provides protective services to abused, exploited, or neglected adults [elderly persons].

## Eligibility

**§48.2910. Eligibility for Specific CCAD Services.**

(a) To be reimbursed, providers must agree to accept DHR's decision as to which clients are eligible [for payment]. Some services are not available in certain geographic [geographical] areas of the state. An eligible client may not be able to receive a service at the time he is determined eligible if the provider agency in his area is operating at capacity. If the provider agency is operating at capacity, the caseworker places the client's name on a waiting list. Waiting lists for services are kept in chronological order according to the date of eligibility certification within priority groups.

(b) Nursing home clients are not eligible to receive CCAD [out-of-home] services.

**§48.2911. Family Care.**

(a) A client must meet criteria for priority groups one or two to be eligible for family care. If eligible, a client may [is entitled to] receive one or more of the following services: [help with] personal care, household tasks, meal preparation, and escort. The client is eligible for no more than 20 hours of family care services a week.

(b)-(c) (No change.)

**§48.2916. Protective Services Priorities.** [Within the limit of available funds,] Clients receive protective services according to the following priorities:

(1) Priority [Group] One—Reports of persons 65 years old or older who are alleged to be in serious physical harm or immediate danger of death from abuse or neglect; [exploited, abused or neglected by self or others, and whose situation involves an immediate threat to life.]

(2) Priority [Group] Two—Reports of persons 65 years old or older who are alleged to be suffering from harm or danger less serious than in priority one reports; [Persons 18-64 years old who are abused or neglected by self or others, and whose situation involves an immediate threat to life.]

(3) Priority [Group] Three—Reports of persons 65 years old or older who are alleged to be exploited; and [Adults in a state of abuse or neglect which may threaten the life of the individual.]

(4) **Priority [Group] Four—Reports of persons 18-64 years old who are alleged to be abused, neglected, or exploited** [Adults in a state of exploitation which may result in loss of the individual's property or well-being].

*§48.2919. Eligibility for Time-limited Services.* Elderly clients who are abused or neglected, or are in immediate danger of death or serious physical harm (verified priority one reports), are eligible, regardless of their income or functional need level, to receive the family care services, congregate and home-delivered meals, day activity and health services, and special services to the handicapped. They are also eligible for supervised living or emergency

care services in a supervised living or adult foster care setting. Eligibility for time-limited services extends for 90 days.

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 3, 1982.

TRD-828391  
828392

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Proposed date of adoption: December 10, 1982  
For further information, please call (512) 451-3355,  
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.

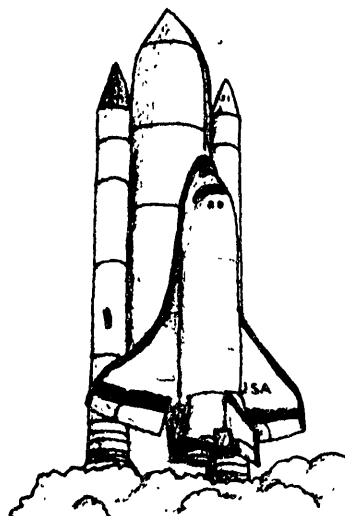
# Withdrawn Rules

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

### 22 TAC §381.1

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendments to §381.1 submitted by the Texas State Board of Podiatry Examiners have been automatically withdrawn, effective November 2, 1982. The amendments as proposed appeared in the April 30, 1982, issue of the *Texas Register* (7 TexReg 1680).

TRD-828349  
Filed: November 2, 1982



# 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*.

## Interagency Council on Early Childhood Intervention

**Wednesday, November 10, 1982, 9:30 a.m.** The Interagency Council on Early Childhood Intervention revised the agenda of a meeting to be held in Room 101-E, Texas Education Agency, 1200 East Anderson Lane, Austin. According to the revised agenda summary, the council will consider a resolution for Don Partridge; hear public comments (no council action required); an Early Childhood Intervention (ECI) staff report; advisory committee report; ECI tracking system report; ECI state plan; program evaluation and research; public awareness and training; requests for budget revisions from grantees; discussion of the development of a procedure for review of individual complaints about ECI services; and discussion of rules for the funding of ECI programs.

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

**Filed:** November 1, 1982, 4:11 p.m.  
TRD-828347

**Monday, November 15, 1982, 9:30 a.m.** The Interagency Council on Early Childhood Intervention will meet in Room T-803,

Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda include a discussion of the 1983 Early Childhood Intervention Program concerning the child study program in Fort Worth and a discussion of the ECI Program for 1982 and 1983 concerning the Gulf Coast Mental Health and Mental Retardation Program.

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

**Filed:** November 1, 1982, 4:12 p.m.  
TRD-828348

## Texas Education Agency

The following committees of the State Board of Education of the Texas Education Agency will meet at Texas Education Agency North Building, 1200 East Anderson Lane, Austin. The days, times, rooms, and agendas follow.

**Thursday, November 11, 1982, 8:30 a.m.** The Committee of the Whole will meet in the board room to hear protests from eligible petitioners and publishers related to the 1982 textbook adoptions, and a preliminary

report of the commissioner of education on textbooks.

**Thursday, November 11, 1982, 1 p.m.** The Curriculum Steering Committee will meet in Room 101-E, to consider the recommendations of the professional work groups, review the time schedule, and discuss the procedures for review and dissemination of materials.

**Friday, November 12, 1982, 7 a.m.** The Vocational Education Study Steering Committee will meet in Room 101-E to review a vocational education study.

**Friday, November 12, 1982, 8:30 a.m.** The Committee of the Whole will meet in the board room to consider a report of the commissioner of education on textbooks, multiple list resolutions of the Texas State Board of Education, a resolution authorizing the purchase and distribution of multiple list samples—1982, large type textbooks for the visually handicapped, an application to establish new textbook depository status, and legislative recommendations.

**Friday, November 12, 1982, 10:30 a.m.** The Committee for Instruction, Research, and Evaluation will meet in Room 101 to consider the state textbook program, recom-

recommendations of textbooks for state adoption by the commissioner of education, allocation of funds for purchase and distribution of textbooks, additional purchase of phonics supplementary materials, reports from the Advisory Committee on Public Awareness and the Teaching Profession, and a report to the 68th Legislature—Vocational Education Study.

**Friday, November 12, 1982, 10:30 a.m.** The Committee for Rules, Budget, and Finance will meet in Room 101-E. Items on the agenda include reports from the Educational Improvement Advisory Council, Crime and Narcotics Advisory Commission, requirements of pupil attendance accounting for state funding purposes, responses to a special report from the Advisory Council for Technical-Vocational Education in Texas; consideration of governor's recommendation for appointment to the Advisory Council for Technical-Vocational Education in Texas; fiscal years 1984-1986 state plan of the Education for the Handicapped Act, Part B, as amended by Public Law 94-142; school finance study recommendations; and the Texas Education Agency's response to the state auditor's report.

**Friday, November 12, 1982, 10:30 a.m.** The Committee for Special Populations will meet in Room 111. Items on the agenda include a report from the Regional Education Service Centers; regional computer services funding; repeal of two adoptions by reference: network system plan for computer services, and a state plan for a program of financial assistance for computer services to local school districts by or through regional Education Service Centers, November 1971; and a report on student testing.

**Friday, November 12, 1982, noon.** The Committee for Board Operating Rules will meet in Room 101-E. Items on the agenda include conflicts of interest, use of board rooms, travel for board members, procedures for receiving state official license plates and for making hotel reservations, approval of a form for certification of eligibility of first term members, January timeline agenda for regular meetings, outline of orientation handbook, authorization for chairman to approve content, and plans for orientation.

**Friday, November 12, 1982, 1:30 p.m.** The Committee for Investment of the Permanent School Fund will meet in Room 101-E. Items on the agenda include an investment program for the months of November and December; a discussion and explanation of

concerns addressed in the state auditor's letter of October 1, 1982, regarding investment of the permanent school fund; presentation by InterFirst Company regarding economic forecasts, review of stocks, and the investment program; review of securities transactions and investment portfolio; estimated funds available for the November-December program; discussion of nominees to fill a vacancy on the Advisory Committee; presentation of the annual report; report of investment officer; and appointment of an Investment Advisory Committee member.

**Friday, November 12, 1982, 1:30 p.m.** The Committee for Teacher Preparation, School Support Services, and Special Projects will meet in Room 101. Items on the agenda include types of entities from which professional experience is acceptable; principles, standards, and procedures for the accreditation of school districts: Principle 4; recommendations on accreditation of school districts; report to the 68th Legislature—Teacher Supply Needs For Bilingual Education and English as a Second Language; report on teacher availability study; and a status report of the Texas proprietary schools.

**Saturday, November 13, 1982, 8:30 a.m.** The State Board of Education will meet in the board room. Items on the agenda include appointment of a committee to open bids on textbooks; appeals on decisions of the commissioner of education; motion for rehearing; agency administration; Good Neighbor Scholarships; Educational Improvement Advisory Council; Crime and Narcotics Advisory Commission; requirements of pupil attendance accounting for state funding purposes; responses to a special report from the Advisory Council for Technical-Vocational Education in Texas; consideration of governor's recommendation for an appointment to the Advisory Council for Technical-Vocational Education in Texas; fiscal years 1984-1986 state plan of the Education for the Handicapped Act, Part B, as amended by Public Law 94-142; school finance study recommendations; legislative recommendations; report of the commissioner of education on textbooks; multiple list resolutions of the Texas State Board of Education; resolution authorizing the purchase and distribution of multiple list samples—1982; large type textbooks for visually handicapped; application to establish a new textbook depository status; state textbook program; recommendations of textbooks for state adoption by the commissioner of education;

allocation of funds for purchase and distribution of textbooks; additional purchase of phonics supplementary materials; Advisory Committee on Public Awareness and the Teaching Profession; report to the 68th Legislature—Vocational Education Study; regional education service centers; regional computer services funding; repeal of a network system plan for computer services, and a state plan for a program of financial assistance for computer services to local school districts by or through regional education service centers, November 1971; conflict of interest; use of board rooms; travel for board members; investment program for the months of November and December; types of entities from which professional experience is acceptable; principles, standards, and procedures for the accreditation of school districts: Principle 4; recommendations on accreditation of school districts; report to the 68th Legislature—Teacher Supply Needs for Bilingual Education and English as a Second Language; and resolutions.

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

**Filed:** November 3, 1982, 4:11 p.m.  
TRD-828402-828412

**Tuesday, November 16, 1982, 9 a.m.** The Advisory Committee for the Fine Arts in Education of the Texas Education Agency will meet in Room 102, the University of Texas Faculty Center, 405 West 25th Street, Austin. Items on the agenda include staff reports on fine arts at the state level: theatre arts publications, 1982 music textbook adoptions, and new art textbooks and their use in schools; discussion of House Bill 246, 67th Legislature, Curriculum Bill, materials, developments, and implementation timeline; discussion of the Advisory Committee's position paper on fine arts and report on activities of the Annual Texas Conference on Teacher Education; calendar and agenda items for future meetings of the advisory committee.

**Contact:** Victoria Bergin, 201 East 11th Street, Austin, Texas 78701, (512) 475-8693.

**Filed:** November 3, 1982, 4:18 p.m.  
TRD-828413

**Wednesday and Thursday, November 17 and 18, 1982, 1 p.m. and 8:30 a.m., respectively.** Items on the agenda include a discussion and review of House Bill 246 regarding the curriculum; subcommittee report on House Bill 246; continued discussion of House Bill 246; report on energy/en-

## Texas Register

vironmental workshops; Awards Committee report; and calendar and agenda items for future meetings.

**Contact:** Joe Huckestein, 201 East 11th Street, Austin, Texas 78701, (512) 475-2608.

**Filed:** November 3, 1982, 4:18 p.m.  
TRD-828414

**Thursday and Friday, November 18 and 19, 1982, 1 p.m. and 9 a.m., respectively.** The Advisory Committee on the Comprehensive School Health Program of the Texas Education Agency will meet in the Board Committee Room 101-E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. Items on the agenda for Thursday include a discussion of the essential elements for health education, physical education, and vocational education for House Bill 246, regarding curriculum. Agenda items for Friday include a report on the adoption of health education textbooks for grades four through eight; report on the Wellness Lifestyle Conference at Texas Women's University and plans for the next conference; report on standards for health education programs and elementary teacher preparation; progress report on the School Nurse Handbook for a School Health Program; discussion of position papers with special education advisory committee representative; and calendar and agenda items for future meetings of the advisory committee.

**Contact:** Ewell Sessom, 201 East 11th Street, Austin, Texas 78701, (512) 475-3653.

**Filed:** November 3, 1982, 4:18 p.m.  
TRD-828415

**Friday, November 19, 1982, 6 p.m.** The Gifter and Talented Education Advisory Committee of the Texas Education Agency will meet in the Nile Room, Shamrock Hilton, 6900 South Main, Houston. Items on the agenda include establishment of committee objectives and a plan of action for 1982-1983 and a selection of the next meeting date.

**Contact:** Ann G. Shaw, 201 East 11th Street, Austin, Texas 78701, (512) 834-4451.

**Filed:** November 3, 1982, 4:19 p.m.  
TRD-828416

### Employees

#### Retirement System of Texas

**Tuesday and Wednesday, December 14 and 15, 1982, 9 a.m. daily.** The Group Insurance Advisory Committee of the Employees

Retirement System of Texas made an addition to the agenda of a meeting to be held in the ERS Building, 18th and Brazos, Austin. The addition concerns possible consideration of the coverages to be offered employees and retirees of the State of Texas through the Uniform Group Insurance Plan.

**Contact:** Clayton T. Garrison, 18th and Brazos, Austin, Texas 78701, (512) 476-6431.

**Filed:** November 3, 1982, 8:52 a.m.  
TRD-828356

### Texas Employment Commission

**Tuesday, November 9, 1982, 9 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 15th and Congress, Austin. According to the agenda summary, the commission will consider prior meeting notes; reports of administrative staff on federal legislation, fiscal year 1983 funding, E.S. and U.I. program activities, public information and media update; information request from James Porter; Sunset presentation; regional office recommendations on commission rules; Texas 2000; and date and agenda items for the next meeting. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, status of litigation, and attorney general opinion requests.

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

**Filed:** November 1, 1982, 2:37 p.m.  
TRD-828344

### Texas Grain

#### Sorghum Producers Board

**Tuesday, November 9, 1982, 10 a.m.** The Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet at the Quality Inn Seminar Center, IH 40 East, Amarillo. Items on the agenda include a financial report, ASCS collection procedures, market development—East German team, and the sorghum outlook.

**Contact:** Elbert Harp, P.O. Box R, Abernathy, Texas 79311, (806) 298-2543.

**Filed:** November 1, 1982, 11:04 a.m.  
TRD-828334

### Texas Health Facilities Commission

**Friday, November 12, 1982, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305, the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

#### Declaratory Ruling

United Medical Management, Inc., San Bernardino, California

AH82-1004-079

Medical 21 Corp., Dallas

AH82-1004-081

Methodist Hospitals of Dallas

AH82-0914-012

**Amendment of Certificate of Need Order**  
Seven Acres Jewish Home for the Aged, Houston

AN81-1023-016A(092482)

**Motions for Rehearing/Petitions for Reconsideration**

Bartonwood, A Psychiatric Hospital, Austin

AH81-1113-058

Charter Lane Hospital, Austin

AH82-0122-020

Shoal Creek Hospital, Austin

AH82-0203-014

A routine business meeting will be held immediately following the open meeting.

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

**Filed:** November 3, 1982, 9:33 a.m.  
TRD-828369

### State Board of Insurance

**Tuesday, November 9, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in emergency session in Room 350, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6983—reinsurance agreement whereby M. H. York Insurance Company of Lindale will be totally reinsured by Southern Medical Life Insurance Company of Waco. The emergency status is necessary because the applicant company has other actions pending the result of this meeting that require its immediate setting.

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

**Filed:** November 3, 1982, 8:11 a.m.  
TRD-828362

**Tuesday, November 9, 1982, 10:30 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in emergency session in Room 350, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7000—approval of a proposed reinsurance agreement whereby Centennial Life Insurance Company of Texas, of Paris, will be totally reinsured by Southern Medical Life Insurance Company of Waco. The emergency status is necessary because the applicant company has other actions pending the result of this meeting that require its immediate setting.

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

**Filed:** November 3, 1982, 8:12 a.m.  
TRD-828363

**Tuesday, November 9, 1982, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in emergency session in Room 350, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6923—stock purchase of American National Insurance Company of Galveston. The emergency status is necessary because the applicant company has other actions pending the result of this meeting that require its immediate setting.

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

**Filed:** November 3, 1982, 8:12 a.m.  
TRD-828364

**Wednesday, November 10, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in emergency session in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6986—application of Dovecote, Inc., of Odessa to acquire control of BSC Life Insurance Company of Lancaster. The emergency status is necessary because the applicant company has other actions pending the result of this meeting that require its immediate setting.

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

**Filed:** November 3, 1982, 8:12 a.m.  
TRD-828365

**Wednesday, November 10, 1982, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in emergency session in Room 350, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public

hearing in Docket 6984—stock purchase of Texas Life Insurance Company of Waco. The emergency status is necessary because the applicant company has other actions pending the result of this meeting that require its immediate setting.

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

**Filed:** November 3, 1982, 8:12 a.m.  
TRD-828366

**Wednesday, November 10, 1982, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in emergency session in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6987—application of Wallace Gene Garrison of Alice to acquire control of BSC Life Insurance Company of Lancaster. The emergency status is necessary because the applicant company has other actions pending the result of this meeting that require its immediate setting.

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

**Filed:** November 3, 1982, 8:13 a.m.  
TRD-828367

**Friday, November 12, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6992—application of C/F Merger Corp., a New Jersey corporation, and wholly-owned subsidiary of Xerox Corp., a New York corporation, for approval to acquire 100% of the outstanding stock of Crum and Forster, a New York corporation.

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

**Filed:** November 3, 1982, 8:13 a.m.  
TRD-828351

**Friday, November 12, 1982, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6994—whether the insurance agent's licenses issued to Freddie Wayne Thompson should be canceled or revoked.

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

**Filed:** November 3, 1982, 8:13 a.m.  
TRD-828352

**Monday, November 15, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6998—application for original charter of Texas Anderson-Clayton Insurance Company of Terrel.

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

**Filed:** November 3, 1982, 8:14 a.m.  
TRD-828353

**Monday, November 15, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 6995—application of Capital Security Life Insurance Company, a New Mexico insurance corporation, for approval to acquire 100% of the outstanding stock of Texas Eastern Life Insurance Company of Dallas.

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

**Filed:** November 3, 1982, 8:14 a.m.  
TRD-828354

### **Texas Juvenile Probation Commission**

**Friday, November 12, 1982, 11 a.m.** The Texas Juvenile Probation Commission will meet at 2015 IH 35 South, Austin. Items on the agenda include a public hearing; approval of minutes of the October 8, 1982, meeting; a staff report concerning operations; a financial report concerning expenditures through September 30, 1982, and 1982 expenditures; approval of an educational stipend; approval of legislation, and designation of the date and location of the next public hearing.

**Contact:** Judy Culpepper or Bill Anderson, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** November 1, 1982, 1:40 p.m.  
TRD-828338

**Texas State Library  
and Archives Commission**  
**Wednesday, November 19, 1982, 10 a.m.** The Texas State Library and Archives Commission will meet at the Hyatt Regency Hotel, 208 Barton Springs Road, Austin.

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Items on the agenda include approval of minutes of the October 7, 1982, meeting; proposed changes to the Library Systems Act rules and regulations; a request to provide additional space and to reorganize the genealogy department; policy on the loan of archival materials; rules for the regional historical resource depositories; and reports from standing and special committees.

**Contact:** Dorman H. Winfrey, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166.

**Filed:** November 3, 1982, 10:37 a.m.  
TRD-828378



### Library Systems Act Advisory Board

**Monday, November 15, 1982, 10 a.m.** The Library Systems Act Advisory Board will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin. According to the agenda, the board will review the Library Systems Act rules and regulations.

**Contact:** Patricia Smith, P.O. Box 12927, Austin, Texas 78711, (512) 475-4119.

**Filed:** November 3, 1982, 10:38 a.m.  
TRD-828377

### Texas State Board of Medical Examiners

**Wednesday, November 17, 1982, 3 p.m.** The Executive Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. Items on the agenda include discussion of retirement status, records; and office matters, and consideration of a matter involving a licensee. The board will also meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §5.06(e)(1), and Attorney General Opinion 1974, H-484.

**Contact:** A. B. Spires, Jr., M.D., 1101 Camino LaCosta, Suite 201, Austin, Texas 78701, (512) 475-0741.

**Filed:** November 4, 1982, 10 a.m.  
TRD-828420

**Texas Department of Mental Health and Mental Retardation**  
**Tuesday-Thursday, November 9-11, 1982, 7:30 p.m. Tuesday, 9 a.m. daily Wednesday and Thursday.** The Texas Board of Mental Health and Mental Retardation will meet at the H. E. Butt Foundation Camp, Leaky. According to the agenda summary, the board will consider program issues, system operations, and accountability.

**Contact:** Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711.

**Filed:** November 1, 1982, 4:19 p.m.  
TRD-828346

**Texas Board of Licensure for Nursing Home Administrators**  
**Monday, November 15, 1982, 9:30 a.m.** The Texas Board of Licensure for Nursing Home Administrators will meet in Room 2-120, Thompson Conference Center, University of Texas at Austin. According to the agenda summary, the board will conduct an open hearing on proposed amendments to §§245.2-245.4.

**Wednesday, November 17, 1982, 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 approval of the August 18-19, 1982, minutes; reports from the following: Suitability Committee, Texas Department of Health, Texas Department of Human Resources, legislative appropriation coordinator, chairman, executive director, Education Committee; and rule waivers (personal appearances).

**Contact:** Karl E. Bishop, 3407 IH 35 North, Austin, Texas, (512) 479-0922.

**Filed:** November 3, 1982, 3:07 p.m.  
TRD-828399, 828400

### Board of Pardons and Paroles

**Monday-Friday, November 15-19, 1982, 9 a.m. daily.** The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. Items on the agenda include cases of inmates for parole consideration; emergency reprieve requests and other acts of executive clemency; reports regarding persons on parole; procedures affecting the day-to-day operation of support staff;

needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and action upon gubernatorial directives.

**Contact:** John W. Byrd, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

**Filed:** November 3, 1982, 9:16 a.m.  
TRD-828361

### Texas Parks and Wildlife Department

**Wednesday, November 3, 1982, 9 a.m.** The Texas Parks and Wildlife Commission made emergency additions to the agenda of a meeting held in Building B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. The additions concerned the fiscal year 1983 boat ramp construction program, a grazing lease at an Arroyo Colorado State Park site in Cameron County, and a resolution to endorse the Wildlife Conservation Act of 1983. The emergency status was necessary for the most economical administration of the boat program, to properly manage the park, and to better wildlife management practices in this state.

**Contact:** Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

**Filed:** November 1, 1982, 2:20 p.m.  
TRD-828339

### State Property Tax Board

**Wednesday and Thursday, November 3 and 4, 1982, 8:30 a.m. daily.** The State Property Tax Board made an emergency addition to the agenda of a meeting held in the conference room, 9501 IH 35 North, Austin. According to the revised agenda, the board conducted hearings of protest appeals in assignment of market and index values of school district properties pursuant to the Texas Education Code, §11.86. The emergency status was necessary because of changes in the scheduled hearing dates by the appealing school districts.

**Contact:** Dr. Bill Carnes, 9501 IH 35 North, Austin, Texas, (512) 837-8622.

**Filed:** November 1, 1982, 2:59 p.m.  
TRD-828346



**Texas State Board  
of Public Accountancy**

**Friday and Saturday, November 12 and 13, 1982, 1 p.m. and 10 a.m., respectively.** The Texas State Board of Public Accountancy will meet in Suite 500, 3301 Northland Drive, Austin on Friday, and at the Erwin Special Events Center on Saturday. Items on the agenda for Friday include reports of the Technical Standards Review Committee at 9:30 a.m. and of the Continuing Education Committee at 10 a.m.; approval of the minutes of the October 21-22 meeting; discussion of proposed amendment to substantive Rule 525, Criminal Background Investigations; review of AIC-PA exposure draft of Information for CPA Candidates, Candidates' Characteristics and Performance Survey (Doctors Dunn and Hall); and of November 1982, examination; discussion of proposed amendments to the Act; and a review of legal opinion regarding CE, plans for the November 13, 1982, swearing-in ceremony. Saturday the board will conduct a swearing-in ceremony.

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

**Filed:** November 3, 1982, 1:57 p.m.  
TRD-828396

**Public Servant Standards of  
Conduct Advisory Committee**

Committees of the Public Servant Standards of Conduct Advisory Committee will meet in Room 411, John H. Reagan Building, 105 West 15th Street, Austin. The committees, days, times, and agendas follow.

**Wednesday, November 10, 1982, 10 a.m.** The Lobbyist Resource Committee will meet in emergency session. According to the agenda, the committee will consider Texas Civil Statutes, Article 6252-9c. The emergency status is necessary due to time limitations for reporting to the subcommittee.

**Friday, November 12, 1982, 10 a.m.** The Purchasing Practices Subcommittee will consider staff recommendations.

**Contact:** Donna Mobley, John H. Reagan Building, Room 411, Austin, Texas, (512) 475-2466.

**Filed:** November 3, 1982, 2:24 p.m.  
TRD-828398, 828397

**Public Utility  
Commission of Texas**

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and dockets are as follows:

**Tuesday, November 9, 1982, 9 a.m.** A prehearing conference in Docket 4797—application of Concho Valley Electric Cooperative, Inc., for authority to change rates.

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

**Filed:** November 1, 1982, 10:22 a.m.  
TRD-828329

**Wednesday, November 10, 1982, 9 a.m.** A prehearing conference in Docket 4752—application of Briarcliff Utilities, Inc., for authority to change rates for water service within Travis County.

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

**Filed:** November 1, 1982, 10:20 a.m.  
TRD-828330

**Friday, November 12, 1982, 10 a.m.** A second prehearing conference in Docket 4737—Gulf States Utilities electric rate appeals.

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

**Filed:** November 3, 1982, 10:17 a.m.  
TRD-828372

**Monday, November 15, 1982, 10 a.m.** A prehearing conference in Dockets 4563, 4693, 4786, and 4787—inquiry into the legality of rates charged and services rendered by Public Utility Company within Harris County; application of Public Utility Company for a certificate of convenience and necessity within Harris and Montgomery Counties; inquiry into the legality of rates charged and services rendered by Suburban Utility Company; and inquiry into the legality of rates charged and services rendered by Community Utility Company.

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

**Filed:** November 1, 1982, 10:22 a.m.  
TRD-828331

**Monday, November 15, 1982, 1:30 p.m.** An informal hearing in Docket 4729—inquiry into the rates of Indian Hill Harbor Sewer, Inc.

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

**Filed:** November 1, 1982, 10:22 a.m.  
TRD-828332

**Tuesday, November 16, 1982, 10:30 a.m.** A prehearing conference in Docket 4778—complaint of H. C. Vickers and Sharon Vickers against Houston Lighting and Power Company.

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

**Filed:** November 3, 1982, 10:28 a.m.  
TRD-828375

**Friday, November 19, 1982, 1:30 p.m.** A prehearing conference in Docket 4768—application of Community Utility Company, Inc., for a certificate of convenience and necessity for water utility service within Harris, Montgomery, Brazoria, Fort Bend, and Galveston Counties.

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

**Filed:** November 3, 1982, 10:18 a.m.  
TRD-828373

**Thursday, December 2, 1982, 9 a.m.** A hearing in Docket 4740—application of Mohawk Water Company for a rate/tariff change within Johnson and Tarrant Counties.

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

**Filed:** November 1, 1982, 2:29 p.m.  
TRD-828340

**Friday, December 10, 1982, 1:30 p.m.** A prehearing conference in Docket 4671—application of Skyline Acres Water Utility of a certificate of convenience and necessity within Ellis County.

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

**Filed:** November 1, 1982, 2:28 p.m.  
TRD-828341

**Monday, December 13, 1982, 1:30 p.m.** A prehearing conference in Docket 4785—

## **Texas Register**

complaint of David Bowers against Houston Lighting and Power Company.

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

**Filed:** November 1, 1982, 2:29 p.m.  
TRD-828342

**Thursday, December 30, 1982, 10 a.m.** A rescheduled hearing in Docket 4572—complaint of Nueces Electric Cooperative, Inc., against Central Power and Light Company.

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

**Filed:** November 3, 1982, 10:30 a.m.  
TRD-828376

**Monday, January 24, 1983, 10 a.m.** A hearing in Docket 4737—Gulf States Utilities electric rate appeals.

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

**Filed:** November 3, 1982, 10:28 a.m.  
TRD-828374

**Monday, February 7, 1983, 9 a.m.** A hearing in Docket 4752—application of Briarcliff Utilities, Inc., for authority to changes rates for water service within Travis County.

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

**Filed:** November 1, 1982, 10:20 a.m.,  
TRD-828333

### **Railroad Commission of Texas**

**Thursday, November 11, 1982, 10 a.m.** The Office of the Special Counsel of the Railroad Commission of Texas will meet at the Senate Chambers, State Capitol. According to the agenda, the commissioners will meet with the Sunset Commission to deal with the Sunset process.

**Contact:** Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

**Filed:** November 1, 1982, 11:43 a.m.  
TRD-828334

### **State Rural Medical Education Board**

**Friday, November 19, 1982, 9 a.m.** The Executive Committee of the State Rural Medical Education Board will meet on the fourth floor, Southwest Tower Building, 211 East Seventh Street, Austin. According to the agenda, the board will meet to interview candidates for the position of director of the board.

**Contact:** J. C. Randolph, 211 East Seventh Street, Austin, Texas 78701.

**Filed:** November 4, 1982, 10 a.m.  
TRD-828421

### **State Securities Board**

**Friday, November 12, 1982, 9:30 a.m.** The Securities Commissioner of the State Securities Board rescheduled a meeting to be held in Suite 114, 3100 West Alabama, Houston. According to the agenda summary, the board will conduct a hearing for the purpose of determining whether a cease and desist order should be issued prohibiting the sale of securities issued by Van-Mark Enterprises, Inc. The hearing was originally scheduled for November 5, 1982.

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

**Filed:** November 2, 1982, 1:31 p.m.  
TRD-828350

### **Sunset Advisory Commission**

**Wednesday-Friday, November 10-12, 1982, 9 a.m. daily.** The Sunset Advisory Commission will meet in the Senate Chamber, State Capitol. According to the agenda summary, the commission will consider tentative decisions on Group IV agencies; hear public testimony on the Texas Industrial Commission, Texas Department of Community Affairs, Texas Employment Commission, Texas Energy and Natural Resources Advisory Council, Railroad Commission of Texas, Public Utility Commission of Texas, Industrial Accident Board, and the State Board of Insurance.

**Contact:** Cindy Unsell, 304 Reagan Building, Austin, Texas, (512) 475-1718.

**Filed:** November 1, 1982, 2:54 p.m.  
TRD-828345

### **Advisory Council for Technical- Vocational Education in Texas**

**Thursday, November 11, 1982, 1 p.m.** The Steering Committee of the Advisory Council for Technical-Vocational Education rescheduled a meeting to be held in Suite 202, 1700 South Lamar Boulevard, Austin. According to the agenda, the committee will review a draft of the council's unified report to the State Board of Education, governor, and state legislature. The committee will also discuss other items of business on its program of work for the coming year. The meeting was originally scheduled for November 11, 1982.

**Contact:** Valeria J. Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

**Filed:** November 2, 1982, 10:09 a.m.  
TRD-828370

### **University Interscholastic League**

**Wednesday, November 3, 1982, 1 p.m.** The State Executive Committee of the University Interscholastic League made an emergency addition to the agenda of a meeting held at Thompson Conference Center, University of Texas. The addition concerned interpretation of Texas Civil Statutes, Article 8-15. The emergency status was necessary because a decision had to be made prior to Thursday, November 4, 1982.

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

**Filed:** November 3, 1982, 9:18 a.m.  
TRD-828390

### **Board of Vocational Nurse Examiners**

**Monday-Wednesday, November 29-30, 1982, and December 1, 1982, 8:30 a.m. daily.** The Board of Vocational Nurse Examiners will meet at the Austin Marriott Hotel, 6121 IH 35 North at U.S. Highway 290, Austin. According to the agenda summary, the board will consider approval of minutes, reports of the executive director and director of education, special reports, old and new business, reinstatement of licenses, conduct a public hearing regarding 22 TAC §233.51, and administrative hearings.

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

**Filed:** November 3, 1982, 10:17 a.m.  
TRD-828371

**Texas Water Commission**

**Wednesday, November 3, 1982, 2:30 p.m.** The Texas Water Commission met in emergency session in Room 513E, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission considered a motion of the executive director for an emergency order pursuant to the Texas Water Code, §12.052, to require action to correct unsafe conditions of the Tosch Lake Dam owned by Jim Airhart and wife, Poppy M. Airhart, et al. The emergency status was necessary because the unsound structure of the dam requires dewatering the structure to protect downstream lives and property.

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

**Filed:** November 3, 1982, 11:32 a.m.  
TRD-828381

**Monday-Friday, December 6-10, 1982, 9 a.m. daily, Friday 8:30 a.m.** The Texas Water Commission will meet in Room 127, Administration Building, University of Texas at Tyler, 3900 University Boulevard, Tyler. According to the agenda, the commission will conduct final adjudication hearings on the Cypress Creek Basin.

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

**Filed:** November 1, 1982, 11:42 a.m.  
TRD-828335

**Thursday, December 9, 1982, 10 a.m.** The Texas Water Commission revised the agenda of a meeting to be held in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the revised agenda, the commission will consider the Application RE-0206 of Atlas Realty Company for approval of plans for the construction of flood plain improvements on the Brazos River in Fort Bend County. The number of acres of land to be provided with flood protection was listed as 320 acres but should have been 483 acres.

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

**Filed:** November 3, 1982, 11:33 a.m.  
TRD-828382

**Friday, December 10, 1982, 9 a.m.** The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider the application of Landmark Construction and Development Company, 6901 North Lamar Boulevard, Austin, Texas 78752, to the Texas Department of Water Resources for

a permit (Proposed Permit 12593-01) to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 70,000 gallons per day. The applicant proposes to build the Southcrest Park Wastewater Treatment Plant to serve a proposed residential subdivision.

**Contact:** Phillip Paine, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

**Filed:** November 3, 1982, 11:35 a.m.  
TRD-828385

**Wednesday, December 15, 1982, 9 a.m.** The Texas Water Commission will meet in the council chambers, Council and Courts Building, Main and Freeman Streets, Duncanville. According to the agenda summary, the commission will consider the application of Everett Kates, Inc., 2109 David Drive, Fort Worth, Texas 76111, to the Texas Department of Water Resources for a permit (Proposed Permit 39055) to authorize the operation of a commercial Class III landfill at the site near Kennedale in Tarrant County. The applicant proposes to receive in bulk, via truck, steel slag and casting sand wastes for disposal by burial in an inactive gravel mine excavation. These wastes are generated from manufacture of steel reinforcing bars from ferrous scrap. The proposed maximum landfill surface area open at any time shall not exceed 5,000 square yards. There shall be no discharge of industrial solid waste into the waters in the state. The permittee is not authorized to accept any waste material which is not essentially insoluble. The commission will also consider the application of Americana Development Company, Inc., 1701 North Hampton Road, DeSoto, Texas 75115, for a permit (Proposed Permit 12609-01) to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 274,000 gallons per day from the proposed Creekside Village Wastewater Treatment Plant which the applicant proposes to construct to serve a proposed residential development.

**Contact:** David Hume, P.O. Box 13087, Austin, Texas 78711, (512) 475-2711.

**Filed:** November 3, 1982, 11:34 a.m.  
TRD-828383, 828384

**Wednesday, December 15, 1982, 10 a.m.** The Texas Water Commission will meet in the council chambers, Conroe City Hall, 505 West Davis, Conroe. According to the agenda summary, the commission will consider the application of Conroe Independent School District, 702 North Thompson,

Conroe, Texas 77301, for a permit (Proposed Permit 12607-01) to authorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The applicant proposes to install a wastewater treatment plant to serve the Ben Milam Elementary School. The commission will also consider the application of Lewis Health Care Facilities, Inc., P.O. Box 889, Porter, Texas 77365, for a permit (Proposed Permit 12567-01) to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 12,000 gallons per day from the proposed Pine Shadows Retreat Sewage Treatment Plant. The applicant proposes to provide domestic wastewater treatment for the Pine Shadows Retreat Nursing Home.

**Contact:** James Larkins, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

**Filed:** November 3, 1982, 11:35 a.m.  
TRD-828386, 828387

**Thursday, December 16, 1982, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing for petition for conversion regarding Travis County Water Control and Improvement District 17 into a municipal utility district operating under the Texas Water Code, Chapter 54. The commission also will conduct a hearing for petition for organization of Montgomery County Municipal Utility District 53 containing 112.533 acres of land.

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

**Filed:** November 3, 1982, 11:37 a.m.  
TRD-828388, 828389

**Texas Water Well Drillers Board**

**Tuesday, November 9, 1982.** The Texas Water Well Drillers Board will meet at Stephen F. Austin Building, Austin. The times, rooms, and agendas follow.

**8 a.m.** In Room 515, the board will consider the enforcement procedures of the Water Well Drillers Act.

**9:30 a.m.** In Room 513-E, the board will consider approval of minutes; hear a complaint for public hearing for Cliff Phelps and Jerald Galley, doing business as C & J Water Well Service; Frank Cook, R. D. Goodson, Randle Hayes, Ray Hubbard,

## **Texas Register**

Thomas Max Johnson, James T. Marshall, Elroy McCasland, Thomas O'Briant, Steve R. Parr; Rusty, Posey and Albert L. Crow, doing business as Posey Drilling Company, Jerry Redfearn and Roy A. Vowell, Sr.; certification of applicants; final adoption of rules; applications for driller trainee registration; matters relating to House Bill 247; registration of drillers and water well drillers examinations since the last meeting; investigator's activities since the last meeting; and staff reports.

**Contact:** Jack Overton, P.E., P.O. Box 13087, Austin, Texas 78711, (512) 475-3191.

**Filed:** November 1, 1982, 11:42 a.m.  
TRD-828336, 828337

### **Regional Agencies**

#### **Meetings Filed November 1**

**The Copano Bay Soil and Water Conservation District 329** will meet at Shay Plaza, 106 South Alamo, Refugio, on November 10, 1982, at 8:30 a.m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334.

**The Sabine River Authority of Texas**, Board of Directors, revised the agenda of a meeting rescheduled from November 4 to November 10, 1982. The meeting will be held in the conference room, fourth floor, One Dallas Center, 350 North Saint Paul, Dallas, on November 10, 1982, at 3 p.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (713) 883-2531.

**The San Patricio County Appraisal District**, Board of Directors, will meet in Room 226, courthouse annex, Sinton, on November 10,

1982, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, P.O. Box 938, Sinton, Texas 78387.

TRD-828343

#### **Meetings Filed November 3**

**The Angelina and Neches River Authority**, Board of Directors, will meet at Crown Colony Country Club, 900 Crown Colony Drive, Lufkin, on November 9, 1982, at 11 a.m. Information may be obtained from Angela Quillin, P.O. Box 387, Lufkin, Texas 75901, (713) 632-7795.

**The Central Appraisal District of Erath County**, Board of Directors, will meet at 1191 South Loop, Stephenville, on November 10, 1982, at 10 a.m. Information may be obtained from James Bachus, 1191 South Loop, Stephenville, Texas, (817) 965-4618.

**The Cherokee County Appraisal District**, Board of Directors, will meet at 107 East Sixth Street, Rusk, on November 9, 1982, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785.

**The East Texas Council of Governments**, Executive Committee, met at the Summit Club, 10th floor, First National Bank Building, Longview, on November 4, 1982, at 1:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

**The Gregg County Appraisal District**, Board of Directors, will meet at 2010 Gilmer Road, Longview, on November 10, 1982, at noon. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Houston-Galveston Area Council**, Area Health Commission will meet in the Transportation Library, 3701 West Alabama, Houston, on November 17, 1982, at 10 a.m. Information may be obtained from Aquina Janice, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 274.

**The Permian Basin Regional Planning Commission**, Board of Directors, will meet at 2514 Pliska Drive, Midland, on November 10, 1982, at 1:30 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

**The Trinity River Authority of Texas**, Legal Committee, will meet at 5300 South Collins, Arlington, on November 9, 1982, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

**The Upshur County Appraisal District**, Board of Directors, met at the appraisal district office, Warren and Trinity Streets, Gilmer, on November 8, 1982, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

TRD-828360

#### **Meetings Filed November 4**

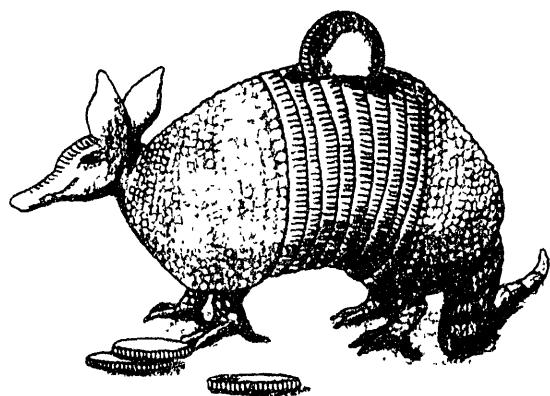
**The Heart of Texas Council of Governments**, Executive Committee, will meet at 320 Franklin Avenue, Waco, on November 18, 1982, at 12:30 p.m. Information may be obtained from Dorothy Bowers, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

TRD-828422

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



- (1) Dates set out above are inclusive
- (2) Credit for personal, family, or household use.
- (3) Credit for business, commercial, investment, or other similar purpose.
- (4) Same as (3) above, except excluding credit for agricultural use.
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on November 1, 1982.

TRD-828324 Sam Kelly  
Consumer Credit Commissioner

Filed: November 1, 1982  
For further information, please call (512) 475-2111.

## Office of Consumer Credit Commissioner Rate Ceilings

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period <sup>(1)</sup>	Type of Transaction	
	Commercial <sup>(3)</sup> Consumer <sup>(2)</sup> /thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
<b>Indicated Rate</b>		
<b>Weekly Rate Ceiling</b>		
11/08/82-11/14/82	18%	18%
<b>Monthly Rate Ceiling</b> (Variable Commercial Only)		
11/01/82-11/30/82	18%	18%
<b>Quarterly Rate Ceiling</b>		
10/01/82-12/31/82	22.94%	22.94%
<b>Annual<sup>(5)</sup> Rate Ceiling</b>		
10/01/82-12/31/82	24%	24.96%

## Texas Commission for the Deaf Consultant Proposal Request

The Texas Legislature, 67th Session, enacted Senate Bill 57, authorizing the Texas Commission for the Deaf to establish an outdoor training program for deaf students. In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf is requesting proposals for the operation of a summer camp program for deaf and hearing impaired school-aged children.

The commission is seeking a camp program designed to provide a broad range of recreational and educational camping experiences for deaf and hearing impaired campers 8 to 14 years old. In conjunction, the commission desires to include a counselor in training (CIT) program. The CIT program is to focus on the development and preparation of future camp counselors. Such counselors in training will be 15 to 17 years old and deaf or hearing impaired.

The underlying concern of the commission is to provide a sound, well-structured camping experience for deaf and hearing impaired children. The camp environment should be one which:

- (1) promotes an atmosphere for learning and socialization;
- (2) is located within a facility free of restrictive communication barriers;
- (3) promotes each youngster's ability to function at his fullest potential.

**Description of Recommended Services.** In its intent to design a unique outdoor training program for deaf students, the Texas Commission for the Deaf recommends that respondents:

- (1) be licensed by the Texas Department of Health;
- (2) be willing to work cooperatively with the Texas Commission for the Deaf and its designated camp director;
- (3) provide:
  - (a) nourishing meals three times daily and at least one inbetween meal or after dinner snack;
  - (b) proper medical care with trained, licensed medical personnel on grounds, including physical examination upon arrival of each individual camper;
  - (c) proper bedding, linens, towels, etc. (optional);
  - (d) comprehensive campsite insurance;
  - (e) safe and comfortable cabins, mess hall, showers, and restrooms;
  - (f) facilities that are clean and attractive;
  - (g) programs which are established for deaf campers 8 to 14 years old, and for counselors in training (CIT) 15 to 17 years old; and
  - (h) in-service training program for counselors and CIT's;
- (4) provide a broad spectrum of camping activities including, but not limited to, the following:
  - (a) water sports, i.e., swimming, fishing, canoeing, etc.;
  - (b) horseback riding;
  - (c) archery;
  - (d) arts and crafts;
  - (e) nature trail hikes;
  - (f) evening programs, i.e., skits, movies, campfire stories, etc.; and
  - (g) other related camping experiences; and
- (5) employ staff who have knowledge of sign-language and/or experience working with deaf and hearing impaired children.

The commission will consider proposals complying with one of the following options:

Option I: provide a one week summer camping experience for approximately 200 deaf and hearing impaired students, or

Option II: provide a two week summer camping experience for approximately 100 deaf and hearing impaired students.

**Funding.** Respondents should provide a complete estimated budget of expenditures. The budget should specify per camper costs, and minimum and maximum number of campers and shall not exceed a cumulative total of \$30,000 for either Option I or Option II.

**Deadline for Proposals.** Proposals must be received by the offices of the Texas Commission for the Deaf on or before noon, Thursday, December 23, 1982. Proposals received after this established deadline cannot be considered for selection. Proposals are to be addressed to Juli Painter, Coordinator of Special Services, Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711.

**Proposal Evaluation Criteria.** Proposals will be evaluated by a screening committee on the following criteria:

- (1) submission of proposal on or before the established deadline;
- (2) operation of the program within the monetary limits established;
- (3) submission of proposals utilizing provided format;
- (4) minimum and maximum number of campers allowed within specified budget;
- (5) respondents' program plan;
- (6) respondents' ability to provide a sound, high quality recreational and educational program specifically directed to, and suited for deaf and hearing impaired youngsters; and
- (7) willingness of respondent to employ staff with knowledge of and experience in working with the deaf.

**Contact Person.** Further information and format guidelines for submitting proposals may be obtained by contacting Juli Painter, Coordinator of Special Services, (512) 475-2492.

**Guideline for Submitting Proposals.** The following is the format for submission of proposals to the Texas Commission for the Deaf:

- (1) general information (i.e., name, location, maximum number of campers able to be accommodated, selection of Option I or II);
- (2) description of activities provided (i.e., social, recreational, educational, etc.);
- (3) personnel (list and describe personnel, positions, qualifications, etc.) Specify willingness to employ staff who have knowledge of sign language and/or experience working with deaf and hearing impaired children;
- (4) food and canteen (i.e., types of food, number of times served, snacks, type of canteen on grounds, etc.);
- (5) first aid care and health services (list and describe);
- (6) housing and facilities (i.e., number of cabins, linens/bedding provided, number of restrooms, washrooms, etc.);
- (7) budget (indicate per camper cost and minimum and maximum number of campers);
- (8) dates available for program operation;
- (9) summary of camp program.

Issued in Austin, Texas, on November 1, 1982.

TRD-828355

Fred R. Tammen  
Executive Director  
Texas Commission for the Deaf

Filed: November 3, 1982

For further information, please call (512) 475-2492.

## **Texas Education Agency Correction of Error**

In the preamble to the adoption of 19 TAC §§141.421-141.425, published in the October 22, 1982, issue of the *Texas Register* (7 TexReg 3783), a sentence

was inadvertently omitted as published. The response to Dr. G. Pritchey's comments should read: Since the rules are concerned primarily with testing for entry into a teacher education program, the issue of reciprocity at the certification stage is not addressed. A recommendation concerning reciprocity will be made to the State Board of Education by the Commission on Standards for the Teaching Profession at a later date. Until the nature of the tests to be given prior to teacher certification has been determined in much greater detail it is difficult to say whether there are any states with which reciprocity of the sort Dr. Smith recommends would be feasible and fair.

Also, rules §§141.422-141.425 were numbered incorrectly as submitted and are being renumbered to §§141.431-141.434. The rules will be published in the Texas Administrative Code as:

#### General Provisions

##### §§141.421. *Testing Requirements.*

#### Basic Skills Tests Required for Admission to Teacher Education Programs

##### §141.431. *Operation of Testing Centers.*

##### §141.432. *Eligibility To Be Tested.*

##### §141.433. *Fees for Testing.*

##### §141.434. *Test of Basic Skills.*

## 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.

W. C. Sullivan, Naples

AN82-1029-141

NIEH—Request for a declaratory ruling that a certificate of need is not required for W. C. Sullivan to acquire by purchase, on or after January 1, 1983, Redbud Retreat Nursing Home, an existing 86-bed ICF nursing facility located in Naples, from Lee B. Davis and M. B. Hampton. Mr. Sullivan currently owns  $\frac{1}{3}$  of the stock in Naples Builders, Inc., doing business as Redbud Retreat Nursing Home and will purchase the remaining  $\frac{2}{3}$  of the stock in the corporation from Mr. Davis and Mr. Hampton.

Beverly Enterprises—Texas, Inc.,

Fort Smith, Arkansas

AN82-1029-143

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire by lease, on or after January 1, 1983, Autumn Hills Convalescent Center, an existing 120-bed nursing facility with 60 ICF-III and 60 skilled beds located in Texas City, from Autumn Hills Convalescent Centers, Inc.

Jack P. Gay, Houston

AN82-1029-145

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jack P. Gay to acquire by purchase, on or after December 31, 1982, St. Thomas Convalescent Center, an existing 125-bed ICF-III nursing facility located in Houston, from E. K. Wall, Edward J. Hannie, and Gordon Doine.

Issued in Austin, Texas, on November 3, 1982.

TRD-828369

John R. Neel  
General Counsel  
Texas Health Facilities  
Commission

Filed: November 3, 1982

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

## Office of the Governor Public Hearing

The Governor's Blue Ribbon Commission for the Comprehensive Review of the Criminal Justice Corrections

System will hold a public hearing Friday, November 12, 1982, at 10 a.m., in conference Room E of the John H. Reagan Building, Austin.

Agencies, organizations, and the public are encouraged to review and comment on the commission's draft of short-range recommendations to reduce prison overcrowding. Oral testimony will be limited to 10 minutes.

Any group, agency, or individual testifying must submit a typed copy of their remarks to the executive director before 5 p.m., November 8, 1982. Written materials may be delivered to Sam Houston Building, Room 317, or mailed to P.O. Box 13561, Austin, Texas 78711.

Copies of the draft recommendations are available at the same address. For further information, contact Mary Foley, (512) 475-1363.

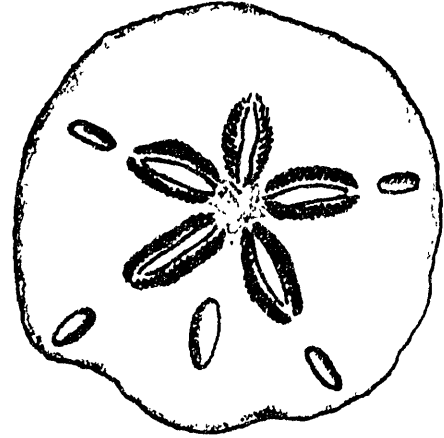
Issued in Austin, Texas, on November 1, 1982.

TRD-828328      Pete Wassdorf  
Assistant General Counsel  
Office of the Governor

Filed: November 1, 1982  
For further information, please call (512) 475-1363.

## Office of the Secretary of State Schedule Variation

Due to the Veterans' Day and Thanksgiving holidays, there will be no issues of the *Texas Register* published on November 16 or November 30, 1982.





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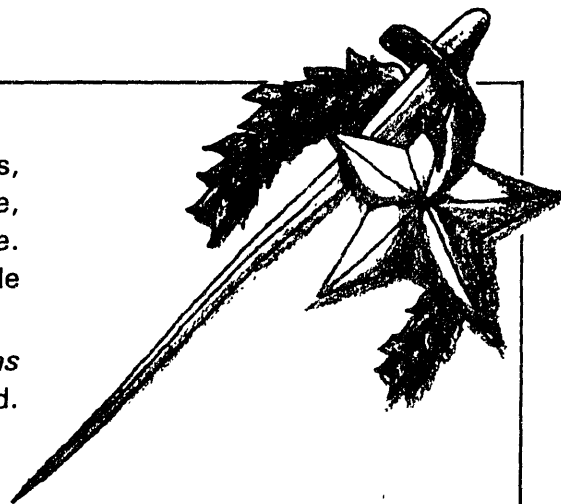
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