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# Texas Register

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## Highlights

- ★ The Texas Education Agency adopts on an emergency basis an amendment to a rule concerning the adoption by reference of the medical examination report for school bus drivers and substitute school bus drivers; effective date - May 23 . . . . . page 1770
- ★ The Texas State Board of Public Accountancy proposes amendments to a rule concerning acceptable experience for certification; proposed date of adoption - July 29 . . . page 1773
- ★ The Texas Real Estate Commission proposes an amendment to a rule concerning the requirements for nonresidents applying for Texas real estate broker licensure; earliest possible date of adoption - July 1 . . . . . page 1774

# How To Use the Texas Register

## Texas Register

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

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

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- Withdrawn Rules - rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

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

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

## Texas Administrative Code

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

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

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

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

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

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Secretary of State

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Under provisions of the Texas Election Code (Article 1 03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

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

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

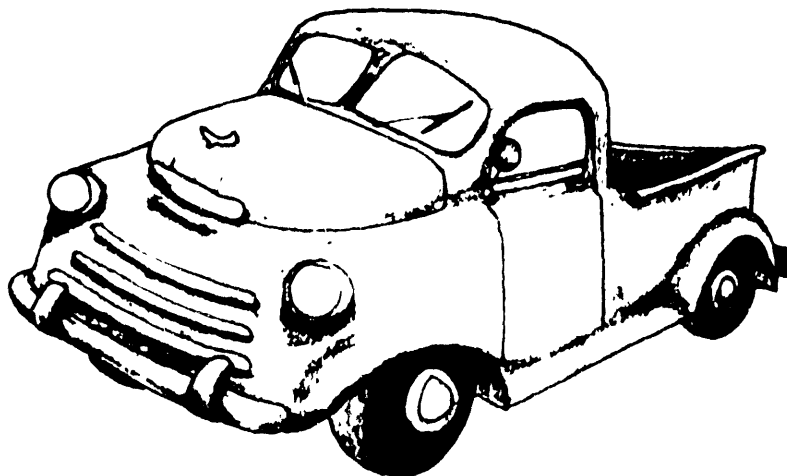
# The Secretary of State

## Opinion Issued May 23

**Election Law Opinion JWF-7.** Request from Nancy Braswell, Smith County auditor, Tyler, regarding use of funds received from the state comptroller for new and canceled voter registrations

**Summary.** Registration funds received from the state comptroller may be used for any activity related to voter registration. The funds may not be used for any activity that does not affect voter registration. If an activity relates partially to voter registration, only the part that affects voter registration may be reimbursed from voter registration funds

TRD 833747



# Emergency Rules

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

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

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

## TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 85. Student Services Subchapter I. Adoptions by Reference 19 TAC §85.233

The Texas Education Agency adopts on an emergency basis an amendment to §85.233 (226.34.90.030) concerning the adoption by reference of the medical examination report for school bus drivers and substitute school bus drivers.

The amendment provides a procedure whereby applicants who have a condition for which they have been disqualified may request special consideration from the commissioner of education.

The primary concern for any school bus driver is the safety and welfare of the children who ride his or her bus. In addition to driving, a school bus driver must be able to control the bus passengers and deal with any emergency or other situation that may arise.

The amendment requires that any applicant for special consideration must present clear and convincing evidence that his or her functions are not impaired in any way which would reduce the applicant's effectiveness as a bus driver or endanger the safety and welfare of the children. Under the amended rule, the commissioner of education will request a recommendation on an application for special consideration from the Medical Advisory Board, Texas Department of Health. The decision to grant or deny the request for special consideration will be made by the commissioner of education.

This amendment is being adopted to avoid any legal questions which might be occasioned by the use of a blanket disqualification system.

This amendment is adopted on an emergency basis so that school districts can give revised forms to their school bus drivers before they leave for the summer. Bus drivers usually have the required annual physical during the summer so they will be qualified when the school term starts in the fall.

This amendment is simultaneously being proposed for permanent adoption.

At the request of the Medical Advisory Board, a reference to "uncontrolled hypertension" as one of the disqualifying conditions has been added to section B.2 on the back of the form.

The amendment is adopted on an emergency basis under the authority of the Texas Education Code, §21.171, which authorizes the State Department of Education to promulgate regulations concerning provision of transportation for pupils and drivers used in provision of that service, and Texas Civil Statutes, Article 6687b, §5(a) which provides in part that no person may be employed to drive a school bus to transport pupils who has not undergone an annual physical examination which reveals his or her physical and mental capabilities to safely operate a school bus.

§85.233 (226.34.90.030) *Medical Examination Report for School Bus Drivers and Substitute School Bus Drivers*

(a) The requirements for the medical examination report for school bus drivers are found on the form "Medical Examination Report for School Bus Drivers and Substitute School Bus Drivers," as amended May 1983 [April 1981], which is adopted by reference as a rule of the Texas Education Agency. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency Building, 201 East 11th Street, Austin.

(b) The medical examination report lists a series of conditions for which physicians are directed to disqualify

applicants. Applicants who have been disqualified for one of the conditions listed on the form may request special consideration from the commissioner of education.

(1) The applicant shall request special consideration in writing and must present to the commissioner of education clear and convincing evidence that his or her functions are not impaired in any way which would reduce the applicant's effectiveness as a bus driver or endanger the safety and welfare of the children. The commissioner of education may require the applicant for special consideration to submit additional evidence or information.

(2) The commissioner of education shall forward the request for special consideration, with all supporting evidence submitted by the applicant, to the Medical Ad-

visory Board, Texas Department of Health, for review and recommendation.

(3) After receipt of the recommendation of the Medical Advisory Board, the commissioner of education shall review the recommendation and the supporting evidence and may grant or refuse the applicant's request for special consideration.

Issued in Austin, Texas, on May 23, 1983

TRD 833700      Raymon L. Bynum  
                         Commissioner of Education

Effective date: May 23, 1983

Expiration date: September 20, 1983

For further information, please call (512) 475 7077.

# Proposed Rules

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

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

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

## TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 85. Student Services Subchapter I. Adoptions by Reference 19 TAC §85.233

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

The Texas Education Agency proposes an amendment to §85.233 (226.34.90.030) concerning the adoption by reference of the medical examination report for school bus drivers and substitute school bus drivers.

The proposed amendment provides a procedure whereby applicants who have a condition for which they have been disqualified may request special consideration from the commissioner of education.

The primary concern for any school bus driver is the safety and welfare of the children who ride his or her bus. In addition to driving, a school bus driver must be able to control the bus passengers and deal with any emergency or other situation that may arise.

The proposed amendment requires that any applicant for special consideration must present clear and convincing evidence that his or her functions are not impaired in any way which would reduce the applicant's

effectiveness as a bus driver or endanger the safety and welfare of the children. Under the proposed rule, the commissioner of education would request a recommendation on an application for special consideration from the Medical Advisory Board, Texas Department of Health. The decision to grant or deny the request for special consideration would be made by the commissioner of education.

This amendment is recommended to avoid any legal questions which might be occasioned by the use of a blanket disqualification system. At the request of the Medical Advisory Board, a reference to "uncontrolled hypertension" as one of the disqualifying conditions has been added to section B.2 on the back of the form.

This amendment is being simultaneously adopted on an emergency basis.

Richard Bennett, associate commissioner for finance, 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.

Dr. Beverly J. Bardsley, director for policy development, and Mr. Bennett have 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 establishment of a system for review of requests for special consideration for a review of a disqualification to be a bus driver. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701 (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendment is proposed under the authority of the Texas Education Code, §21.171 which authorizes the State Department of Education to promulgate regulations concerning provision of transportation of pupils and drivers used in provision of that service, and Texas Civil Statutes, Article 6687b, §5(a) which provide in part that no person may be employed to drive a school bus to transport pupils who has not undergone an annual physical examination which reveals his or her physical and mental capabilities to safely operate a school bus.

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

Issued in Austin, Texas on May 23, 1983

TRD 833701      Raymon L. Bynum  
Commissioner of Education

Proposed date of adoption  
July 9, 1983

For further information, please call (512) 475-7077.

## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 511. Certification as CPA Experience Requirements

##### 22 TAC §511.122

The Texas State Board of Public Accountancy proposes amendments to §511.122, concerning acceptable experience required for certification. The section presently does not require an applicant with this experience to have been an employee of the certified public accountant under whom such experience was gained. The amendments delete language permitting a certified public accountant who audits the applicant's employer to certify the applicant's experience.

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

Mr. Bradley 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 assurance that persons admitted to the practice of public accountancy have experience and training commensurate with the exigencies of the profession and the maintenance of independence between licensees and entities being audited. The anticipated economic cost to individuals who are required to comply with the amendments as proposed will be nominal due to previous rule changes.

Comments on the proposal may be submitted to Thomas R. Thompson, Legal Counsel, 3301 Northland Drive, Suite 500, Austin, Texas 78731-4990.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary and advisable to effectuate the Public Accountancy Act, specifically §12(5)(A), pertaining to experience requirements.

##### §511.122. Acceptable Experience

(a) (d) (No change.)

(e) If an applicant does not have a baccalaureate or masters degree, but has made application for the examination based upon a high school diploma and subsequent college study, experience must be of a nonroutine accounting nature and under the supervision of a certified public accountant but not necessarily one who is in public practice. An applicant with such experience [does not have to be an employee of the certified public accountant but he] must be continually and directly under the supervision of the certified public accountant. [Such applicant may be under the continuous and direct supervision of the certified public accountant who audits the records of the applicant's employer, upon certification by the auditing certified public accountant of his or her supervision.]

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

Issued in Austin, Texas on May 23, 1983

TRD 833733      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Proposed date of adoption  
July 29, 1983

For further information, please call (512) 451-0241.

##### 22 TAC §511.123

The Texas State Board of Public Accountancy proposes amendments to §511.123, concerning experience comparable to that gained in the practice of public accountancy. The section presently requires an applicant to inform the board of one or more certified public accountants or public accountants having knowledge of the applicant's experience. The amend-

ment requires that experience be under the direct supervision of a certified public accountant to qualify.

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

Mr. Bradley 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 assurance that persons admitted to the practice of public accountancy have experience and training commensurate with the exigencies of the profession and that comparable experience is obtained under the direct supervision of a certified public accountant. The anticipated economic cost to individuals who are required to comply with the rule as proposed will be nominal due to previous rule changes.

Comments on the proposal may be submitted to Thomas R. Thompson, Legal Counsel, 3301 Northland, Suite 500, Austin, Texas 78731-4990.

The amendments are proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary and advisable to effectuate the Public Accountancy Act, specifically §12(5)(A) pertaining to experience requirements.

**§511.123. Comparable Experience.**

(a) (No change.)

(b) Experience in other positions may be approved by the board as experience comparable to experience gained in the practice of public accountancy under the supervision of a certified public accountant or public accountant upon certification by the person or persons supervising the candidate that the experience was of a nonroutine accounting nature which continually required independent thought and judgment on important accounting matters. Experience for which approval is sought under this section must be described in detail and must be under the direct supervision of a person licensed by a state board of accountancy if obtained after April 1, 1982, the effective date of §511.122(c) of this title (relating to Acceptable Experience) as amended [the applicant must inform the board of one or more certified public accountants or public accountants having knowledge of the applicant's accounting experience].

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

Issued in Austin, Texas, on May 23, 1983.

TRD-833734

Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Proposed date of adoption:  
July 29, 1983

For further information, please call (512) 451-0241.



Part XXIII. Texas Real Estate  
Commission  
Chapter 535. Provisions of the Real  
Estate License Act  
Brokers: Alternative Education and  
Experience

22 TAC §535.68

The Texas Real Estate Commission proposes an amendment to §535.68, relating to the requirements for nonresidents applying for Texas real estate broker licensure.

The proposed amendment would expand the definition of "state" to include foreign countries and their governmental subdivisions, making the definition of the term consistent with the definition used elsewhere in the agency's rules.

Mark A. Moseley, legal counsel, 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. Filing fees from nonresident applicants are estimated to increase \$500 to \$1,000 yearly. There are no anticipated fiscal implications for local governments.

Mr. Moseley 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 removal of a conflict in the agency's rules concerning the definition of the term "state." 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 Camilla Shannon, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 6573a, which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

§535.68. Section 7(h): Brokers: Alternative Education and Experience.

(a) (No change.)

(b) As used in §7(h) of the Act, "another state" means one of the states, territories, and possessions of the United States and any foreign country or governmental subdivision thereof [a state of the United States].

(c)-(g) (No change.)

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

Issued in Austin, Texas, on May 20, 1983.

TRD-833745 Mark A. Moseley  
Legal Counsel  
Texas Real Estate Commission

Earliest possible date of adoption:  
July 1, 1983

For further information, please call (512) 459-3342.

## Registration and Certification: Fees

### 22 TAC §535.201

The Texas Real Estate Commission proposes amendments to §535.201, relating to the registration and bonding of real estate inspectors.

Under current law, corporations and partnerships may be registered as real estate inspectors; an officer of the corporation or member of the partnership must be designated to act for the corporation or partnership.

The proposed amendments clarify the procedure of registering a corporation or partnership by requiring the registration and bond to be in the name of the designated officer or partner.

Mark A. Moseley, legal counsel, 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. Moseley 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 clarification of the registration process for corporations and partnerships. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed since the rule reflects existing practice.

Comments on the proposal may be submitted to Jack Morris, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 6573a, which authorizes the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

**§535.201. Section 18C. Registered Real Estate Inspectors: Registration and Certification: Fees.**

(a) (No change.)

(b) Any registration issued by the commission is subject to the registrant maintaining a surety bond in the

statutory amount on a form acceptable to the commission. In order to be accepted, bonds shall be issued in the name of the registrant or, in the case of a corporation or partnership, issued in the name of its designated officer or partner.

(c) Registration of a corporation or partnership shall authorize a designated officer of the corporation or a designated partner to act as an inspector in the name of the corporation or partnership. Other officers, employees, agents, or partners must be registered individually in order to perform inspections. The commission shall register corporations and partnerships in the name of the designated officer or partner.

(d) (No change.)

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

Issued in Austin, Texas, on May 20, 1983.

TRD-833746 Mark A. Moseley  
Legal Counsel  
Texas Real Estate Commission

Earliest possible date of adoption:  
July 1, 1983

For further information, please call (512) 459-3342.

## Part XXIV. State Board of Veterinary Medical Examiners Chapter 571. Licensing

### 22 TAC §571.4

The State Board of Veterinary Medical Examiners proposes amendments to §571.4, concerning participation in the P.E.S. or national examination.

Roger D. Shipman, executive secretary, 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. Shipman 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 insignificant.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be an additional \$140 for 1983 and 1984 if unsuccessful when first participating in the examination.

Comments on the proposal may be submitted to Roger D. Shipman, Executive Secretary, State Board of Veterinary Medical Examiners, 2810 Medical Parkway, Suite 119, Austin, Texas 78756, (512) 458-1183.

The amendments are proposed under Texas Civil Statutes, Article 7465a, §7, which provide the State Board of Veterinary Medical Examiners with the authority to make or amend rules necessary or desirable

to carry into effect the provisions of the Veterinary Practice Act.

**§571.4. P.E.S. or National Examination.**

(a) An applicant for examination in the State of Texas who has previously participated in the P.E.S. or national examination must have completed the P.E.S. or national examination not less than 20 days prior to the deadline for receipt of the applications in the board office.

(b) Senior veterinary students who reasonably expect to graduate at the end of the spring term of a given year may take the P.E.S. or national examination together with the CCT (Clinical Competency Test) at the regularly scheduled December examination administered by the board. Those senior veterinary students may not take the Texas portion of the licensing examination within 120 days of their graduation which in most cases will be the board's regularly scheduled May examination.

(c) Those senior veterinary students taking the P.E.S. or national examination and the CCT (Clinical Competency Test) in December must attain a converted score of 75 on each examination in order for the board to recognize their scores for purposes of Texas licensure. Those senior veterinary students who do not attain a score

of 75 or above on their December examinations must retake the P.E.S. and/or CCT at the May examination.

(d) When a senior veterinary student applies to take the P.E.S. and CCT in December, he must file an application for license in Texas and pay the examination fee. The Texas portion of the examination given in May will be included in the initial fee paid in December. Should a senior veterinary student be required to retake the P.E.S. and/or CCT in May, he will be required to pay a fee which will represent the expense to the board of acquiring and administering the additional national examination.

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

Issued in Austin, Texas, on May 18, 1983.

TRD-833705

Roger D. Shipman  
Executive Secretary  
State Board of Veterinary  
Medical Examiners

Earliest possible date of adoption:

July 1, 1983

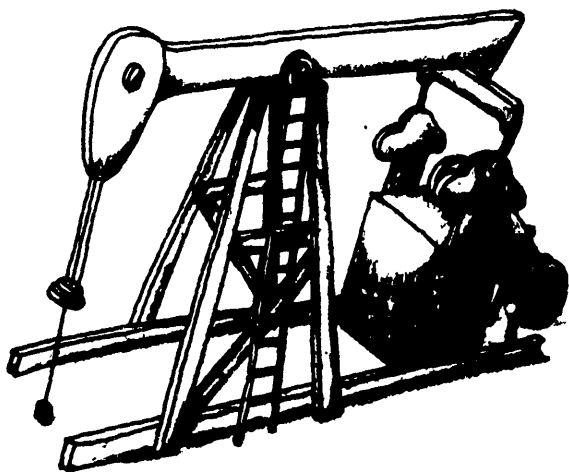
For further information, please call (512) 458-1183.

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

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

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

## Adopted Rules



### TITLE 16. ECONOMIC REGULATION

#### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division Subchapter M. Motor Bus Companies 16 TAC §5.236

The Railroad Commission of Texas adopts amendments to §5.236, with changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4525).

Existing provisions are carried forward, except where 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 on filing, as well as other provisions.

The commission adopted amendments to §5.236 on an emergency basis on December 20, 1982. Notice of a proposal to adopt amendments on a permanent basis was approved by the commission on the same date.

These amendments contain three changes from the text of the rule as published. First, the provisions of subsection (c)(2)(A) have been changed to delete the requirement that 10 days' notice be given on rate decreases applicable to regular route motor bus passenger service, since such a requirement would be contrary to 49 United States Code §11501(e)(5). Second, the abbreviated notice provisions in subsection (c)(2)(B)(iii) have been deleted as unnecessary in light of the change made in subsection (c)(2)(A). Third, the last nine words in subsection (d) have been deleted as surplusage.

The public benefit anticipated as a result of enforcing the rule as adopted 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 adopted.

Comments against the proposed rule were filed by Greyhound Lines, Inc. Greyhound's comments stated that:

- (1) all state laws and regulations concerning rate decreases have been preempted;
- (2) bus companies cannot be required to give 10 days' notice of proposed rate reductions;

- (3) bus companies cannot be required to file rate reductions with the appropriate state agency; and
- (4) section 5.236 should acknowledge the 120-day limit on state jurisdiction over rate increase proposals.

The Railroad Commission of Texas disagrees with the comments submitted by Greyhound for the following reasons.

(1) The Bus Regulatory Reform Act of 1982 did not entirely preempt state jurisdiction over rate decreases. State jurisdiction over regular route passenger rate decreases was substantially preempted under 49 United States Code §11501(e)(5). However, this provision does not apply to charter rates or express package rates.

(2) Greyhound is correct that 10 days' notice cannot be required for regular route passenger rate decreases, and the amendments to §5.236 have been revised to reflect the provisions of 49 United States Code §11501(e)(5).

(3) While the Interstate Commerce Commission (ICC) has determined that it will not require that rate decreases be filed with state agencies, such a requirement is not proscribed by 49 United States Code §11501(e)(5), since it is an informational requirement only.

(4) The 120-day jurisdictional limit is clearly reflected in the statute and need not be repeated in §5.236. Moreover, rate increases do not automatically become effective on the 121st day after filing with the state. Such increases, if not approved by the state within 120 days, can be appealed to the ICC and would become effective only on issuance of an ICC order granting the increase.

These amendments are adopted under Texas Civil Statutes, Article 911a, §4, which provide the Railroad Commission of Texas with the authority to adopt rules for the regulation of motor bus companies.

**§5.236. Rates, Fares, and Charges for Motor Bus Companies.**

(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 of 49 United States Code §11501(e) and on file with the commission.

(c) **Changes in rates, fares, and charges for regular route passenger service.**

(1) **Rate increases.**

(A) **Requirements.** Rate increases applicable to regular route motor bus passenger service shall be effective only when prescribed by order of the commission or when prescribed by order of the Interstate Commerce Commission pursuant to 49 United States Code §11501(e) and on file with the commission.

(B) **Procedures.**

(i) **Application to the Railroad Commission of Texas for a rate increase.** Applications for regular route motor bus passenger service rate increases shall be filed with the commission on forms prescribed by the director. Each application shall include a verified statement of facts in support of the application, together with a copy of all exhibits to be presented at hearing.

(ii) **Notice of increases prescribed by the Interstate Commerce Commission on appeal from an order of the commission pursuant to 49 United States Code §11505(e).** Each motor bus company shall, within 15 days of receipt of notice that the Interstate Commerce Commission has prescribed an intrastate regular route motor bus passenger service rate increase applicable via such carrier pursuant to 49 United States Code §11501(e), file with the commission a copy of the Interstate Commerce Commission decision prescribing the rate increase together with a tariff or tariff supplement reflecting the level of rates prescribed by the Interstate Commerce Commission. Such tariff or supplement shall comply, in all respects, with the provisions of 49 Code of Federal Regulations §1300 and §1301, concerning tariff specifications, except that references therein to the "commission" or the "Interstate Commerce Commission" shall be construed to be references to the Railroad Commission of Texas (R.C.T.).

(2) **Rate decreases.**

(A) **Requirements.** Rate decreases applicable to regular route motor bus passenger service on one or more routes over which the proponent carrier provides interstate service, as well as intrastate service, may become effective when filed with the Railroad Commission or on any date thereafter.

(B) **Procedures.**

(i) **Service of notice.** Notice of a proposed rate reduction must be served on the Railroad Commission of Texas as well as on all connecting and competing carriers. Notice must be served on connecting and competing carriers at the same time and in the same manner as notice is served on the Railroad Commission of Texas. Notice shall be deemed to have been served on the Railroad Commission of Texas upon receipt.

(ii) **Documents to be served.** The proponent carrier shall serve a copy of a tariff or tariff supplement reflecting the proposed rate reduction, together with a cover letter describing the nature and extent of reduction and certifying service of the tariff or tariff supplement on all connecting and competing carriers in accordance with the provisions of this subparagraph. The tariff or tariff supplement shall comply, in all respects, with the provisions of 49 Code of Federal Regulations §1300 and §1301, with regard to tariff specifications, except that references therein to the "commission" or "Interstate Commerce Commission" shall be construed to be references of the Railroad Commission (R.C.T.).

(iii) **Suspension of rate reductions on wholly intrastate routes.** The director may, upon filing of a complaint, order that a rate decrease applicable on one or more routes over which the proponent carrier provides only intrastate service be suspended, pending hearing and final disposition of the complaint if the complaint con-

tains a verified statement of facts showing that the rate decrease is predatory.

(3) Application of subsection. The provisions of this subsection apply to the intrastate transportation of passengers in regular route service. The provisions of this subsection do not apply to the transportation of passengers in charter or special party service.

(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.

(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 provision, in the commission's regulations.

Issued in Austin, Texas, on May 23, 1983.

TRD-833730 Mack Wallace, Chairman  
Jim Nugent and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective date: June 12, 1983

Proposal publication date: December 31, 1982

For further information, please call (512) 445-1186.

#### 16 TAC §5.245

The Railroad Commission of Texas adopts new §5.245, without changes to the proposed text published in the December 31, 1982, issue of the *Texas Register* (7 TexReg 4525).

This section is adopted so that the provisions of the Bus Regulatory Reform Act of 1982 may be implemented concerning intrastate operating rights granted by the Interstate Commerce Commission.

The public benefit anticipated as a result of enforcing the rule 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.

There were no comments received regarding adoption of this new section.

This new section is adopted under Texas Civil Statutes, Article 911a, §4, which provide the Railroad Commission of Texas with the authority to adopt rules for regulation of motor bus companies.

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

Issued in Austin, Texas, on May 23, 1983.

TRD-833731 Mack Wallace, Chairman  
Jim Nugent and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective date: June 12, 1983

Proposal publication date: December 31, 1982

For further information, please call (512) 445-1186.

## TITLE 22. EXAMINING BOARDS Part XXII. Texas State Board of Public Accountancy

### Chapter 523. Continuing Professional Education

#### Mandatory Continuing Education (CE) Program

##### 22 TAC §523.64

The Texas State Board of Public Accountancy adopts an amendment to §523.64, without changes to the proposed text published in the March 18, 1983, issue of the *Texas Register* (8 TexReg 913).

Requiring a licensee to retain documents, or other evidence supporting continuing education credit hours claimed, for a period of five years will conform the board's rules to national standards as established by the National Association of State Board of Accountancy.

The rule will require a licensee to retain documents, or other evidence supporting continuing education credit hours claimed, for a period of five years rather than three as is presently required.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the authority of Texas Civil Statutes, Article 41a-1, §6, which provide the Texas State Board of Public Accountancy with authority to adopt a system of required annual continuing education for licensees.

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

Issued in Austin, Texas, on May 23, 1983.

TRD-833732 Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective date: June 13, 1983

Proposal publication date: March 18, 1983

For further information, please call (512) 451-0241.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office Chapter 11. Legal Division

#### Oil and Gas Leases, Mineral Classified Lands

##### 31 TAC §11.11

The General Land Office adopts an amendment to §11.11, without changes to the proposed text published in the April 22, 1983, issue of the *Texas Register* (8 TexReg 1331).

The change in the rule was adopted to insure that the permanent school fund receives its full share of the consideration paid for leases of mineral classified lands.

The amendment provides that the owner of the soil, if an individual, may not lease to himself or to a nominee, or to any corporation in which he is a principal stockholder or to a partnership in which he is a partner. If the owner of the soil is a corporation or a partnership, the owner may not lease directly or indirectly to a principal stockholder or a partner. Subject to the written approval of the commissioner of the General Land Office, the owner of the soil may acquire the lease by assignment, but absent such approval, the assignment shall be of no force and effect. The amendment further provides that if the owner of the soil acquires any lease by assignment and within three years thereafter assigns the lease for a valuable consideration, the state shall share equally in the total consideration.

No comments were received regarding adoption of the amendment

The amendment is adopted under the provisions of the Natural Resources Code, §31.051 and §52.171, *et seq.*, which authorizes the commissioner of the General Land Office to adopt rules governing the leasing of mineral classified lands.

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

Issued in Austin, Texas, on May 23, 1983

TRD-833726      Garry Mauro  
                         Commissioner  
                         General Land Office

Effective date: June 12, 1983  
Proposal publication date: April 22, 1983  
For further information, please call (512) 475-0195.



**Part II. Texas Parks and Wildlife  
Department  
Chapter 65. Wildlife  
Subchapter A. Statewide Hunting and  
Fishing**

**31 TAC §§65.6, 65.33, 65.34, 65.46, 65.62**

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing held April 30, 1983, adopted amendments to §§65.6, 65.33, 65.34, 65.46, and 65.62, without changes to the proposed text published in the March 11, 1983, issue of the *Texas Register* (8 TexReg 821). Sections 65.1-65.91 constitute the Statewide Hunting and Fishing Proclamation.

The Parks and Wildlife Commission is responsible for regulating by proclamation the periods of time, means, methods, manners, and places for taking wildlife resources in counties where the Uniform Wildlife Regulatory Act applies. The Uniform Wildlife Regulatory Act enables the commission to deal effectively with changing conditions to prevent depletion and waste of wildlife resources.

In certain counties the Statewide Hunting and Fishing Proclamation is not effective unless it has been approved, in whole or in part, by the commissioners court of a county listed in Texas Parks and Wildlife Code, §61.202 or §230.051. The sections included in this adoption do not incorporate such action. Action made by the commissioners court, when received, will be filed with the *Texas Register*.

Fluctuations in wildlife resource populations required the Parks and Wildlife Commission to adopt regulation changes for the 1983-1984 hunting and fishing seasons.

The amendments provide harvest of wildlife resource populations consistent with recognized wildlife management principles.

Comments by the public concerning these adopted regulation changes were presented to the Parks and Wildlife Commission in the form of county public hearing summaries, petitions, commissioners court resolutions, letters, and summaries of telephone calls. No comments were received via publication of the sections in the *Texas Register*.

The proposed changes were discussed at 139 of the 241 county public hearings where there was attendance during the week of March 21-25, 1983; 1,418 persons attended the meetings. Testimony obtained from the county public hearings is briefly summarized as follows. Most comments concerned the department's existing buck permit issuance system, continuing the netting of fish, the issuance of antlerless deer permits, opposing the department's proposed spring turkey season, the taking of spike bucks, the setting of quail seasons and bag limits, and split deer seasons.

Petitions were received requesting that the Franklin County deer season be the same as Hopkins County's



deer season, 11 signatures, and that the Dimmit County deer season be extended, 803 signatures.

Commissioners court resolutions were received requesting that the buck permit system be discontinued in Maverick County; that Morris County return to the split deer season; that the Dimmit County deer season be extended, a resolution presented by the mayor of Carrizo Springs; and that a lowered bag limit on quail of 10 per day and a shorter hunting season be observed in Garza County.

Letters were received requesting a lowered bag limit on quail of 10 per day and a shortened hunting season and that since there is an overabundance of spikes and does in Kendall County, the deer herd should be thinned.

A telephone call was received requesting that a bonus tag for spike bucks be made available.

In the public hearing, there were no persons speaking directly for or against the amendments

The Parks and Wildlife Commission disagrees with the comments received because they are judged not to

be consistent with recognized wildlife management principles. The commission must act to deal effectively with changing conditions to prevent depletion and waste of wildlife resources.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with authority to provide wildlife resource regulations in counties to which the Uniform Wildlife Regulatory Act applies.

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

Issued in Austin, Texas, on May 23, 1983.

TRD-833752

Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective date: June 14, 1983

Proposal publication date: March 11, 1983

For further information, please call (512) 479-4974  
or (800) 792-1112.

# Open Meetings

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

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

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

## Texas Board of Chiropractic Examiners

**Wednesday and Thursday, June 8 and 9, 9 a.m. daily.** The Texas Board of Chiropractic Examiners will meet in Trinity East Rooms One and Two, Americana Hotel, 200 Main Street, Fort Worth. According to Wednesday's agenda, the board will conduct enforcement hearings. On Thursday the board will conduct enforcement hearings, hear a presentation by Dr. Bob Glaze on behalf of the Council of Chiropractic Orthopedists, and, if time permits, conduct board business.

**Contact:** Edna A. Parsons, 1300 East Anderson Lane, Building C-245, Austin, Texas 78752, (512) 835-2006.

**Filed:** May 25, 1983, 9:16 a.m.  
TRD-833758

## Texas State Board of Dental Examiners

**Friday, May 27, 1983, 5 p.m.** The Texas State Board of Dental Examiners made an emergency addition to the agenda of a meeting held in the dean's conference room, University of Texas Health Science Center, San Antonio. The addition concerned dis-

cussion of the national board results. The emergency addition was necessary because the board recently received the national board results and learned that dentists who failed the national board will not be able to take another one until December and therefore will not be able to take the board's examination until next June.

**Contact:** William S. Nail P.O. Box 13165, Austin, Texas 78711, (512) 475-2443.

**Filed:** May 24, 1983, 1:33 p.m.  
TRD-833750

## Texas Education Agency

**Friday, June 17, 1983, 8:30 a.m.** The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet at the Carpenters Joint Apprenticeship Committee Training Center, 5747 Greyrock, San Antonio. Items on the agenda include the status of a recommendation on apprenticeship administrative procedures; reports from the apprenticeship coordinator, the Ad Hoc Finance Committee concerning funding for fiscal year 1983-1984, and the Ad Hoc Planning Committee concerning the statewide apprenticeship conference; a recommendation to the State

Board of Education concerning the apprenticeship contract hour rate for fiscal year 1983-1984; and a tour of the Carpenters Training Center.

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

**Filed:** May 26, 1983, 8:45 a.m.  
TRD-833806

**Friday and Saturday, June 17 and 18, 1983, 8:30 a.m. daily.** The State Parent Advisory Council for Migrant Education of the Texas Education Agency will meet at the North Park Inn, 9300 North Central Expressway, Dallas. Items on the agenda include a workshop on classroom use of computers at Frisco Independent School District; a tour of the Region X Education Service Center; an update on regulations and funding; a review of the Educational Consolidation Improvement Act application process concerning migrant education; proposed State Board of Education rules concerning special populations; a report on the General Accounting Office audit; and the status of the State Parent Advisory Council for Migrant Education.

**Contact:** Frank Contreras, 201 East 11th Street, Austin, Texas 78701, (512) 834-4310.

**Filed:** May 26, 1983, 8:46 a.m.  
TRD-833803

**Thursday, June 23, 1983, 10 a.m.** The Ad Hoc Committee of the State Board of Education's Public School Boards of Trustees Advisory Committee and the Public School Professional Personnel Advisory Committee to Review Textbook Rules of the Texas Education Agency (TEA) will meet in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will review textbook rules as they apply from the time the State Board of Education adopts textbooks until the local adoption process is completed. The committee's findings and recommendations should be prepared for review and action by the full membership of both advisory committees. Those advisory committees, in turn, will submit recommendations for changes to the State Board of Education. At this meeting, the committee will complete its review of the textbook rules and draft recommendations.

**Contact:** Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

**Filed:** May 26, 1983, 8:45 a.m.  
TRD-833804

### Texas Employment Commission

**Wednesday, June 1, 1983, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda summary include prior meeting notes; reports of administrative staff on program operations, funding, and legislation; a report on a request by Pyramid Life Insurance Company; and the date of and agenda items for the next meeting. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, and the status of litigation and attorney general opinion requests.

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

**Filed:** May 24, 1983, 3:14 p.m.  
TRD-833755

### Texas Health Facilities Commission

**Friday, June 3, 1983, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

### Notice of Intent To Acquire Existing Health Care Facilities

Beverly Enterprises—Texas, Inc., Fort Smith, Arkansas  
AN83-0420-382  
AN83-0420-384  
AN83-0420-386  
AN83-0420-388  
AN83-0420-390  
AN83-0420-392

### Retama Manor Nursing Centers, Inc., Houston

AN83-0428-416  
AN83-0428-418  
AN83-0428-420  
AN83-0428-422  
AN83-0428-424  
AN83-0428-426  
AN83-0428-428

### West Houston Surgical Center Group, Houston

AS83-0427-412

### Jewell Enterprises, Arlington

AN83-0429-434

### Stonebrook Properties, Inc., Arlington

AN83-0429-438

### Care One, Inc., Tyler

AN83-0428-430

### Notice of Intent To Acquire Major Medical Equipment

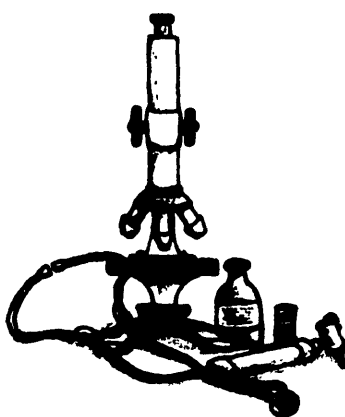
Texas Medical Imaging Center, Houston  
AO83-0429-436

### Amendments of Certificate of Need Orders

Medical Center Hospital, San Antonio  
AH82-0428-003A(042283)  
Comfort Gardens Home, Comfort  
AN80-0530-082A(042283)  
Timberlawn Psychiatric Hospital, Inc., Dallas  
AH80-0620-016A(041883)

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

**Filed:** May 25, 1983, 9:32 a.m.  
TRD-833761



### Texas Department of Human Resources

**Friday, June 10, 1983, 8 a.m.** The Advisory Council for Social Work Certification of the Texas Department of Human Resources will meet in the Reggie Room, Howard Johnson's Motor Lodge, 7800 IH 35 North, Austin. Items on the agenda include approval of the April 25, 1983, minutes; discussion of the new certification law and rule development for implementation of the new law; the current status of the certification program; and a summary.

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

**Filed:** May 25, 1983, 1:49 p.m.  
TRD-833771

### Texas Municipal Retirement System

**Saturday, June 25, 1983, 9 a.m.** The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 IH 35 North, Austin. According to the agenda summary, the board will approve the March 19, 1983, minutes; review service and disability retirements, supplemental death benefit payments, financial statements, the 1982 annual report, the actuarial report (Mark Fenlaw, Rudd & Wisdom, Inc.), the 1982 audit report (Don Laine, H. V. Simpson & Company), reports concerning legislation, reports from the legal counsel and director, 1984 contribution rates, supplemental disability benefits contributions rates for 1984, supplemental death benefit contribution rates for 1984; selection of an auditor for fiscal year 1983 operations; and consider any other business that appears before the board.

**Contact:** Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

**Filed:** May 24, 1983, 3:16 p.m.  
TRD-833754

### Texas State Board of Public Accountancy

**Thursday, May 26, 1983, 10:30 a.m.** The Examination Committee of the Texas State Board of Public Accountancy met in emergency session in Suite 500, 3301 Northland Drive, Austin. According to the agenda, the committee discussed examination sites for the November 1983, uniform CPA exami-

## Texas Register

nation, and conducted other business. The emergency status was necessary because a decision must be made regarding reservation of examination sites.

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

**Filed:** May 25, 1983, 2:27 p.m.  
TRD-833770



### Public Utility Commission of Texas

**Wednesday, June 1, 1983, 9 a.m.** The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Items on the agenda summary include final orders in Dockets 4782, 4783, 4784, 4919, 4987, 4940, 4546, 4764, 4796, 4935, 5023, 4952, 4808, 5042, 4527, 4773, 4774, and 4791.

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

**Filed:** May 24, 1983, 3:45 p.m.  
TRD-833756

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

**Wednesday, June 1, 1983, 1:30 p.m.** A hearing on the merits in Docket 4712—petition of Houston Lighting and Power Company for revision of an electric proposed power service (PPS) tariff schedule.

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

**Filed:** May 24, 1983, 10:25 a.m.  
TRD-833739

**Friday, June 3, 1983, 9 a.m.** A prehearing conference in Docket 5164—application of Tri-County Electric Cooperative, Inc., for a rate increase.

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

**Filed:** May 24, 1983, 10:25 a.m.  
TRD-833740

Addition to the above agenda:

A prehearing conference in Docket 5162—application of Woodgate Utilities, Inc., for a water rate/tariff change in Montgomery County.

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

**Filed:** May 25, 1983, 9:16 a.m.  
TRD-833759

**Thursday, June 16, 1983, 1 p.m.** A rescheduled hearing in Docket 4902—inquiry into the legality of service practices and rates of Cresson Water Works. The hearing was originally scheduled for May 18, 1983.

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

**Filed:** May 24, 1983, 10:26 a.m.  
TRD-833741

**Friday, June 17, 1983, 1:30 p.m.** A rescheduled prehearing in Docket 5092—application of the City of San Juan for a certificate of convenience and necessity in Hidalgo County. The hearing was originally scheduled for May 27, 1983, as published at 8 TexReg 1601.

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

**Filed:** May 24, 1983, 10:26 a.m.  
TRD-833742

**Monday, June 27, 1983, 10 a.m.** A hearing on the merits in Docket 2616—application of Lubbock Power and Light for an amended certificate of convenience and necessity within Lubbock County.

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

**Filed:** May 26, 1983, 9:53 a.m.  
TRD-833808

**Monday, July 11, 1983, 9 a.m.** A hearing on the merits in Docket 5136—application of Vornsand Enterprises, Inc., doing business as Arcadian Utility Company for a water rate tariff/revision within Harris County.

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

**Filed:** May 26, 1983, 9:51 a.m.  
TRD-833809

**Tuesday, July 12, 1983, 9 a.m.** A hearing on the merits in Docket 4824—application

of Southwest Utilities, Inc., for authority to change water rates.

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

**Filed:** May 25, 1983, 9:17 a.m.  
TRD-833760

**Thursday, July 14, 1983, 10 a.m.** A hearing in Docket 5140—application of Crestwood Water Company for a rate increase within Marion County.

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

**Filed:** May 26, 1983, 9:52 a.m.  
TRD-833810

### State Securities Board

**Friday, June 10, 1983, 10 a.m.** The securities commissioner of the State Securities Board rescheduled a meeting to be held at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will conduct a hearing to determine whether the applications of Centennial State Securities, Inc., as a dealer, Regis Donald Dahl and Charles H. Waldo as officers of Centennial State Securities, Inc., and Douglas Peter Mikel as a salesman for Centennial State Securities, Inc., should be granted or denied. The meeting was originally scheduled for May 25, 1983, as published in the May 17, 1983, issue of the *Texas Register* (8 TexReg 1632).

**Contact:** Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78711, (512) 474-2233.

**Filed:** May 24, 1983, 2:31 p.m.  
TRD-833753

### Teacher Retirement System of Texas

**Friday, June 10, 1983, 9:30 a.m.** The Investment Advisory Committee of the Teacher Retirement System of Texas will meet on the 48th floor, Republic Bank Tower, Dallas. Items on the agenda include approval of minutes, review of legislation, update on investments for the preceding quarter and a report on forward commitments, consideration of proposed changes to the common stock list, a discussion of stockholder's meetings, an update on real estate investments, consideration of proposed changes to criteria and procedures for

mortgage and real estate investments, a general discussion on the economic outlook and market conditions, and the allocation of cash flow for the current quarter.

**Contact:** Clark Manning, 1001 Trinity, Austin, Texas, (512) 477-9711, ext. 274.

**Filed:** May 26, 1983, 9:53 a.m.  
TRD-833811

### Teachers' Professional Practices Commission

**Tuesday, June 7, 1983, 9 a.m.** The Teachers' Professional Practices Commission will meet in Room 101-E, Texas Education Agency (TEA) North Building, 1200 East Anderson Lane, Austin. Items on the agenda include reports on relevant legislation, on Senate Bill 341 concerning cases that have been appealed to the legal counsel under the Term Contract Non-Renewal Act, and on jurisdictional decisions and disposition of complaints accepted; a presentation by the TEA legal counsel on procedures for a hearing; a discussion of the commission's procedures for a hearing; and work in groups and a discussion on premises and standards of the code.

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

**Filed:** May 26, 1983, 8:45 a.m.  
TRD-833805

### Texas Southern University

**Friday, June 3, 1983.** Committees of the Texas Southern University Board of Regents will meet in Room 117, Hannah Hall, Texas Southern University, 3100 Cleburne Avenue, Houston. Times, committees, and agendas follow.

**9 a.m.** The Building and Grounds Committee will consider approval of payments for construction contracts for construction and rehabilitation of buildings, construction change orders, and approval of land acquisition.

**9:45 a.m.** The Finance Committee will consider monthly financial reports and approval of short-term investments and payments for real estate purchases.

**10:30 a.m.** The Personnel and Academic Affairs Committee will consider enrollment and curricula data from the administration, review personnel appointments and changes in the status of personnel, and approve

educational gifts, grants, and leaves of absence.

**11:15 a.m.** The Development Committee will consider progress reports from the administration on university fund raising.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** May 26, 1983, 9:23 a.m.  
TRD-833812-833815

**Friday, June 3, 1983, 1:30 p.m.** The Board of Regents of Texas Southern University will meet in Board Room 203, Sterling Life Center, Texas Southern University, 3100 Cleburne Avenue, Houston. Items on the agenda include minutes and reports of standing committees: **Finance**, concerning financial reports and approval of short-term investments; **Building and Grounds**, concerning awarding of construction contracts and status reports on current constructions; **Personnel and Academic Affairs**, concerning approval of faculty appointments, changes in status of personnel, approval of leaves of absence, and status reports; **Development**, concerning status reports; and **Student Affairs**, concerning status reports.

**Contact:** Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

**Filed:** May 26, 1983, 9:24 a.m.  
TRD-833816

### Board of Vocational Nurse Examiners

**Monday and Tuesday, June 13 and 14, 1983, 8 a.m. and 8:15 a.m., respectively.** The Board of Vocational Nurse Examiners will meet in the Sunrise Motor Hotel, 7622 IH 35 North at Highway 183, Austin. Items on the agenda include approval of minutes; reports of the executive director and director of education; special reports; program contacts; school matters; old business; new business, concerning 1984-1985 appropriations, a financial statement, signatures for vouchers, board statements, student vocational nurses administering medications, and amendment and repeal of rules; and administrative hearings. The board will also meet in executive session at 8 a.m. on June 13, 1983.

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

**Filed:** May 21, 1983, 10:24 a.m.  
TRD-833743

### Texas Water Commission

**Wednesday, July 6, 1983, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing for petition for creation of Harris County Municipal Utility District 225 containing 29.47990 acres of land.

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

**Filed:** May 25, 1983, 3:16 p.m.  
TRD-833773

**Tuesday, July 19, 1983, 9 a.m.** The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the following applications to the Texas Department of Water Resources.

Application of Pine Tree Development Corporation, 4925 Davis Boulevard, Suite 204, Fort Worth, Texas 76118, for an amendment to Permit 12536-01 to authorize an increase in the discharge of treated wastewater effluent from 42,000 gallons per day to 84,000 gallons per day from the existing South Wastewater Treatment Plant (Outfall 001) and the proposed North Wastewater Treatment Plant (Outfall 002) in order to add a new 42,000 gallon per day wastewater treatment package plant to their existing facilities to serve a new section of its mobile home park.

Application of Permian Brine Sales, Inc., Route 3, Box 3033, Odessa, Texas 79763, for a proposed Permit BR50069, to authorize the production of 10 pound brine from two brine wells on a 2.13 acre permit area (Snyder Brine Station), which will consist of two freshwater wells to be drilled on the site for the dual purpose of supplying fresh process water for the operation and to serve as monitor wells to detect any migration of brine solutions into overlying freshwater aquifers.

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

**Filed:** May 24, 1983, 11:21 a.m.  
TRD-833748, 833749

**Tuesday, July 26, 1983, 9 a.m.** The Texas Water Commission will meet in the meeting room, Lower Neches Valley Authority, 7580 Eastex Freeway, Beaumont. According to the agenda summary, the commission will conduct hearings on the following applications.

Application of West Jefferson County Municipal Water District, Route 8, Box G-395.

Beaumont, Texas 77705, to the Texas Department of Water Resources for proposed Permit 12708-06 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 280,000 gallons per day. The applicant proposes to construct a facility to serve the Fannett service area.

Application of West Jefferson County Municipal Water District, Route 8, Box G-395, Beaumont, Texas 77705, to the Texas Department of Water Resources for proposed Permit 12708-05 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 30,000 gallons per day. The applicant proposes to construct a facility to serve the South LaBelle service area.

Application of West Jefferson County Municipal Water District, Route 8, Box G-395, Beaumont, Texas 77705, to the Texas Department of Water Resources for proposed Permit 12708-04 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 40,000 gallons per day. The applicant proposes construction of a facility to serve the North LaBelle service area.

Application of Lumberton Municipal Utility District, P.O. Box 8065, Lumberton, Texas 77711, to the Texas Department of Water Resources for proposed Permit 11709-02 to authorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day from the proposed wastewater treatment plant which is to serve the district.

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

**Filed:** May 25, 1983, 11:18 a.m.  
TRD-833766-833769

### **Regional Agencies Meetings Filed May 24**

**The Region VIII Education Service Center, Board of Directors, rescheduled a meeting to be held at 100 North Riddle Street, Mount Pleasant, on June 2, 1983, at 11:30 a.m. The meeting was originally scheduled for May 19, 1983 as published in the May 13, 1983, issue of the *Texas Register* (8 Tex-Reg 1605). Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-6676.**

**The Lubbock Regional Mental Health and Mental Retardation Center met in emergency session at 3800 Avenue H, Lubbock, on May 24, 1983, at 4:45 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas, 79401, (806) 763-4213.**

**The Tyler County Tax Appraisal District, Board of Directors, will meet at 1004 West Bluff, Woodville, on June 13, 1983, at 7 p.m. Information may be obtained from Leslie J. Silva, R.P.A., P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.  
TRD-833744**

### **Meetings Filed May 25**

**The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on May 31, 1983, at 8:30 a.m. Information may be obtained from James L. Dunham, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.**

**The Trinity River Authority of Texas, Executive Committee, rescheduled a meeting**

to be held at 5300 South Collins, Arlington, on June 2, 1983, at 2:30 p.m. The meeting was originally scheduled for 3 p.m. the same day. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-833764

### **Meetings Filed May 26**

**The Eastland County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Eastland County Courthouse, Eastland, on June 8, 1983, at 3 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.**

**The Grayson County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Grayson County Courthouse, Sherman, on June 1, 1983, at 4 p.m. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.**

**The Kendall County Appraisal District, Board of Review, will meet in the Boerne Professional Building, 207 East San Antonio Street, Boerne, on June 9, 1983, at 2 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.**

**The San Jacinto River Authority, Board of Directors, will meet in the Lake Conroe Office Building, Highway 105 West, Conroe, on May 31, 1983, at 2 p.m. Information may be obtained from Ruby Shiver, P.O. Box 329, Conroe, Texas 77301, (409) 588-1111.**

TRD-833807

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

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

# The Legislature

## Bills Submitted to the Governor

### May 18

**SB 471** Relating to amending the Hospital Authority Act to provide an alternate method of selecting members of the board of directors of certain hospital authorities; permitting a reduction of the number of directors and regulation of successive terms.

Sponsor: Mauzy

**SB 612** Relating to the administration, powers, duties, and funding of higher education authorities and to the authority of the governing body of cities to allow non-profit corporations to act on its behalf in certain acquisitions.

Sponsors: McFarland, *et al*

### May 23

**HB 134** Relating to the compensation of the judges of the district courts in Galveston County.

Sponsor: Criss

**HB 225** Relating to unannounced inspections of nursing and convalescent homes.

Sponsor: Toomey

**HB 242** Relating to the status of adult probation department personnel as state employees for certain purposes.

Sponsor: Burnett

**HB 374** Relating to the management of property recovered in a suit by the next friend of an incapacitated person.

Sponsor: Wright

**HB 378** Relating to the distribution of small estates on affidavit.

Sponsor: Wright

**HB 449** Relating to the financial transactions of a corporation.

Sponsor: Leonard

**HB 455** Relating to operating a motor vehicle, trailer, or semi-trailer with expired registration.

Sponsors: Barrientos, *et al*

**HB 475** Relating to the inspection of certain juvenile records by the Texas Department of Corrections for statistical and diagnostic purposes.

Sponsor: Hill, Gerald

**HB 534** Relating to the date by which rendition statements and property reports must be delivered to the chief appraiser.

Sponsor: Peveto

**HB 544** Relating to liability for interference with child custody and to court orders providing for possession of or access to a child.

Sponsor: Bush

**HB 603** Relating to the destruction of an industrial die, mold, or form.

Sponsor: Millsap

**HB 634** Relating to a substantive revision of the laws concerning creation, consolidation, and abolition of school districts.

Sponsor: Haley

**HB 637** Relating to statewide assignment of judges of the statutory probate courts.

Sponsor: Wright

**HB 639** Relating to absentee voting on federal post card application.

Sponsor: Hill, Gerald

**HB 647** Relating to the submission of the appraisal roll to a taxing unit.

Sponsor: Delay

**HB 724** Relating to the reorganization of the 28th Judicial District and the compensation of the district judges in Kleberg County.

Sponsor: Rangel

**HB 842** Relating to amounts of coverage for spouses and children under certain group term life insurance.

Sponsor: Simpson

**HB 854** Relating to validation of certain acts, proceedings, and orders concerning exclusion of territory

from the Meadowlakes Municipal Utility District of Burnet County.

Sponsor: Gibson

**HB 930** Relating to predator control from aircraft in Jackson and Matagorda Counties.

Sponsor: Uher

**HB 936** Relating to annexation of city, town, or village territory by certain junior college districts.

Sponsor: Garcia, Matt

**HB 943** Relating to write-in voting in an election for the office of trustee of an independent school district.

Sponsor: Connelly

**HB 970** Relating to the creation of a juvenile board in Blanco, Burnet, Llano, Mason, and San Saba Counties.

Sponsors: Geistweidt, *et al*

**HB 1031** Relating to the creation of the county court at law of Kleberg County.

Sponsor: Rangel

**HB 1064** Relating to the establishment and use of the special nongame and endangered species conservation fund.

Sponsor: Agnich

**HB 1368** Relating to the failure of certain persons to maintain records of the source of citrus fruit; providing a penalty.

Sponsor: Hinojosa

**HB 1395** Relating to the remedies for unequal appraisal of property for property tax purposes.

Sponsors: Schlueter, *et al*

**HB 1582** Relating to a taxpayer protest of the situs of property.

Sponsor: Jackson

**HB 1725** Relating to the administration of children's protective services in Harris County.

Sponsor: Polumbo

**HB 2009** Relating to contracts, leases, and other arrangements for use and occupancy of airport property entered into by joint boards under the Municipal Airports Act.

Sponsor: Evans, C.

**HB 2165** Relating to certain licensing requirements and penalties under the Liquefied Petroleum Gas Code.

Sponsor: Delay

## May 24

**HB 658** Relating to the establishment of a restitution center program as an alternative to traditional methods of sentencing defendants.

Sponsors: Laney, *et al*

**HB 2161** Relating to the regulation of the transportation of water from the Edwards Underground Water District.

Sponsor: Geistweidt

**HB 2183** Relating to the use of odometer readings on certificates of title and assignments of title to motor vehicles.

Sponsor: Barrientos

**HB 2226** Relating to the power of general law municipalities to annex navigable streams.

Sponsor: Davis, Mark

**HB 2301** Relating to establishment of a juvenile board in Crosby County.

Sponsor: Whaley

**HB 2306** Relating to the election and terms of office of the directors of the Lubbock County Water Control and Improvement District 1.

Sponsor: Whaley

**HB 2307** Relating to the jurisdiction of County Court at Law 1 of Montgomery County and of the County Court at Law 2 of Montgomery County.

Sponsor: Tow

**HB 2320** Relating to validation of certain contracts of and issuance of a certain order by the Meadowlakes Municipal Utility District.

Sponsors: Grisham, *et al*

**HB 2369** Relating to the establishment of a juvenile board in Lamb County.

Sponsor: Laney

**SB 82** Relating to a requirement that a dental hygienist receive training in cardiopulmonary resuscitation except under certain circumstances; absolving a dental hygienist from liability except in certain situations.

Sponsor: Brooks

**SB 100** Relating to the continuation, organization, personnel, functions, powers, and duties of the State Depository Board; giving certain savings and loan associations rights to apply for and be designated as state depositories.

Sponsor: Howard

**SB 133** Relating to membership of legislators on certain legislative committees, boards, or councils.

Sponsor: Jones



**SB 148** Relating to a revision of the laws concerning county roads and bridges.

Sponsor: Blake

**SB 156** Relating to certain powers and duties of the Board of Regents of North Texas State University.

Sponsor: Glasgow

**SB 242** Relating to the conveyance to the City of Austin of the state's rights of reverter or reversion in certain real property.

Sponsor: Doggett

**SB 311** Relating to benefits under a compromise settlement agreement or provided in an agreed judgment approved by the court; providing procedures for handling a dispute and a limitation period for payment of benefits.

Sponsor: Mauzy

**SB 354** Relating to prohibiting a person with a firearm or explosive weapon or illegal knife going on premises of certain places.

Sponsor: Whitmire

**SB 376** Relating to providing that municipalities participating in the Texas Municipal Retirement System may allow to eligible members updated service credits calculated to include unforfeited credited service from other participating municipalities.

Sponsor: Traeger

**SB 407** Relating to the retention of certain sheltered workshop operating funds by the Texas Department of Mental Health and Mental Retardation in trust for the benefit of the participants in such workshops.

Sponsor: Doggett

**SB 512** Relating to the designation of campaign treasurers and assistant campaign treasurers and to the activities, powers, duties, and liability of assistant campaign treasurers.

Sponsor: Brown

**SB 547** Relating to the administration of oaths and taking of acknowledgements by the county assessor-collector or employees of that office relating to certain documents.

Sponsor: Whitmire

**SB 563** Relating to the authority of courts in certain counties to participate in the supervision and administration of probation offices.

Sponsor: Washington

**SB 653** Relating to the licensing and regulation of chiropractors and their employees.

Sponsor: Glasgow

**SB 728** Relating to authority of the Board of Regents of the Texas A&M University System to accept and ad-

minister donations of property for the use of the Texas A&M University System or any of its component parts.

Sponsor: Caperton

**SB 738** Relating to the application requirement for property tax exemptions for disabled veterans and the survivors of certain veterans.

Sponsor: Sharp

**SB 765** Relating to regulation of motor vehicle equipment by the Texas Department of Public Safety, to certain powers and duties of the Texas Department of Public Safety, and to procedures for hearings and injunctions.

Sponsor: Leedom

**SB 843** Relating to the application of certain vehicle and traffic laws to bicycles and bicyclists.

Sponsor: Doggett

**SB 856** Relating to the maximum punishment for violation of municipal ordinances or rules or police regulations and to criminal jurisdiction of municipal courts.

Sponsor: Mauzy

**SB 872** Relating to the authorization under the Uniform Reciprocal Enforcement of Support Act for a court to order a deduction from certain child support payments for the payment of certain court costs.

Sponsor: Jones

**SB 892** Relating to security personnel of the Texas Tech University Health Sciences Center and to their jurisdiction and compensation.

Sponsor: Montford

**SB 901** Relating to regulation of the fitting and dispensing of hearing aids.

Sponsor: Traeger

**SB 906** Relating to mutual assistance among cities and counties in the provision of emergency medical services.

Sponsor: Truan

**SB 963** Relating to the reorganization of the Dallas County Municipal Utility District 1 and its continuation as a district; to a change of the name of the district to Dallas County Utility and Reclamation District.

Sponsor: McFarland

**SB 975** Relating to the exemption of implements of husbandry from ad valorem taxation.

Sponsor: Jones

**SB 1025** Relating to abandoned motor vehicles, including certain motorboats, outboard motors, or vessels.

Sponsor: Sharp

**SB 1033** Relating to the authority of a county commissioners court to regulate the keeping of certain wild animals.

Sponsor: Sharp

**SB 1047** Relating to the collection of fees by the Texas Department of Health for public health services, to creation of a special fee fund, to certain powers and duties of the Texas Department of Health and Texas Board of Health, and to subrogation rights.

Sponsor: Vale

**SB 1137** Relating to certain admissions of unadjudicated offenses during sentencing for a criminal conviction.

Sponsors: Brown, *et al*

**SB 1143** Relating to the inclusion of land previously appraised as agricultural or open-space land as part of a residence homestead for property tax purposes.

Sponsor: Brown

**SB 1152** Relating to the use of firearms by and to firearm training of private security officers.

Sponsor: Brown

**SB 1192** Relating to the establishment, membership, staff, powers and duties, and compensation of a juvenile board for the 132nd Judicial District.

Sponsor: Farabee

**SB 1194** Relating to establishment, membership, staff, powers and duties, financing, and compensation of a juvenile board in Jones County.

Sponsor: Farabee

**SB 1217** Relating to the establishment, membership, personnel, powers and duties, and administration of a juvenile board in Denton County.

Sponsor: Glasgow

**SB 1245** Relating to the conduct and financing of governor for a day and speaker's day ceremonies.

Sponsor: Jones

**SB 1282** Relating to providing for a co-presiding judge for courts having jurisdiction over criminal matters in certain counties to act in the absence or disability of the regular presiding judge.

Sponsor: Whitmire

**SB 1291** Relating to appointment, qualifications, compensation, termination, powers, duties, and immunity of masters for certain courts in Travis County and to *de novo* hearings before the judge of the referring court.

Sponsor: Doggett

**SB 1292** Relating to the creation, administration, directors, powers, duties, operation, and financing of the Foard County Hospital District.

Sponsor: Farabee

**SB 1312** Relating to municipal courts of record in the City of El Paso; prescribing the jurisdiction, organization, administration, procedures, and power of municipal courts; creating the El Paso Municipal Court of Appeals.

Sponsor: Santiesteban

**SB 1345** Relating to calculation of an ad valorem tax rate when an error in the preceding year caused the loss of a substantial amount of tax revenue.

Sponsor: Parmer

**SB 1358** Relating to the financing of and the creation, governing body, operation, rights, powers, authority, and financing of subdistricts within certain metropolitan water control and improvement districts.

Sponsor: Brooks

**SB 1359** Relating to the creation and functions of domestic relations offices in counties having a population in excess of two million, to powers and duties of the county commissioners court and of the chief administrative officer, and to fees.

Sponsor: Williams

**SB 1402** Relating to the boundaries of the Livingston Hospital District of Polk County, and validating the district and certain actions, proceedings, and elections of that district.

Sponsor: Blake

## **Bills Signed by the Governor**

### **May 24**

**HB 15** Relating to the Civil Service status and pension benefits of persons temporarily employed in certain fire departments and police departments.

Effective Date: August 29, 1983

**HB 102** Relating to inspections of convalescent homes, nursing homes, and other related institutions.

Effective Date: August 29, 1983

**HB 103** Relating to a repeal of the requirement that state agencies adopt a code of conduct for agency employees who inspect and survey health care facilities.

Effective Date: August 29, 1983

**HB 410** Relating to the purchase of firearms from the state by retiring state peace officers or survivors of state peace officers.

Effective Date: May 24, 1983

**HB 672** Relating to the establishment and powers of a juvenile board in Upshur County; definition of "advice and consent"; composition of the board, selection of chairman, meetings; compensation of members.

Effective Date: May 24, 1983

**HB 680** Relating to the board of regents of East Texas State University.

Effective Date: May 24, 1983

**HB 719** Relating to the display and sale of unpackaged food.

Effective Date: September 1, 1983

**HB 1111** Relating to the date a voter registration application by mail is deemed to be received by the voter registrar.

Effective Date: May 24, 1983

**HB 1229** Relating to the service plan and fare and service changes of a regional transportation authority in a metropolitan area.

Effective Date: May 24, 1983

**HB 1376** Relating to possession limits for red drum and speckled sea trout, to penalties for engaging in business as a commercial finfish fisherman without a license, and to penalties for commercial and noncommercial activities.

Effective Date: September 1, 1983

**HB 1775** Relating to payment of certain oil and gas proceeds.

Effective Date: September 1, 1983

**HB 1861** Relating to the creation, organization, powers, duties, and financing of certain municipal power agencies.

Effective Date: August 29, 1983

**HB 2018** Relating to the administration and provision of drugs by a licensed veterinarian or by a person designated by a licensed veterinarian.

Effective Date: May 24, 1983

**SB 59** Relating to registration by manufacturers of food and distributors of drugs; to powers and duties of the Texas Department of Health and its commissioner; creating offenses and providing penalties.

Effective Date: September 1, 1983

**SB 109** Relating to the powers and duties of cities and counties and the Texas Board of Health in public health matters, providing for the establishment of public health districts, local health departments, and public health regions.

Effective Date: August 29, 1983

**SB 341** Directing and authorizing the Board of Regents, Texas State University System, to replace and repair fire-damaged structures and sites at Sam Houston State University and appropriating funds for such projects.

Effective Date: May 24, 1983

**SB 355** Relating to the board of trustees of independent school districts located on military reservations.

Effective Date: May 24, 1983

**SB 387** Relating to the chief executive officer of and the presidents of North Texas State University and the Texas College of Osteopathic Medicine.

Effective Date: August 29, 1983

**SB 396** Relating to the establishment of the Board of Pardons and Paroles as a statutory agency and to the membership, terms, and power of the board to determine, continue, modify, or revoke paroles and releases to mandatory supervision.

Effective Date: Upon passage of SJR 13

**SB 405** Relating to the continuation, operation, personnel, powers, and duties of the Office of Consumer Credit Commissioner and to its regulatory responsibility concerning pawnshops, to credit card transactions, and merchant discounts.

Effective Date: May 24, 1983

**SB 471** Relating to amending the Hospital Authority Act to provide an alternate method of selecting members of the board of directors of certain hospital authorities; permitting a reduction of the number of directors and regulation of successive terms.

Effective Date: May 24, 1983

**SB 501** Making an appropriation to the Texas Optometry Board to pay the per diem and travel expenses of board members and staff.

Effective Date: May 24, 1983

**SB 541** Relating to the qualification for a direct payment permit under the Limited Sales, Excise, and Use Tax Act.

Effective Date: May 24, 1983

**SB 578** Relating to the authority of the Board of Regents of the Texas A&M University System to grant, sell, lease, or otherwise dispose of certain Texas A&M University System property.

Effective Date: August 29, 1983

**SB 579** Relating to the regulation and licensing of migrant labor housing facilities; authorizing certain fees; providing hearing and enforcement procedures and penalties.

Effective Date: May 24, 1983

**SB 612** Relating to the administration, powers, duties, and funding of higher education authorities and to the authority of the governing body of cities to allow non-profit corporations to act on its behalf in certain acquisitions.

Effective Date: August 29, 1983

**SB 623** Relating to cemetery perpetual care trust funds.

Effective Date: September 1, 1983

**SB 682** Relating to the microfilm preservation of records made or received by local governments, to the preserva-

tion and retention of historical resources in a depository, and to the force and effect of such microfilm records.

Effective Date: September 1, 1983

**SB 703** Relating to the duties of the Family Practice Residency Advisory Committee.

Effective Date: May 24, 1983

**SB 727** Relating to measures designed to reduce the prison population during periods of emergency overcrowding.

Effective Date: August 29, 1983

**SB 781** Relating to the magistrates appointed by the judges of the district courts of Dallas County that give preference to criminal cases and by the judges of the criminal district courts of Dallas County.

Effective Date: May 24, 1983

**SB 786** Relating to the creation of a sheriff's department civil service system in certain counties.

Effective Date: May 24, 1983

**SB 809** Relating to admission of certain students to the Texas School for the Deaf and to certain powers and duties of the governing board of the Texas School for the Deaf and the State Board of Education.

Effective Date: May 24, 1983

**SB 817** Making a supplemental appropriation to the Texas State Board of Physical Therapy Examiners for necessary operating expenses.

Effective Date: May 24, 1983

**SB 826** Relating to the authority of a county to set and collect fees for the use of county recreational facilities and services.

Effective Date: August 29, 1983

**SB 911** Relating to creation of a Criminal Justice Policy Council and its functions, administration, and funding; organization of the Criminal Justice Coordinating Council and the elimination of the Criminal Justice Advisory Board.

Effective Date: September 1, 1983

**SB 971** Relating to an increase in the student union fee at The University of Texas at Arlington.

Effective Date: May 24, 1983

**SB 1029** Relating to the creation and establishment of a conservation and reclamation district, known as San Jacinto Place Municipal Utility District 1.

Effective Date: August 29, 1983

**SB 1030** Relating to the creation and establishment of a conservation and reclamation district, known as San Jacinto Place Municipal Utility District 2.

Effective Date: August 29, 1983

**SB 1031** Relating to the creation and establishment of a conservation and reclamation district, known as San Jacinto Place Municipal Utility District 3.

Effective Date: August 29, 1983

**SB 1032** Relating to the creation and establishment of a conservation and reclamation district, known as San Jacinto Place Municipal Utility District 4.

Effective Date: August 29, 1983

**SB 1050** Making an appropriation to the Texas State Board of Examiners of Psychologists for certain operating expenses.

Effective Date: May 24, 1983

**SB 1112** Relating to the distribution of political subdivisions and use of money received from the use and development of federal public land; giving the comptroller of public accounts certain responsibilities and duties.

Effective Date: August 29, 1983

**SB 1222** Relating to the regulation of the sale of eggs and to expenses for out-of-state inspections.

Effective Date: September 1, 1983

**SB 1269** Relating to creation of the Buffalo Lake Water District and to its directors, personnel, administration, powers and duties, operations, and financing.

Effective Date: August 29, 1983

**SB 1285** Relating to the creation, judges, jurisdiction, powers and duties, personnel, facilities, and practice and procedure of the County Court at Law of Liberty County.

Effective Date: September 1, 1983

## May 25

**HB 658** Relating to the establishment of a restitution center program as an alternative to traditional methods of sentencing defendants.

Effective Date: August 29, 1983

## Bills Enacted Without the Governor's Signature

The following bills were submitted to the governor on May 13, 1983, and became law after the 10-day waiting period.

**SB 737** Relating to the methods by which the comptroller determines a tax liability.

Effective Date: May 25, 1983

**SB 761** Relating to conforming the Agriculture Code, Texas Education Code, Family Code, Human Resources Code, Natural Resources Code, Parks and Wildlife Code, Tax Code, Water Code, and related statutes to the laws from which those codes are derived.

Effective Date: May 24, 1983

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

### Texas Department of Agriculture Correction of Error

An emergency adoption by the Texas Department of Agriculture contained an error as published in the May 20, 1983, issue of the *Texas Register* (8 TexReg 1647). The paragraph stating the statutory authority of the emergency adoption of §11.1 and §11.2 should read as follows.

The amendments are adopted on an emergency basis under the Texas Agriculture Code, §75.018 and §75.019, (1981), which provides the department with the authority necessary to promulgate rules to enforce the provisions of the Texas Agriculture Code, Chapter 75, (1981). The Texas Agriculture Code, §75.023(h), requires the commissioner's court to notify the department of a change in the status of the exemption of a county or a portion of a county.

### State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, July 12, 1983, at 9 a.m. at 2601 North Lamar Boulevard, Austin, on the charter application for the Atascocita State Bank, to be located at 7200 FM 1960 East (unincorporated area) in Harris County.

Additional information may be obtained from O. A. Cassity III, Assistant General Counsel, State Banking Board, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on May 20, 1983.

TRD-833703      O.A. Cassity III  
Assistant General Counsel  
State Banking Board

Filed: May 23, 1983  
For further information, please call (512) 475-4451.

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

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

On April 26, 1983, the banking commissioner received an application to acquire control of CenTex Bancshares, Inc./First Security State Bank, Cranfills Gap, by Ruben H. Johnson of Austin.

On May 23, 1983, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on May 23, 1983.

TRD-833751      Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed: May 24, 1983  
For further information, please call (512) 475-4451.

### Comptroller of Public Accounts Decision 12,974

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

**Summary of Decision.** A taxpayer sought exemption from sales tax pursuant to the Texas Tax Code, §151.311,

and 34 TAC §3.291(c)(4) for various purchases on the grounds that its sales of prestressed concrete products to exempt governmental entities qualified it as a "contractor" within the meaning of the statute. The comptroller held that the taxpayer was not a contractor but a materialman or supplier (*Brazos Concrete Products v. Bullock*, 567 S.W.2d 877).

Issued in Austin, Texas, on May 20, 1983.

TRD-833757      Bob Bullock  
                         Comptroller of Public Accounts

Filed: May 24, 1983  
For further information, please call (512) 475-1938.

### **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.

**Gridley, Fisher, and Associates, Corpus Christi**  
**AO83-0516-494**

**DR—Request for a declaratory ruling that a certificate of need is not required for Gridley, Fisher, and Associates to establish an 18-bed residential**

treatment center for adolescent boys in the South Texas area who are experiencing emotional, psychological, behavioral, and psychiatric problems. The center will be located in Aransas Pass. The applicant plans to seek hospital licensure for the center.

**Humble Skilled Care Facility, Humble**  
**AN83-0518-510**

**DR—Request for a declaratory ruling that a certificate of need is not required for Humble Skilled Care Facility to obtain a special hospital license. Humble Skilled Care Facility operates 90 skilled beds and provides rehabilitation and restorative services. No new services will be added, and there will be no capital expenditure involved.**

**N.M.R. Association Ltd. 1983-I, Houston**  
**AO83-0520-520**

**NIE—Request for a declaratory ruling that a certificate of need is not required for N.M.R. Association Ltd. 1983-I, a limited partnership, to acquire a nuclear magnetic resonance scanner system. The proposed equipment will be located in a private physician's office near the Texas Medical Center in Houston and utilized on an outpatient basis.**

**Jones Health Center, Inc., a Texas corporation,**  
**Orange**

**AN83-0520-524**

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Jones Health Center, Inc., a Texas corporation, to acquire by lease Polley's Rest Home (to be changed to Myrick's Nursing Home), an existing 112-bed ICF nursing home located in Orange, from Continue, Inc., a Texas corporation.**

**Continue, Inc., a Texas corporation, Orange**  
**AN83-0520-526**

**NIEH—Request for a declaratory ruling that a certificate of need is not required for Continue, Inc., to acquire by purchase Polley's Rest Home (to be changed to Myrick's Nursing Home), an existing 112-bed IFC nursing home located in Orange, from James M. Myrick, Jr., trustee for the James M. Myrick, Sr., family trust.**

Issued in Austin, Texas, on May 25, 1983.

TRD-833762      John R. Neel  
                         General Counsel  
                         Texas Health Facilities  
                         Commission

Filed: May 25, 1983  
For further information, please call (512) 475-6940.

### **Texas Department of Human Resources Consultant Proposal Request**

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (TDHR) requests all interested parties to submit proposals to pro-

vide consulting services for the Nutrition Education and Training Program.

**Description of Services.** The contract will include three full-time positions as follows:

(1) Program coordinator—nutritionist with management experience; closing date: Tuesday, June 14, 1983; bid opening: Wednesday, June 15, 1983.

(2) Systems manager—nutritionist with ADP experience; closing date: Wednesday, June 15, 1983; bid opening: Thursday, June 16, 1983.

(3) Workshop coordinator—nutritionist with curriculum development and workshop experience; closing date: Thursday, June 16, 1983; bid opening: Friday, June 17, 1983.

**Contact Person.** Any consultant interested in providing the described services may obtain additional information by contacting Alexa Sparkman, The Nutrition Education and Training Program, Texas Department of Human Resources, Food Services Division 520-A, P. O. Box 2960, Austin, Texas 78769, (512) 835-0440, ext. 2245.

Cost and other factors will be considered in making the award.

Issued in Austin, Texas, on May 25, 1983.

TRD-833763      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Filed: May 25, 1983  
For further information, please call (512) 441-3355,  
ext. 2037.

### Office of the Secretary of State *Texas Register* Publication Schedule

Following are the deadline dates of the June, July, and August 1983 issues of the *Texas Register*. Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

### Publication Schedule for the *Texas Register*

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
★ Friday, June 3	Friday, May 27	Tuesday, May 31
Tuesday, June 7	Wednesday, June 1	Thursday, June 2
Friday, June 10	Monday, June 6	Tuesday, June 7
Tuesday, June 14	Wednesday, June 8	Thursday, June 9
Friday, June 17	Monday, June 13	Tuesday, June 14
Tuesday, June 21	Wednesday, June 15	Thursday, June 16
Friday, June 24	Monday, June 20	Tuesday, June 21
Tuesday, June 28	Wednesday, June 22	Thursday, June 23

Friday, July 1	Monday, June 27	Tuesday, June 28
Tuesday, July 5	Wednesday, June 29	Thursday, June 30
★ Friday, July 8	Friday, July 1	Tuesday, July 5
Tuesday, July 12	Wednesday, July 6	Thursday, July 7
Friday, July 15	Monday, July 11	Tuesday, July 12
Tuesday, July 19	Wednesday, July 13	Thursday, July 14
Friday, July 22	Monday, July 18	Tuesday, July 19
Tuesday, July 26	Wednesday, July 20	Thursday, July 21
Friday, July 29	Monday, July 25	Tuesday, July 26

	2ND QUARTERLY INDEX	
Tuesday, August 2	Monday, August 1	Tuesday, August 2
Friday, August 5	Wednesday, August 3	Thursday, August 4
Tuesday, August 9	Monday, August 8	Tuesday, August 9
Friday, August 12	Wednesday, August 10	Thursday, August 11
Tuesday, August 16	Monday, August 15	Tuesday, August 16
Friday, August 19	Wednesday, August 17	Thursday, August 18
Tuesday, August 23	Monday, August 22	Tuesday, August 23
Friday, August 26	Wednesday, August 24	Thursday, August 25
Tuesday, August 30		

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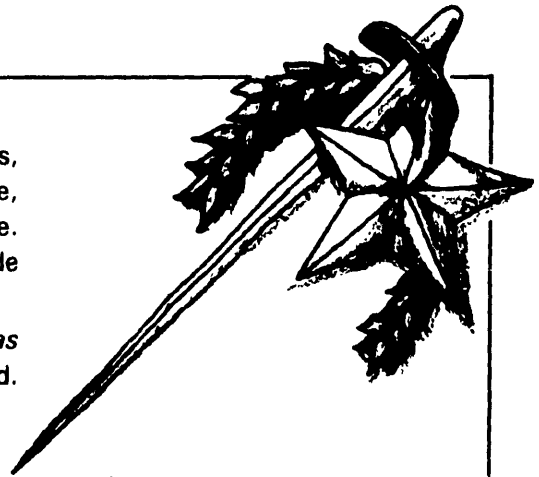
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