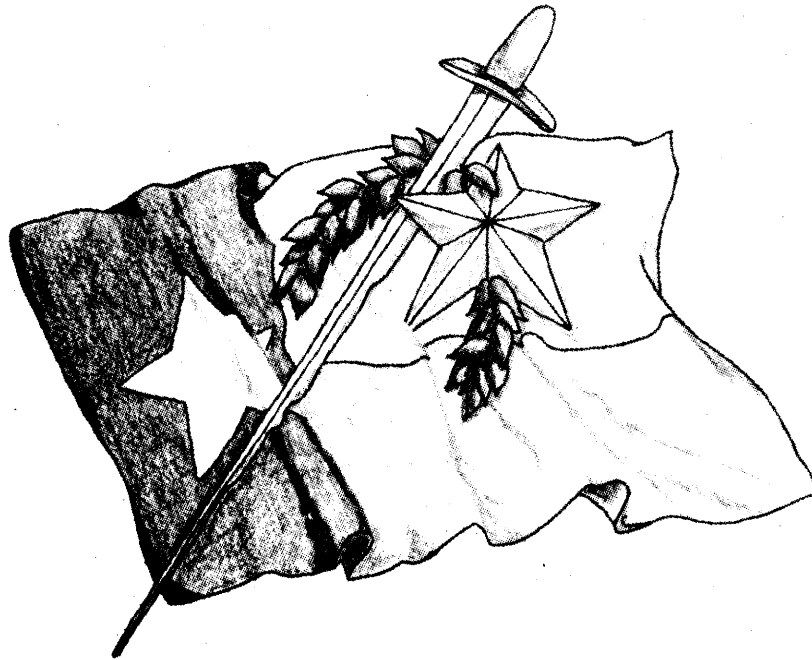


Texas Register

U.S. GOVERNMENT DOCUMENT
DEPOSITORY LIBRARY NO 610
DEC 10 1982
PAN AMERICAN UNIVERSITY LIBRARY
DUNN, TEXAS 78839



Highlights

- ★ The Feed and Fertilizer Control Service proposes amendments to rules concerning labeling regulations; earliest possible date of adoption - January 10 page 4300
- ★ The Credit Union Department proposes amendments to a rule concerning deposit accounts; earliest possible date of adoption - January 10 page 4301
- ★ The Texas Department of Human Resources proposes the repeal of existing rules and new replacement rules in a chapter concerning the Food Stamp Program; earliest possible date of adoption - January 10 page 4303

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1982 with the exception of January 5, April 27, November 16, November 30, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252 13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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

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

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

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

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

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

Texas Administrative Code

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

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

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

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

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

Table of TAC Titles

- TITLE 1. ADMINISTRATION
- TITLE 4. AGRICULTURE
- TITLE 7. BANKING AND SECURITIES
- TITLE 10. COMMUNITY DEVELOPMENT
- TITLE 13. CULTURAL RESOURCES
- TITLE 16. ECONOMIC REGULATION
- TITLE 19. EDUCATION
- TITLE 22. EXAMINING BOARDS
- TITLE 25. HEALTH SERVICES
- TITLE 28. INSURANCE
- TITLE 31. NATURAL RESOURCES AND CONSERVATION
- TITLE 34. PUBLIC FINANCE
- TITLE 37. PUBLIC SAFETY AND CORRECTIONS
- TITLE 40. SOCIAL SERVICES AND ASSISTANCE
- TITLE 43. TRANSPORTATION



Secretary of State
David A. Dean

Texas Register Staff Charlotte Scroggins, Director

Dee Wright	Roberta Knight
Paula Pritchard	Tony Black
Virginia Gregory	Connie Villec-Nemmers
Dave Harrell	Jane Hooks
Sue Bumpous	Cliff Butler
Donna Peacock	Mary Ford
Catherine Koelmay	

Contents

The Governor

Appointment Made November 23
4298 90th Judicial District
Appointment Made November 29
4298 Supreme Court of Texas

The Attorney General

Request for Opinion
4299 RQ-963
Opinion
4299 MW-519 (RQ-899)

Proposed Rules

Feed and Fertilizer Control Service
4300 Feed
Credit Union Department
4301 Credit Union Regulations
State Board of Insurance
4302 County Mutual Insurance Companies
Texas Department of Human Resources
4303 Food Stamps
4314 Medicaid Eligibility

Withdrawn Rules

Credit Union Department
4316 Administrative Proceedings

Adopted Rules

State Board of Insurance
4317 Powers and Duties
4318 General Provisions
4319 Agents Licensing
Comptroller of Public Accounts
4319 Tax Administration
Texas Department of Human Resources
4320 Legal Services

Open Meetings

4322 Texas Department of Agriculture
4322 Texas Antiquities Committee
4322 Texas Commission on the Arts
4322 State Commission for the Blind
4322 State Board of Canvassers
4323 Texas Coastal and Marine Council
4323 Texas Conservation Foundation
4323 Texas Department of Corrections
4323 State Depository Board
4323 Texas Feed and Fertilizer Control Service
4323 General Land Office

4323 Texas Department of Health
4324 Texas Health Facilities Commission
4324 Texas Housing Agency
4324 Industrial Accident Board
4324 State Board of Insurance
4325 Texas Commission on Jail Standards
4325 Lamar University
4325 Texas Mohair Producers Board
4325 State Board of Morticians
4325 Texas State Board of Examiners of
Professional Counselors
4325 Texas Department of Public Safety
4325 Public Servant Standards of Conduct Advisory
Committee
4326 Public Utility Commission of Texas
4326 State Purchasing and General Services
Commission
4326 Railroad Commission of Texas
4327 Texas Southern University
4327 Texas Water Commission
4327 Texas Department of Water Resources
4328 Regional Agencies

In Addition

Texas Department of Community Affairs
4331 Community Services Block Grant Request for
Proposals
Comptroller of Public Accounts
4332 Decision 9,831
4332 Decision 10,178
4332 Decision 12,380
Office of Consumer Credit Commissioner
4332 Rate Ceilings
Interagency Council on Early Childhood
Intervention
4333 Request for Proposals
Texas Employment Commission
4333 Correction of Error
Texas Health Facilities Commission
4333 Applications Accepted for Amendment,
Declaratory Ruling, and Notices of Intent
State Board of Insurance
4334 Procedures Concerning Applications Filed
with the Commissioner of Insurance
Office of the Secretary of State
4334 *Texas Register*
Texas Water Commission
4335 Applications for Waste Disposal Permits

The Governor

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

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

Appointment Made November 23 90th Judicial District

To be district attorney of the 90th Judicial District, Stephens and Young Counties, until the next general election and until his successor shall be duly elected and qualified:

Donald L. Sweatt
P.O. Drawer 1467
Graham, Texas 76046

Mr. Sweatt will be replacing Robert W. Hendrick of Graham who resigned.

Issued in Austin, Texas, on November 23, 1982.

TRD-829082 William P. Clements, Jr.
Governor of Texas

Appointment Made November 29 Supreme Court of Texas

To be justice of the Supreme Court of Texas until he has qualified for the full term beginning January 1, 1983:

Ted Z. Robertson
Justice, Fifth Court of Appeals
Dallas County Courthouse
Dallas, Texas 75202

Justice Robertson will be filling the unexpired term of Chief Justice Jack Pope who was elevated to the position of chief justice on November 23, 1982.

Issued in Austin, Texas, on November 29, 1982.

TRD-829083 William P. Clements, Jr.
Governor of Texas

Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure.

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

The Attorney General

Request for Opinion

RQ-963. Request from Robert B. Baldwin III, chairman, Texas State University System, Board of Regents, Austin, concerning whether a construction project proposed by a university must be approved by the Coordinating Board if it is to be financed wholly or partially by ad valorem tax funds received under the Texas Constitution, Article VII, §17.

TRD-829112

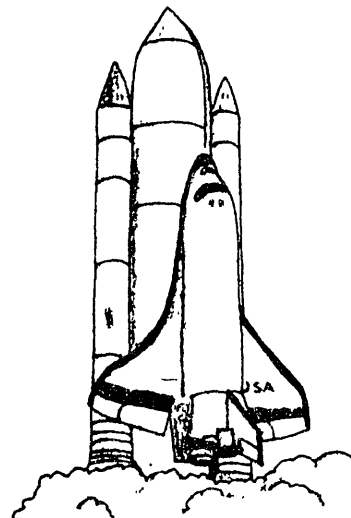
Opinion

MW-519 (RQ-899). Request from Roy Blake, chairman, Senate Committee on Ad-

ministration, Texas State Senate, Austin, concerning whether funds appropriated for college construction by second called session of the 67th Legislature may be expended without Coordinating Board approval.

Summary of Opinion. In accordance with the Education Code, §61.058, approval by the Coordinating Board, Texas College and University System is not required to expend any of the funds appropriated in House Bill 1, Acts 1982, 67th Legislature, Chapter 1, at 1, for "new construction" and "major repairs and rehabilitation" at any of 17 named institutions of higher education.

TRD-829111



Proposed Rules

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

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of legal authority under which the proposed rule is to be adopted (and the agency's interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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



TITLE 4. AGRICULTURE Part III. Feed and Fertilizer Control Service Chapter 61. Feed Labeling

4 TAC §61.14, §61.17

The Texas Feed and Fertilizer Control Service proposes amendments to §61.14 and §61.17, concerning expression of guarantees and nonprotein nitrogen.

The service is desirous to bring the language of its feed regulations into conformity with the official rules promulgated under the Uniform State Feed Bill by the

Association of American Feed Control Officials. As presently constituted, the Service's labeling regulations require a person desiring to distribute a commercial feed in this state to employ a different label than those in use generally in states whose regulations comply with those of the Uniform State Feed Bill. The disparate Texas labeling requirements have proved to inhibit interstate transactions involving feed without any corresponding benefit of increased consumer protection. It is noted that the proposed amendments will not substantially alter the present feed labeling requirements.

It is proposed that §61.14(f)(1) and §61.17(a) be amended by deleting the phrase "and not less than ____% protein from natural sources" from the parentheticals contained therein. Section 61.14(h) will be amended by deleting the phrase "the minimum percent of protein from natural sources when added" from the opening sentence of the subsection and the phrase "and not less than ____% protein from natural sources" from the parenthetical following the designation of the required information for crude protein.

It is hoped that the effect of the proposed amendments will be to bring Texas' feed labeling requirements into conformity with those in general use in the United States and foster interstate trade of feed.

I. J. Shenkir, head of the Feed and Fertilizer Control Service, 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. Shenkir 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 derivative benefits as the result of reducing the cost of interstate feed trade in Texas. The anticipated economic cost to individuals who are required to comply with the rule will be minimal. Feed producers will be allowed to employ their present label inventories until they are depleted. Any increase in costs associated with bringing labels into compliance with the proposed amendments should be offset by savings incurring to producers as the result of eliminating duplicity in labeling for intrastate and interstate feed trade.

Comments on the proposal may be submitted to I. J. Shenkir, Head, Texas Feed and Fertilizer Control Service, P.O. Box 3160, College Station, Texas 77841.

The amendments are proposed under the Texas Agricultural Code, §141.004, which provides the Texas Feed and Fertilizer Service with the authority to adopt rules as necessary for the enforcement of Chapter 141 of the Code.

§61.14. *Expression of Guarantees.*

(a)-(e) (No change.)

(f) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(1) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than 5.0% protein from natural sources shall be guaranteed as follows: Crude protein, minimum ____% from nonprotein nitrogen [and not less than ____% protein from natural sources].)

(2)-(3) (No change.)

(g) (No change.)

(h) Liquid feed supplements shall be guaranteed and labeled to show the minimum crude protein, the maximum percent of equivalent crude protein from nonprotein nitrogen provided a source is included in the formula, [the minimum percent of protein from natural sources when added,] the minimum percent of crude fat provided a source is included, the minimum percent of phosphorus, and the maximum percent of moisture. Such information shall be shown in the following order and manner: crude protein not less than ____%; (This includes not more than ____% equivalent protein nitrogen [and not less than ____% protein from natural sources].); crude fat not less than ____%; phosphorus not less than ____%; moisture not more than ____% (to be followed by additional guarantees, if any).

(i) (No change.)

§61.17. *Nonprotein Nitrogen.*

(a) Urea and other nonprotein nitrogen products defined by the Association of American Feed Control Officials are acceptable ingredients in proprietary cattle, sheep, and goat feeds only, provided the parenthetical statement ("For Ruminants Only") is printed on the label directly below the brand or product name on all feeds. These materials shall be considered adulterants in prop-

rietary feeds for other animals and birds; and the following statement of guarantee of crude protein for feeds containing these materials shall be used: crude protein not less than ____%. (This includes not more than ____% equivalent protein from nonprotein nitrogen [and not less than ____% protein from natural sources].)

(b)-(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 College Station, Texas, on
December 3, 1982

TRD-829102

I. J. Shenkir
Director
Texas Feed and Fertilizer Control
Service

Earliest possible date of adoption:
January 10, 1982

For further information, please call (713) 845-1121.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department Chapter 91. Credit Union Regulations Capital—Deposit Accounts

7 TAC §91.95

The Credit Union Department proposes amendments to §91.95, concerning definitions and limitations of deposit accounts.

John P. Parson, credit union commissioner, 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. Parsons 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 to allow credit unions to respond to consumer demands and meet the competition of other organizations offering consumer transaction-deposit accounts. Other than the credit union's response to market conditions, 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 Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752.

The amendments are proposed under Texas Civil Statutes, Article 2461, §11.07, which provides the Credit Union Commission with the authority to promulgate general rules pursuant to the Texas Credit Union Act, and from time to time, to amend the rules.

§91.95. Definitions and Limitations of Deposit Accounts.

- (a) (No change.)
(b) Certificates of Deposit accounts. (C.D. accounts).
(1) (No change.)
(2) Other provisions:
(A) (No change.)
(B) Funds represented by a certificate may [not] be partially withdrawn [but must be redeemed in full] as authorized by the board of directors.
(C)-(G) (No change.)
(3) (No change.)
(c) Remote withdrawal deposit account (RWD accounts).
(1) (No change.)
(2) Interest. Interest on RWD accounts shall be earned, computed, and paid as authorized by the board of directors[...] of the credit union, subject to this regulation, except that a credit union under administrative sanctions may not declare or pay any interest on RWD accounts without the prior written approval of the commissioner. [No credit union may pay interest on RWD accounts at a rate exceeding 6.0% per annum unless prior written approval has been given by the commissioner. Interest may be compounded daily, monthly or quarterly, as authorized by the board of directors, subject to this section.]
(3)-(8) (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 November 15, 1982.

TRD-829093 John P. Parsons
Commissioner
Credit Union Department

Earliest possible date of adoption:
January 10, 1983

For further information, please call (512) 837-9236.

fire insurance companies. These rules were erroneously filed with the Texas Register at the inception of the Administrative Procedure and Texas Register Act; they had been repealed by board Order 4690 prior to the Act's inception.

J. W. Arendall, director, corporate custodian and tax division, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications to state or local government as a result of the repeal.

Mr. Arendall has also determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal will be the repeal of rules which are no longer in effect. There is no anticipated economic cost to individuals.

Comments on the proposal may be submitted to J. W. Arendall, Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rules 059.17.25.001 and .003 is proposed under the authority of the Texas Insurance Code, Chapter 17, which provides the State Board of Insurance with the authority to regulate county mutual insurers; and pursuant to the board's authority to repeal any rule it has previously adopted.

- .001. County Mutual Fire Insurance Companies I.
.003. County Mutual Fire Insurance Companies III.

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 December 3, 1982.

TRD-829129 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
January 10, 1983

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

TITLE 28. INSURANCE
Part I. State Board of Insurance

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

County Mutual Insurance Companies

059.17.25.001, .003

The State Board of Insurance proposes to repeal Rules 059.17.25.001 and .003, concerning county mutual



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 9. Food Stamps

The Texas Department of Human Resources proposes the following new rules and repeals in the Food Stamp Program which clarify policies implemented after the Omnibus Reconciliation Act of 1981 and add miscellaneous policy interpretations from the United States Department of Agriculture and employee suggestions. These rules clarify policies about the food stamp application process, non-public assistance eligibility determinations, joint AFDC/food stamp applications, the social security number requirement, income, special households, notice of adverse action, restoration of lost benefits, fraud disqualification, and food stamp issuing.

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

The public benefit anticipated as a result of enforcing the rules as proposed is a more efficient process for delivering services. There are no economic costs to persons required to comply with the proposed rules.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-013, Department of Human Resources, 153-B, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

These rules are proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

Subchapter W. Application Process

40 TAC §§9.2201, 9.2202, 9.2203, 9.2206

§9.2201. *Applicant Rights and Responsibilities.*

- (a) The application process includes the client:
- (1) filling out and giving to DHR an application;
 - (2) participating in an interview; and
 - (3) providing verification of some information.

(b) DHR mails or gives applications to applicants on the same day they are requested. DHR must take the application when the client gives it if it contains at least the applicant's name and address and is signed by a responsible household member or authorized representative (A/R). The applicant must answer the questions on the application before the household may be certified.

(1) Where to file. Except for households with all SSI recipients, applicants must file their applications at the office DHR designates. Applications may be filed in person, by mail, or through an A/R. Applicants have the right to file an application at any time during office hours,

and on the same day they get the form. DHR does not require applicants to be interviewed before they file their application.

(2) File date. The date the application is received in the designated office. Day one of the application processing period is the day after the file date.

(3) Cooperation. Households must cooperate during the application process and any later reviews, such as quality control reviews and audits. DHR denies households that do not cooperate. When denied, DHR does not certify the household until it cooperates.

§9.2202. *Authorized Representatives (A/Rs).*

(a) The head of household, spouse, or other responsible member may choose an A/R. A/Rs may apply for, get, and use food stamps on behalf of the household only with the household's knowledge and consent. To apply, the A/R must know about the household's circumstances. The client must appoint the A/R in writing if the A/R is applying for food stamps or cashing ATPs.

(b) Persons disqualified because of a fraud hearing, or non-members living with the household, may not serve as the A/R. Exceptions are made when there is no other adult reasonably able to be the A/R or when that person is the only adult living with the household.

(c) Except for drug addict/alcoholic treatment centers or group living facilities acting as the A/R, the household is liable for any overissuance because of wrong information the A/R gives DHR.

(d) Only the head of household or spouse whose signatures are on the food stamp ID card may choose an emergency authorized representative to get stamps.

§9.2203. *Interviews.* The head of household, spouse, other responsible household member, or authorized representative must allow a DHR worker to interview them before certification. Clients are not interviewed if their applications show they are obviously ineligible. The client may bring any person he chooses to the interview.

§9.2206. *Identification Cards.* Households must use the food stamp identification card furnished them by DHR to:

- (1) obtain food stamps at an issuing office; and
- (2) redeem food stamps if the grocer asks to see the ID card.

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 December 3, 1982.

TRD-829164

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

January 10, 1983

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

40 TAC §§9.2233-9.2236

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.2233. Applications.
§9.2234. Authorized Representatives (A/Rs).
§9.2235. Food Stamp Interviews.
§9.2236. Month of Application.

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 December 6, 1982.
TRD-829178 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983
For further information, please call (512) 441-3355, ext. 2037.

Subchapter X. Non-PA Eligibility Determinations

40 TAC §§9.2321, 9.2323, 9.2324

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.2321. Failure to Appear for an Interview.
§9.2323. Failure to Provide Verification.
§9.2324. Applications Reopened.

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 December 6, 1982.
TRD-829179 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983
For further information, please call (512) 441-3355, ext. 2037.

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

- §9.2321. Failure To Show for an Interview. Workers must attempt to schedule a second interview with

households which miss their first interview. The worker must attempt to schedule the second interview within 30 days following the date the application was filed. If the worker meets this requirement, the following situations constitute delay by the household.

- (1) If the household misses the first interview and asks for a delay of a later interview, or the worker otherwise cannot reschedule an interview until between the 20th and 30th day after the application file date, the household is at fault if by the 30th day it does not:
(A) appear for the interview,
(B) bring verification, and
(C) register members for work.

(2) If the household misses the first interview, and the worker delays a later interview at the household's request until after the 30th day, the delay is the household's fault.

(3) If the household has missed both scheduled interviews and by the 30th day following the date the application was filed makes a request for another interview, any further delay is the household's fault.

§9.2323. Failure To Provide Verification. When required verification is incomplete, the worker must offer, or attempt to offer, reasonable help. The worker also must allow the household at least 10 calendar days to give the missing verification, except as described in §9.2321 of this title (relating to Failure to Show for an Interview).

§9.2324. Applications Reopened.

(a) If, by the 30th day, the worker can take no further action on the application and the delay is the household's fault, the worker must send the household a denial notice on the 30th day.

(b) If the household takes the required action after denial but within 60 days following the date the application was filed, the worker must reopen the original application. The Texas Department of Human Resources does not require the household to file a new application to get stamps. DHR does require the household, however, to report changes since the application was filed.

(c) DHR does not reopen applications denied on the 30th day because the household failed to complete its interview and did not contact the worker by the 30th day to pursue its application.

(d) The file date for applications reopened after household delay is the date the certification office gets the needed information or the household completes the application process. The household's benefits are prorated from the date the application is reopened rather than from the original application date.

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 December 6, 1982.
TRD-829165 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983
For further information, please call (512) 441-3355, ext. 2037.

Subchapter BB. Joint AFDC/Food Stamp Applications

40 TAC §9.2717

The repeal of the following rule is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.2717. Denial of ArDC Application.

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 December 6, 1982.

TRD-829180 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

The following new rule is proposed under Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.2717. Denial of AFDC Application.

(a) Households whose AFDC applications are denied are not required to file a new application for food stamps. Instead, the worker determines or continues food stamp eligibility for these households on the basis of the original application filed jointly for food stamps and AFDC. The worker also considers any other documented information obtained subsequent to the application which may have been used in the AFDC determination and which is relevant to food stamp eligibility or level of benefits. The AFDC worker determines benefit levels and the appropriate non-PA certification period.

(b) If food stamp eligibility has already been determined under non-PA rules before denial of the AFDC application, or if some but not all members were certified for AFDC and the household is a non-PA household, the AFDC worker must provide the household with a notice of expiration if appropriate. The certification period must not be allowed to expire until after the household has been afforded a proper notice of expiration and an opportunity to submit a timely application for continued benefits.

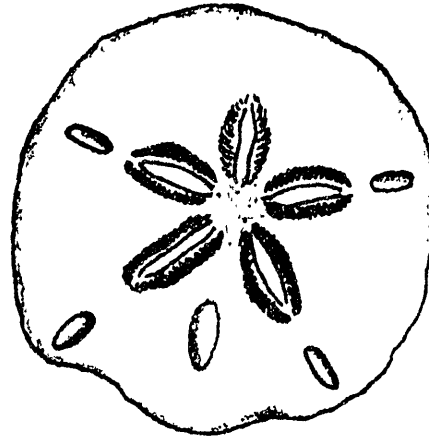
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 6, 1982.

TRD-829166 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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



Subchapter FF. Citizenship and Alien Status

The Texas Department of Human Resources proposes to repeal §§9.3101-9.3113, and replace them with a new §9.3101, concerning citizenship requirements in the Food Stamp Program. The department is deleting internal procedures from the rules and making clarification changes to the new rule. There are no policy changes included in this proposal.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the repeals and new 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. Hawes has also determined that for each year of the first five years the rule as proposed is in effect the public benefit will be a clearer understanding of the citizenship requirements in the Food Stamp Program. There is no anticipated economic cost to individuals required to comply with the rule.

Written comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-142, Texas Department of Human Resources 153-B, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

40 TAC §§9.3101-9.3113

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.3101. *Criteria.*
- §9.3102. *Citizens and Eligible Aliens.*
- §9.3103. *Verification of Citizenship.*
- §9.3104. *Verification of Alien Status.*
- §9.3105. *Immigration and Naturalization Service Documents.*
- §9.3106. *Other Documentation.*
- §9.3107. *Immigrants.*
- §9.3108. *Permanent Residents Under Color of Law—Continuous Residence.*
- §9.3109. *Other Permanent Residents under Color of Law.*

- §9.3110. *Refugees—Section 203(a)(7), Immigration and Nationality Act.*
- §9.3111. *Parolees—Section 212(d)(5), Immigration and Nationality Act.*
- §9.3112. *Absence of Documentation of Citizenship and Alien Status.*
- §9.3113. *Contact with INS.*

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 December 3, 1982.

TRD-829140 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
January 10, 1983

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

40 TAC §9.3101

The following new rule is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.3101. *Eligibility Criteria.*

(a) To receive food stamps, otherwise eligible applicants must be U.S. residents and also one of the following:

- (1) U.S. citizens.
- (2) Aliens who present documents showing that they have been classified by Immigration and Naturalization Service (INS) with reference to one of the following sections of the Immigration and Nationality Act:
 - (A) §101(a)(15) or §101(a)(20).
 - (B) §§203(a)(7), 207, 208, 212(d)(5), or 243(h);

or

(C) §249.

(3) Aliens who present documents annotated by INS with one of the following terms:

- (A) refugee;
- (B) parolee or paroled;
- (C) conditional entry or entrant; or
- (D) asylum.

(b) Workers must report to INS any illegal alien household members. Illegal aliens are persons the household indicates are in the U.S. in violation of the Immigration and Nationality Act.

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

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

TRD-829139 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
January 10, 1983

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

The Texas Department of Human Resources proposes to repeal existing rules and create new rules in the Food Stamp Program which clarify policies implemented after the Omnibus Reconciliation Act of 1981, add miscellaneous policy interpretations from the United States Department of Agriculture, and add employee suggestions. These rules clarify policies about the food stamp application process, nonpublic assistance eligibility determinations, joint AFDC/food stamp applications, the social security number requirement, income, special households, notice of adverse action, restoration of lost benefits, fraud disqualification, and food stamp issuing.

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

The public benefit anticipated as a result of enforcing the rules as proposed is a more efficient process for delivering services. There are no anticipated economic costs to persons required to comply with the proposed rules.

Written comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division-013, Texas Department of Human Resources, 153-B, P. O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

These rules are proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

Subchapter JJ. Social Security Numbers

40 TAC §9.3502, §9.3503

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.3502. *Obtaining Social Security Numbers.*

§9.3503. *Failure to Comply.*

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 December 6, 1982.

TRD-829181 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
January 10, 1983

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

The following new rules are proposed under Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.3502. *Obtaining Social Security Numbers.*

(a) Clients, except those eligible for expedited service, must give the Department of Human Resources social security numbers (SSNs) for household members required to have one, before the household is certified.

(b) If the client does not have an SSN, does not know if he has one, or has lost his SSN, the worker must, with the client's consent, apply for an SSN for the client.

(c) DHR assigns certification periods not to exceed three months from the date of the eligibility decision to households applying for an SSN on their own. For households entitled to expedited service, the three months begin with the date of the first eligibility decision after certification. If at the end of the three months the client does not have an SSN or proof of application, he must show good cause or be disqualified.

§9.3503. *Failure to Comply.*

(a) If the worker decides that a household member required to provide an SSN has refused to give it, the individual without the SSN is ineligible.

(b) If a person applies for an SSN on his own and does not get one within three months of the eligibility decision, the person must show good cause for the failure or be disqualified. The disqualification applies to that person and not to the entire household.

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 December 6, 1982.

TRD-829167 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

Subchapter OO. Definition of Income

40 TAC §9.002

The repeal of the following rule is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.4002. *Income Eligibility Test.*

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 December 6, 1982.

TRD-829182 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

The following new rule is proposed under Human Resources Code, Title 2, Chapter 33, which authorizes the Department of Human Resources to administer public assistance programs.

§9.4002. *Income Eligibility Test.*

(a) Gross Income Test. Except as discussed in subsection (b) of this section, households meet income limits if gross income is not greater than the gross income limit for their size household. Gross income is total income minus exclusions.

(1) Households subject to the gross income test are not subject to the net income test.

(2) A household is ineligible if its gross income exceeds the limit.

(3) A household subject to the gross income test is ineligible if its unrounded gross income exceeds the standard by one penny.

(b) Net Income Test. Households with at least one elderly or disabled member (as defined for the medical expense deduction) are exempt from the gross income test. They meet income eligibility if their rounded net income is not greater than the net income limit for their size household. Net income is gross income minus deductions. Workers use the net test for households with a member whose 60th birthday is after the application date but before the end of the application month.

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 December 6, 1982.

TRD-829168 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

Subchapter QQ. Computation of Income

40 TAC §9.4202, §9.4203

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.4202. Determining Monthly Income.

§9.4203. Averaging Income.

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 December 6, 1982.

TRD-829183 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983

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

The following new rules are proposed under Human Resources Code, Title 2, Chapter 33, which authorizes the Department of Human Resources to administer public assistance programs.

§9.4202. Computing Monthly Income.

(a) To compute monthly income for food stamps, workers count income already received during the certification period and income the household and the worker reasonably expect during the rest of the certification period. The worker must count the income in the month received or expected to be received, unless the client chooses to average the income. If the client expects income, but the amount or when it will be received is uncertain, workers count only the income that is certain. If income is reasonably certain, but the monthly amount may vary, the client may choose to average the income. Households must report the income when it is received.

(b) If clients receive income on an hourly wage or piece-work basis, the worker should consult with the client to determine the usual amount of income the client expects for one week's work. This amount should be reasonably certain for the entire certification period. Workers should not drop cents. Workers must apply the weekly conversion factor to find out monthly income.

(c) If an employee asks his employer to hold his wages, workers count this money as income in the month the employee would have been paid. If, however, wages are held by an employer as a general practice, even if held illegally, workers cannot count this money as income unless the household expects to ask for and receive an advance or to receive income from previously held wages.

Workers consider advances as income only if the advances are reasonably expected.

(d) Workers compute monthly income paid once a week, once every two weeks, or twice monthly, as follows.

(1) Income received once a week—multiply by 4.33.

(2) Income received once every two weeks—multiply by 2.17.

(3) Income received twice a month—multiply by 2.

§9.4203. Averaging Income.

(a) Workers average income at the household's option, except for destitute households. If a household is eligible in the month of application and ineligible in the following month, it may choose to average its income over the certification period. If the household chooses to do this, the worker decides eligibility based on the averaged income for the entire period.

(b) If averaging income, the worker considers whether the household expects changes in income during the certification period. The number of months the worker uses to decide the household's average income does not have to be the same as the number of months in the certification period. The worker must be reasonably sure, however, that the months used are typical.

(c) Workers must average over 12 months a household's yearly income from a contract or self-employment received in less than a 12-month period. School employees, share croppers, farmers, and other self-employed households must average their income this way. This requirement does not apply to persons who get their income on an hourly or piece-work basis and migrant or seasonal farm workers.

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 December 6, 1982.

TRD-829169 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983

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

Subchapter YY. Special Households Student Households

40 TAC §9.5101

The repeal of the following rule is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5101. *Students.*

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 December 6, 1982.

TRD-829184 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

The following new rule is proposed under Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5101. *Students.*

(a) To be eligible, students must meet special eligibility requirements if they are:

- (1) at least age 18 and under age 60;
- (2) physically and mentally fit; and
- (3) enrolled at least half time in an institution of higher education.

(b) To meet the special student eligibility requirements, the student must comply with one of the following conditions:

- (1) Be employed for pay at least 20 hours a week. If self-employed, work at least 20 hours a week and earn at least the federal minimum hourly wage.
- (2) Participate during the regular school year in a work study program that is at least partly funded under Title IV-C of the Higher Education Act.
- (3) Be enrolled in the WIN program under Title IV of the Social Security Act
- (4) Have a dependent, or be the spouse of a person who has a dependent. All must be members of the same household

(c) Eligible students are exempt from work registration if they are enrolled at least half time in any recognized school, high school, training program, or institution of higher education.

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 December 6, 1983

TRD-829170 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

Participants in Approved Special
Programs

40 TAC §9.5211, §9.5212

The following new rules are proposed under Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5211. *Communal dining.*

(a) Any member of an eligible household who is 60 years old or older may use food stamps to buy meals at a communal dining facility approved by the United States Department of Agriculture. If the household member lives only with his spouse, the spouse, regardless of age, also may buy meals from a communal dining facility if the spouse receives SSI. These households receive a special ID card to show they are eligible for this service.

(b) A communal dining facility is a senior citizens' center, an apartment building primarily for elderly persons, or a public or tax-exempt, nonprofit private school or facility which prepares meals especially for elderly persons during special hours. It also is a private facility under contract with a state or local agency to sell, at concessional prices, meals especially for the elderly. These facilities may accept stamps only after USDA approval.

§9.5212. *Meal Delivery Service*

(a) Household members 60 years old or older may use food stamps to buy meals from a nonprofit meal delivery service approved by USDA. This is limited to members who are housebound, feeble, physically handicapped, or unable to adequately prepare their meals because of disability. If the household member lives with a spouse only, the spouse, regardless of age or disability, also may buy meals from the meal delivery service. The Texas Department of Human Resources issues these households a specially marked ID card to show they are eligible for this service.

(b) A meal delivery service is a political subdivision or a private, nonprofit organization which prepares and delivers meals. The service must be recognized as tax-exempt by the IRS and cannot get USDA-donated foods for use in meals exchanged for food stamps. These services may accept food stamps only after USDA approval.

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 December 6, 1982.

TRD-829171 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

Strikers

40 TAC §9.5406

The repeal of the following rule is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5406 Rules on Strikers

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 December 6, 1982.

TRD-829205 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983

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

The following new rule is proposed under the authority of the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs

§9.5406. Strikers.

(a) Households with members on strike are entitled to food stamps only if they were or would have been eligible immediately before the strike. Those households which were ineligible immediately before striking remain ineligible for food stamps even if their income decreases because of the strike.

(b) Certified households with members who go on strike are not entitled to increased benefits if their income decreases because of the strike.

(c) Workers compute the striking member's income to include the pre-strike earned income (just as though that continues) plus any strike benefits, earned income, or other income received after the strike

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 December 6, 1982.

TRD-829172 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983

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

Disqualified Persons and Non-members

40 TAC §§9.5501-9.5506

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.5501 Consideration.
§9.5502. Resources.
§9.5503. Income.
§9.5504. Deductible Expenses.
§9.5505. Determining Eligibility and Benefits.
§9.5506. Worker Action on Disqualified Member.

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 December 6, 1982.

TRD-829206 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983

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

40 TAC §9.5501

The following new rule is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5501. Disqualified Persons.

(a) A member(s) of the household may be disqualified while the remaining members continue to participate. Disqualification may occur because of a fraud hearing, for failure to sign a fraud repayment agreement after a determination of fraud, for failure to obtain or provide a social security number, or for being an ineligible alien. Disqualified persons are still considered household members, although not allowed to participate, and their circumstances including income and resources are subject to verification the same as any other member.

(b) The disqualified person's benefits must be excluded from the allotment to be received by the remaining members. Therefore, that person's:

(1) Non-exempt resources are counted in full for the remaining members. Workers, however, do not count this person to determine the household's maximum resource limit.

(2) Countable income is prorated and the remaining member's share is included in household income.

(3) Share of deductible expenses and any expenses due solely to that person's presence in the household are disregarded.

(c) The disqualified member is not included when determining the household's allotment size or for comparing the household's income with maximum gross or

net income standards. The disqualified member's resources, however, are considered in total against the maximum resource standard.

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 December 6, 1982.

TRD-829173 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983.

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

Subchapter FFF. Notice of Adverse Action

40 TAC §§9.6411, 9.6414, 9.6416

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.6411 *Continuation of Benefits.*
§9.6414 *Adverse Action for Transfer of Resources.*
§9.6416 *Case Transfers.*

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 December 6, 1982.

TRD-829185 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983.

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

The following new rules are proposed under the authority of the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.6411. *Continuation of Benefits.* Households have the right to continue receiving their previous allotment, as described in §9.7007 of this title (relating to Continued Benefits), if a member asks for a fair hearing during the period allowed by the notice of adverse action.

§9.6414. *Adverse Action for Transfer of Resources.* Workers may send the client a notice of adverse action when they find out an applicant knowingly transferred resources to qualify for food stamps. This is done only if the household is certified for food stamps at the time

of discovery of transfer. The period of disqualification is effective with the first allotment issued after the notice of adverse action period expires, unless the household requests a fair hearing and continues receiving stamps.

§9.6416. *Case Transfers.* If transferring food stamp cases within the county, workers must use a notice of adverse action if the household's allotment is reduced or ended. If the transfer is out of the county, the notice of adverse action form is not required.

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 December 6, 1982.

TRD-829174 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983.

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

Subchapter MMM. Restoration of Lost Benefits

40 TAC §§9.7104, 9.7105

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.7104. *Disputed Benefits.*
§9.7105. *Computation of the Amount To Be Restored.*

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 December 6, 1982.

TRD-829186 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 10, 1982.

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

40 TAC §§9.7104, 9.7105, 9.7109-9.7112

The following new rules are proposed under the authority of the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.7104. *Disputed Benefits.* If the household disagrees with the amount of stamps to be restored, or any other action taken by the worker to restore them, it may request a fair hearing within 90 days of the notice date. If

the recipient requests a fair hearing before or during the time the Texas Department of Human Resources (DHR) is restoring lost stamps, the household continues to receive the restored stamps while waiting for the fair hearing decision. If the fair hearing decision is favorable to the household, the worker must restore stamps according to that decision. If a household believes it is entitled to restored stamps, but the worker does not agree, the household may ask for a fair hearing on that issue.

§9.7105. *Delay, Denial, Termination.*

(a) If, because of DHR error, an eligible household's application is denied or the worker delays benefits to an eligible household more than 60 days after the client filed his first application, DHR considers the month of application the month loss begins. Benefits delayed for 60 days or less at certification because of DHR error are not considered restored benefits.

(b) If an eligible household which applies for continued benefits within time limits is not given an ATP in the month after expiration of its certification period, DHR considers the month after the end of the certification period the first month the loss begins.

(c) If a household's benefits are erroneously ended, DHR considers the first month that benefits are not received, because of the error, the month the loss begins.

(d) After computing the date the loss begins, the worker calculates the loss for each month after the first month until:

- (1) the month that the error is corrected;
- (2) the first month the household is ineligible; or
- (3) the month that the household reapplies.

§9.7109. *Determination of Eligibility.* The worker must determine if the household was actually eligible for each month a potential loss occurred. If there is insufficient information in the household's case folder to document that the household actually was eligible, or if the household had never applied for the month in question, the worker must tell the household what information must be given to determine eligibility. For each month the household is unable to give the necessary information to demonstrate its eligibility, the household is considered ineligible.

§9.7110. *Calculation.* For the months the household was eligible, the worker calculates the allotment the household should have received. If the household was certified and participating but received a smaller allotment than it was entitled to, the difference between the actual and the correct allotment is the amount to be restored.

§9.7111. *Offsetting Claims.* If a claim against a household is unpaid or held in suspense, the worker must count the amount to be restored against the amount due on the claim. The balance, if any, is then restored to the household. If an initial allotment is received within 60 days of the date an application is filed and is paid retroactive to the date of application, the retroactive payment must not be reduced to offset any prior claims.

§9.7112. *Persons Disqualified for Fraud.* Persons who are disqualified because of a fraud determination are entitled to restoration of any benefits lost during the months of disqualification, if the fraud determination is later

overturned or reversed. Benefits must be restored regardless of the length of time that has passed since the household member was disqualified. For each month the household member was disqualified, the amount to be restored, if any, is determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate. If the household received a smaller allotment than it should have received, the difference is the amount of benefits to be restored.

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 December 6, 1982.

TRD-829175 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983

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

Subchapter NNN. Fraud [Disqualifications] Procedures

40 TAC §9.7201, §9.7210

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.7201. *Administrative Fraud Hearings.*

§9.7210. *Disqualification.*

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 December 6, 1982.

TRD-829187 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
December 10, 1982

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

The following new rules are proposed under the authority of the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.7201. *Administrative Fraud Hearings.*

(a) The Texas Department of Human Resources holds administrative fraud hearings in all cases in which DHR has enough documentary evidence to substantiate the existence of fraud, as defined in department rules.

These may include cases DHR believes justify civil or criminal prosecution through the courts. Other cases may be those referred for prosecution, but legal authorities declined prosecution.

(b) DHR conducts administrative fraud hearings regardless of the individual's current eligibility. Even though legal action is planned against the household member, DHR may still conduct the administrative fraud hearing. DHR does not conduct fraud hearings if the amount is less than \$35. The burden of proving fraud is on DHR.

(c) If the hearing officer decides that the case does not involve fraud, the hearing officer notifies the worker, household, and investigative unit of the decision and the worker takes collection action as a non-fraud claim.

§9.7210. Fraud Disqualifications.

(a) Persons are disqualified for three months if found guilty of fraud by an administrative hearing. Only the guilty person, and not the entire household, is disqualified.

(b) Persons found guilty of fraud by a court are disqualified as directed by the court. Unless contrary to the court's order, and the court does not specify a disqualification period, the department disqualifies the person for six months.

(c) If the guilty person fails to agree to make restitution, the disqualification period continues until the person agrees. Either the disqualified person or remaining household members may make restitution during the disqualification period.

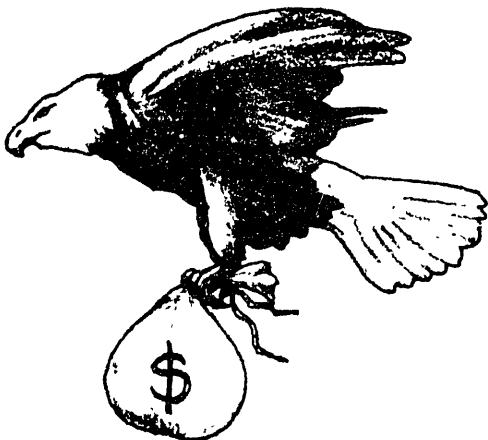
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 6, 1982.

TRD-829176 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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



**Subchapter FFFF. Food Stamp Issuing
40 TAC §9.9002, §9.9005**

The repeal of the following rules is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.9002. *Food Stamps.*

§9.9005. *Procedure for Issuance of Stamps.*

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 December 6, 1982.

TRD-829188 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 10, 1982

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

40 TAC §9.9005

The following new rule is proposed under the authority of the Human Resources Code, Title 2, Chapter 33, which authorizes the Texas Department of Human Resources to administer public assistance programs.

§9.9005. *Procedure for Issuance of Stamps.* The issuance office procedure is as follows:

(1) One of the persons named on the ID card, or the emergency authorized representative designated on the ATP card, gives the ID card and the ATP to the issuance cashier.

(2) The cashier may ask for additional identification if there is any question of identity. The cashier may refuse to redeem the ATP if the person does not have adequate identification.

(3) The cashier asks the person redeeming the ATP to sign the ATP. The signature on the ATP acknowledges the receipt of stamps in the correct amount as shown on the ATP. If the person cannot write his name, the issuance cashier must witness this by initialing next to the person's mark on the ATP.

(4) The cashier compares the person's ID card serial number with the matching number on the ATP, and enters on the ATP the ID card's issuance verification code. The cashier refers the household to the certification office for clarification if the ID card serial number does not match the number on the ATP.

(5) The cashier compares the person's signature on the ATP card against the signature on the ID card.

(6) The head of the household's and authorized representative's names must be on both the ATP and the ID card for them to redeem the ATP. The head of the household's spouse may redeem the ATP even though the spouse's name is only on the ID card and not on the ATP.

(7) The cashier counts the exact number of stamp books and gives the books and ID card to the person who signs the ATP. If the books specified on the ATP are not available, the cashier issues the allotment using any books available.

(8) The cashier asks the person receiving the stamps to sign the inside front cover of each book before leaving the office.

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 December 6, 1982.

TRD-829177 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
January 10, 1983

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

Chapter 15. Medicaid Eligibility Subchapter FF. SSI Basic Program Requirements

40 TAC §15.3112

The Texas Department of Human Resources proposes to amend §15.3112, concerning eligibility for Medicaid during the three months before the date of application in its Medicaid eligibility rules. The department is proposing to amend its rule to clarify the rule and delete internal operating procedures.

David Hawes, Programs Budget and Statistics director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Mr. Hawes has also determined that for each year of the first five years the rule is in effect the public benefit will be a clearer understanding of the eligibility requirements for three months prior Medicaid coverage. There is no anticipated economic cost to individuals required to comply with the rule.

Written comments may be sent to Susan L. Johnson, Administrator, Policy Development Support Division—371, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

The following amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs.

§15.3112 Eligibility for Medicaid during the Three Months before the Date of Application.

(a) Individuals may be eligible for Medicaid coverage during the three months before the month of application for SSI or MAO. [, whether or not] They **do not have to be** [are] certified for current eligibility. [The applicants must receive Title XIX-covered services during one or more of the three months before the date of application.] **The individual** [They] must have unpaid charges or bills for **Title XIX-covered** [the] services **received during one or more of the three months before the date of application** [at the time of application, and must meet eligibility criteria]. The individual may apply for retroactive Medicaid coverage within two years after the date of application for assistance. **An individual** [A person] may be eligible for more than one three-month prior period if he applies for assistance more than once. **The individual must meet all requirements applicable to the SSI or SSI-related MAO programs to be eligible for any of the three prior months.** [If the applicant was eligible during the third month before the month of application, the applicant is eligible the first day of that month.] **Eligibility for the three months prior program is always granted in whole-month increments.**

(b) [MAO or SSI applicants who die before they are certified may be eligible for retroactive coverage for the three months before the month of application.] A bona fide agent **may** [also can] apply for prior coverage for a deceased individual. [person,] **The deceased individual may or may not have** [whether or not the person] made a previous application for MAO or SSI. The time period covered by the application is the three months before the month the application is received from the agent.

(c) There are two methods to determine eligibility for prior Medicaid coverage. **The caseworker must first use the income averaging method** [is applied first]. **If there is an unmet need in the earliest of the three prior months, the individual is eligible for the entire three months before the month of application.** If the individual is ineligible using this method, **the caseworker must use the monthly computation method** [is applied]. **If there is an unmet need, the individual is eligible for the entire month.**

[(1) Income averaging method. If the applicant is eligible for the first month, he is eligible for the entire three months before the month of application. The individual must also meet program resource limits during the month. If the applicant is eligible during the second month, the applicant is eligible for the remaining month before the month of application.

[(2) Monthly computation method. The applicant must meet all factors of eligibility in each month.] Determination of eligibility [based] on a monthly basis may result in non-sequential periods of **eligibility** [coverage].

(d) [The applicant must meet all requirements applicable to the SSI or SSI-related MAO programs to be eligible during any of the three prior months. The requirements are: resources, age, blindness, or disability.] In cases involving disability [or blindness], **the Disability Determination Section, state office, must determine** [there must be a determination] that the individual's disabling condition existed during the three months before

the month of application. [The applicant is eligible for the whole month if he meets program criteria during any part of the month.]

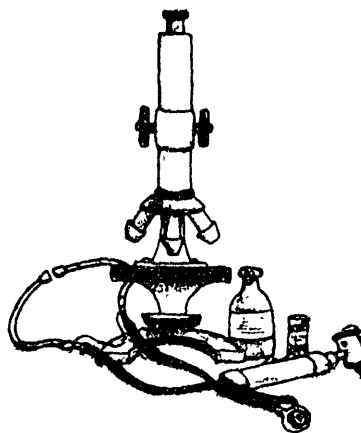
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 6, 1982

TRD-829189 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
January 10, 1983

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

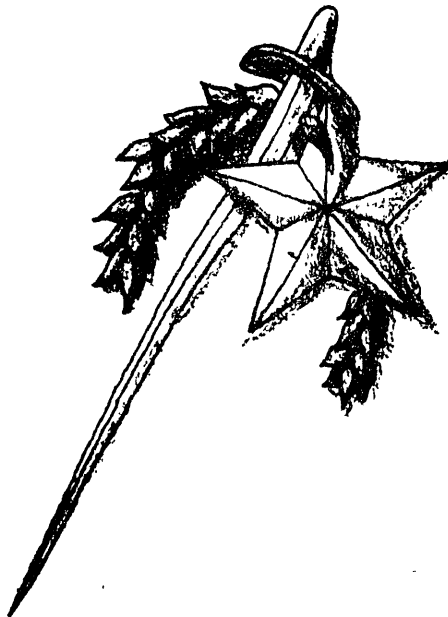


Withdrawn Rules

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

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

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



TITLE 7. BANKING AND SECURITIES Part VI. Credit Union Department Chapter 93. Administrative Proceedings Repeal of Conflicting Rules 7 TAC §93.241

The Credit Union Department has withdrawn from consideration for permanent adoption proposed new §93.241, concerning Administrative Proceedings. The text of the new section as proposed appeared in the April 18, 1980, issue of the *Texas Register* (5 Tex-Reg 1492).

Issued in Austin, Texas, on December 2, 1982.

TRD-829094 Harry L. Elliott
Staff Services Officer
Credit Union Department

Filed: December 2, 1982
For further information, please call (512) 837-9236.

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 28. INSURANCE Part I. State Board of Insurance

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

Powers and Duties

Files on Officers, Directors, and Management Executives of Insurance Companies

059.01.10.003

The State Board of Insurance adopts the repeal of Rule 059.01.10.003 without changes to the proposal in the September 21, 1982, issue of the *Texas Register* (7 TexReg 3400).

The rule is merely an administrative directive to the commissioner of insurance by the State Board of Insurance; it imposes no affirmative duties on entities outside the agency. The rule generally directs the commissioner of insurance to take such action as he or she deems necessary to obtain information respecting the competence, reputation, and fitness of the officers, directors, and management executives of insurance companies or associations.

No comments were received on this proposed repeal.

The repeal is adopted under the authority of Texas Insurance Code, Articles 1.02, 1.04, 1.09, and 1.10.

This law specifies duties of the State Board of Insurance, requires that the board execute many of its duties through the commissioner of insurance. The board has supervisory authority over the commissioner of insurance. It is also under the board's authority to repeal any rule it has previously promulgated.

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 December 3, 1982.

TRD-829130

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: December 24, 1982

Proposal publication date: September 21, 1982

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

059.01.11.011, .012

The State Board of Insurance adopts amendments to Rules 059.01.11.011 and .012, without changes to the proposed text published on the September 21, 1982, issue of the *Texas Register* (7 TexReg 3400).

The amendments will delete unnecessary language and make other editorial changes. There are no substantive changes.

No comments were received on the proposed amendments.

These amendments are adopted under the authority of the Texas Insurance Code, Article 1.04, pursuant to which the board is authorized to promulgate rules;

Texas Insurance Code, Article 1.10 (17), pursuant to which the board may accept certain voluntary deposits; and pursuant to the board's inherent authority to make nonsubstantive editorial changes to existing rules.

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 December 3, 1982.

TRD-829132 James W. Norman
Chaif Clerk
State Board of Insurance

Effective date: December 24, 1982
Proposal publication date: September 21, 1982
For further information, please call (512) 475-2950.

General Provisions

Licensing of Agent's Insurance Adjusters

059.21.01.011-.013

The State Board of Insurance adopts amendments to Rule 059.21.01.012, with changes to the proposed text published in the September 21, 1982, issue of the *Texas Register* (7 TexReg 3416). Rules 059.21.01.011 and .013 are adopted without changes and will not be republished.

These rules deal with insurance adjuster's licenses; the changes are to delete unnecessary language and to make other nonsubstantive, editorial changes. There is a change in Rule 059.21.01.012(a)(3) from the rule as proposed. The words "workers' compensation" and "USL&H" replace "workmen's compensation" and "USL and H."

No comments were received regarding adoption of the proposed amendments.

The amendments are adopted under authority of the Texas Insurance Code, Article 21.07-4, pursuant to which the board regulates insurance adjusters.

.012. *Types of Adjuster's Licenses.* The following types of adjuster's licenses are approved for issuance:

(1) All lines (licenses issued to applicants who for the 90-day period next preceding the effective date of Article 21.07-4 (hereinafter referred to as the Act) had been principally engaged in the investigation, adjustment, or supervision of losses and who were so engaged on the effective date of Article 21.07-4 of the Texas Insurance Code.)

(2) Casualty, including auto physical damage, auto liability, general liability, aircraft.

(3) Workers' compensation, employer's liability, USL&H.

(4) Fire, allied lines, inland marine.

(5) Fidelity and surety.

(6) Boiler and machinery.

(7) Marine.

(8) Multi-lines (Issuance of "multi-lines" adjuster's license for those adjusters who qualify in paragraphs (2), (3), and (4) of this subsection).

(b) Pursuant to §10(4) of the Act, the following persons are exempted from the requirement of an adjuster's license examination:

(1) Those persons holding CPCU designation plus one year of Texas claims experience.

(2) Those persons completing all six parts of the Insurance Institute of America adjusting course plus one year of Texas claims experience.

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 December 3, 1982.

TRD-829134 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: December 24, 1982
Proposal publication date: September 21, 1982
For further information, please call (512) 475-2950.

Licensing of Nonresident Agents Under Article 21.07, Texas Insurance Code

059.21.01.021

The State Board of Insurance adopts amendments to Rule 059.21.01.021, without changes to the proposed text published in the September 21, 1982, issue of the *Texas Register* (7 TexReg 3417). The rules relate to the licensing of nonresident agents under the Texas Insurance Code, Article 21.07. The amendment makes nonsubstantive, editorial changes and deletes outdated requirements.

No comments were received regarding the proposal.

The amendment is made pursuant to the Texas Insurance Code, Article 21.07, §13, which authorizes the State Board of Insurance to establish and amend reasonable rules for the administration of Article 21.07; under the board's authority to make editorial changes to existing rules; under Texas Civil Statutes, Article 6252-13a, §4, pursuant to which the board may promulgate procedural rules necessary or appropriate for it to accomplish its statutory function; and under the board's authority to delete any rule or part of a rule it has previously promulgated.

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 December 3, 1982.

TRD-829133 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: December 24, 1982
Proposal publication date: September 21, 1982
For further information, please call (512) 475-2950.

Licensing of Local Recording Agents and Solicitors; Life, Health, and Accident Excepted; Other Exceptions; Retaking Examination

059.21.14.002

The State Board of Insurance adopts the repeal of Rule 059.21.14.002, without changes to the proposed text published in the September 21, 1982, issue of the *Texas Register* (7 TexReg 3418). The rule requires an applicant for a local recording agent's or solicitor's license to give the State Board of Insurance five days' notice that he or she wants to retake an examination after failing the first time and after a second failure, requires the applicant to file a new application for license and wait 60 days from the last examination before taking another examination. These procedures are outdated and no longer followed.

No comments were received on this proposal.

The repeal is adopted under the authority of the Texas Insurance Code, Article 21.14, pursuant to which the board regulates local recording agents and solicitors; under authority of Texas Civil Statutes, Article 6252-13a, §4, pursuant to which the board may enact procedural rules necessary for it to perform its statutory function; and under the board's authority to repeal any rule it has previously promulgated.

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 December 3, 1982.

TRD-829131 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: December 24, 1982
Proposal publication date: September 21, 1982
For further information, please call (512) 475-2950.

**Agents Licensing
Examinations of Legal Reserve Life
Insurance Agent Applicants and
Health Insurance Agent Applicants**

059.59.01.001

The State Board of Insurance adopts amendments to Rule 059.59.01.001, without changes to the proposed text published in the October 12, 1982, issue of the *Texas Register* (7 TexReg 3662).

The amended rule more accurately reflects present facts.

No comments were received on this proposal.

The amendment is adopted under the authority of the Texas Insurance Code, Article 21.07, §13, pursuant to which the board may establish and amend reasonable rules for the administration of Article 21.07; and

under the authority of the Texas Insurance Code, Article 21.07-1, §15, pursuant to which the board is authorized to establish and amend reasonable rules for the administration of Article 21.07-1.

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 December 3, 1982.

TRD-829135 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: December 24, 1982
Proposal publication date: October 12, 1982
For further information, please call (512) 475-2950.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter Q. Business Tax Division—
Franchise Tax**

34 TAC §3.399

The Comptroller of Public Accounts adopts the repeal of §3.399, concerning franchise tax exemptions, without changes to the proposed text published in the October 22, 1982, issue of the *Texas Register* (7 Tex-Reg 3771).

This section is being repealed in order that a substantially revised rule dealing with the same subject matter may be adopted. Corporations with existing franchise tax exemptions are not affected by this repeal.

No comments were received regarding the proposed repeal.

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

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 December 6, 1982.

TRD-829154 Bob Bullock
 Comptroller of Public Accounts

Effective date: December 27, 1982
Proposal publication date: October 22, 1982
For further information, please call (512) 475-1933.

The Comptroller of Public Accounts adopts new §3.399, concerning franchise tax exemptions, without changes to the proposed text published in the October 22, 1982, issue of the *Texas Register* (7 TexReg 3771).

The new section notifies taxpayers of the procedures for contesting the denial or revocation of franchise tax exemptions. The new section also revises the definitions of religious worship and educational purpose corporations to conform with those used in the administration of the state sales tax. The section expressly sets out the franchise tax exemption for national and state banks. Finally, it establishes the requirement of a "dissolution clause" for all eleemosynary, religious, and educational corporations.

No comments were received regarding the proposed rule.

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

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 December 6, 1982.

TRD-829155 Bob Bullock
Comptroller of Public Accounts

Effective date: December 27, 1982
Proposal publication date: October 22, 1982
For further information, please call (512) 475-1933.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 79. Legal Services Subchapter F. Contract Administration 40 TAC §§79.501, 79.503, 79.504

The Texas Department of Human Resources adopts amendments to §§79.501, 79.503, and 79.504, concerning contract administration, with changes to the proposed text published in the September 17, 1982, issue of the *Texas Register* (7 TexReg 3354). The department may use competitive procurement procedures for specific procurements but currently mandates competitive procurement only for certain services. To clarify the department's procurement procedures, §79.501 is amended to state that competitive procurement process is used to purchase day care provider and training services, family planning (except Title X and Title XIX family planning), medical

transportation, and family care. Other services may be subject to the competitive process as determined by the department. Section 79.503 is amended to delete the words "sole source." The department also made several editorial and clarification changes to the rules.

No comments were received concerning adoption of the proposed rules. Only minor editorial changes were made to the text.

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

§79.501. Contract Administration. The department has the authority to contract for services including direct delivery of services to clients. Negotiation, using competition to the maximum extent feasible, is the principal method for direct contract procurement by the department. Formal advertising is used when it is possible to completely describe the services needed so that price alone is the deciding factor. The following are required for contracts for services:

(1) Code of conduct. Employees must not solicit or accept gratuities, favors, or anything of monetary value from contractors or potential contractors.

(2) Contract manager. Contract managers appointed in writing by the regional administrator or by the appropriate member of executive staff, ensure that all contracts are procured in compliance with all applicable federal, state, local, and department rules and regulations.

(3) Contract administration. The department maintains a system for contract administration to ensure that contractors conform with the terms, conditions, and specifications of the contract.

(4) Extent of competition. Procurement transactions are conducted in a manner that provides maximum open and free competition. Efforts are to be made to avoid any restriction of competition. The department does not restrict competition for subcontracts by directing its contractors to use a particular subcontractor. The department reviews the award of subcontracts to ensure that sound procurement practices are followed. The department purchases day care provider and training services, family planning (except Title X and Title XIX family planning), medical transportation, and family care using the competitive procurement process. Other services may be subject to this process as determined by the department.

(5)-(9) (No change.)

§79.503. Procurement Procedures.

(a) (No change.)

(b) The following procedural requirements are in effect in the competitive procurement process:

(1)-(6) (No change.)

(7) One of the following procurement actions is taken:

(A) When there is only one interested offeror, a procurement may be negotiated if the offeror meets the requirements of the procurement.

(B) When no potential contractor has expressed interest, or no offeror meets the basic re-

quirements, the department attempts to interest a qualified potential contractor.

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

(8) Procurement under the competitive process may be renewed annually, or at the option of the department, for a period not to exceed four years without being subject to further competition.

§79.504. Method of Procurement. Procurements under grants are made by formal advertising or negotiated procurement as described below:

(1) Formal advertising. Formal advertising is a method of procurement in which sealed bids are publicly solicited. A firm-fixed price contract (lump sum or unit price) is awarded to the lowest bidder whose bid conforms exactly with all the material terms and conditions of the invitation for bids. For formal advertising to be feasible, the following minimum conditions must be present:

(A)-(E) (No change.)

(2) Negotiated procurement. Negotiated procurement may be used by the department when it is not practical to use formal advertising. Negotiated procurement must be on a competitive basis to the maximum practicable extent. A written determination with the reason for not using formal advertising is required in department records when formal advertising is not used. Documen-

tation may be provided on a class basis or on an individual contract basis, if authorized. Procurement may be negotiated if any of the following conditions exist:

(A) The public necessity does not permit the delay for advertising.

(B)-(D) (No change.)

(E) No acceptable bids are received after formal advertising.

(F)-(G) (No change.)

(H) Negotiation is authorized by applicable federal, state, or local law, rule, or regulation.

(3)-(4) (No change.)

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 December 3, 1982.

TRD-829141

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: January 1, 1983

Proposal publication date: September 17, 1982

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

Open Meetings

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

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

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

Texas Department of Agriculture

Monday, December 20, 1982, 10 a.m. The Agricultural and Environmental Sciences Division of the Texas Department of Agriculture will meet in the District 7 office, Expressway 83, San Juan. Items on the agenda include a formal adjudicative hearing in Dockets 53-82-AEP and 35-82-AEP-suspension, modification, or revocation of current commercial pesticide applicator Licenses 001389 and 001390 issued to Hugh G. Williams, Jr., and Hugh G. Williams, Sr., respectively, Los Fresnos, for alleged violation of Texas Agriculture Code (1981), §§76.116(a)(2) and (3), 76.131, and 76.201 (b)(5), 4 TAC §7.21, and §7.22, §76.116(a) (4), (§76.114, 4 TAC §7.18), and §76.116 (a)(8).

Contact: David Ivie, P.O. Box 12847, Austin, Texas 78711, (512) 475-4457.

Filed: December 3, 1982, 4:26 p.m.
TRD-829149

Texas Antiquities Committee

Friday, December 10, 1982, 1 p.m. The Texas Antiquities Committee submitted a revised agenda for a meeting to be held in Room 204, Texas Law Center, 1414 Colorado, Austin. The revisions concern the nomination of Calhoun County Jail for state ar-

cheological landmark status and the proposal of an amendment to 31 TAC §41.24.

Contact: Cynthia Smetak, 105 West 16th Street, Austin, Texas, (512) 475-6328.

Filed: December 2, 1982, 10:42 a.m.
TRD-829080

Texas Commission on the Arts

Monday, December 13, 1982, 9:30 a.m. The Texas Commission on the Arts will meet in the Texas Society of Architects' board room, 14th floor, Norwood Tower, Seventh and Colorado Streets, Austin. Items on the agenda include a revision of agency procedures and an update on the state artist selection process. The commission will also meet in executive session to interview candidates for executive director.

Contact: Margaret L. Dahl, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: December 3, 1982, 3:37 p.m.
TRD-829143

State Commission for the Blind

Saturday, December 4, 1982, 10 a.m. The State Commission for the Blind submitted an emergency addition to the agenda of a meeting held in the Granada Royale Hotel,

7750 Briaridge, San Antonio. The addition concerned action on the resignation of the executive director. The emergency status was necessary to respond to the resignation notice and consider appointment of a new executive director for the commission.

Contact: Jean Wakefield, 314 West 11th, Suite 400, Austin, Texas 78711, (512) 475-6810.

Filed: December 3, 1982, 3:22 p.m.
TRD-829142

State Board of Canvassers

Tuesday, December 7, 1982, 11 a.m. The State Board of Canvassers met in emergency session in the governor's reception room, State Capitol. According to the agenda, the board amended the official canvass and held a canvass election for district judge of the 68th Judicial District. The emergency status was necessary because the returns were previously unavailable.

Contact: Donnette Smith, P.O. Box 12887, Austin, Texas 78711, (512) 475-3091.

Filed: December 7, 1982, 8:37 a.m.
TRD-829208

**Texas Coastal
and Marine Council**

Friday, December 17, 1982, 9 a.m. The Texas Coastal and Marine Council will meet in city council chambers, 444 Fourth Street, Port Arthur. Items on the agenda include offshore annexation; the Pleasure Island Commission; Sea Rim State Park; the Department of Energy's Strategic Oil Reserve Program, Big Hill Project; the highway department's legislative recommendations on the Gulf Intracoastal Waterway; approval of minutes of the October 15, 1982, meeting; Artificial Reef, Fisheries, Navigation Risk Management, and Nominating Committee reports; election of an officer; past/future council projects; announcement of the February 18, 1983, meeting in Austin; and public testimony.

Contact: Charles L. Branton, P.O. Box 13407, Austin, Texas 78711-3407, (512) 475-4578.

Filed: December 3, 1982, 8:43 a.m.
TRD-829097

Texas Conservation Foundation

Monday, December 13, 1982, 11:30 a.m. The Texas Conservation Foundation will meet at the Hilton Inn, 6000 Middle Fiskville Road, Austin. According to the agenda, the foundation will consider legislative prospects, project recommendations from the Texas Parks and Wildlife Department, and a report on the Rio Grande Wild and Scenic River assistance request.

Contact: M. J. Hutchinson, Suite 105, 13000 Guadalupe, Austin, Texas 78701, (512) 475-4941.

Filed: December 2, 1982, 4:25 p.m.
TRD-829095

Texas Department of Corrections

Thursday, December 16, 1982, 9 a.m. The Board of the Texas Department of Corrections will meet in Room 220, State Capitol. According to the agenda, the board will meet with Lawrence D. White Associates, Inc., architects. The board will also meet in executive session.

Contact: W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (713) 295-6371, ext. 160.

Filed: December 3, 1982, 1 p.m.
TRD-829128

State Depository Board

Monday, December 6, 1982, 2 p.m. The State Depository Board met in emergency session in the Office of the State Treasurer, 111 East 17th Street, Austin. According to the agenda, the board reviewed and adjusted automatically established interest rate charged on time account deposits at December 6, 1982, in accordance with the provisions of the order dated December 2, 1982. The emergency status was necessary to remain competitive with rapidly changing interest and money market rate changes at this time and automatic formula did not produce the same.

Contact: Warren G. Harding, P.O. Box 12608, Austin, Texas 78711, (512) 475-2591.

Filed: December 6, 1982, 10:41 a.m.
TRD-829156

**Texas Feed and
Fertilizer Control Service**

Tuesday, January 18, 1983, 10 a.m. The Texas Feed and Fertilizer Control Service will meet in Room 504, Rudder Tower, Texas A&M University, College Station. According to the agenda, the service will review proposed amendments to 4 TAC §61.14 and §61.17. This meeting is rescheduled from January 6, 1983.

Contact: I. J. Shenkir, P.O. Box 3160, College Station, Texas 77841, (713) 845-1121.

Filed: December 3, 1982, 3:48 p.m.
TRD-829144

General Land Office

Friday, December 17, 1982, 10 a.m. The General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will hold a rehearing of vacancy Application M-71081, Moore County.

Contact: Lorene Ramsey, 1700 North Congress, Room 836, Austin, Texas, (512) 475-2496.

Filed: December 6, 1982, 2:29 p.m.
TRD-829202

Texas Department of Health

Saturday, December 11, 1982, 9:30 a.m. The Board of Health of the Texas Department of Health will meet in Room T-610,

1100 West 49th Street, Austin. Items on the agenda include approval of the November 13, 1982, meeting minutes; the commissioner's report; an update on the Agent Orange Program; the 1982 report from the Dental Advisory Committee; proposed rules on deviating from uniform grant and contract management standards, and speciality designations for professional counselors; reproposal of rules for the Hearing Aid Loan Program and the Crippled Children's Services Program; final adoption of the amendments to the kidney health care rules, and the addition to the Texas Regulations for the Control of Radiation, Part 44, "Licensing of Radioactive Waste Storage and Processing Facilities;" adoption of amendments to the hazardous waste management rules; resolutions for board approval in support of Dr. Cole's candidacy for president of the American Medical Association, and In Memoriam of Mrs. Mae Elizabeth Duff; Budget Committee report on request to transfer unbudgeted Tuberculosis Bureau funds; Legislative Committee report on additions and approval of draft legislation for the department's 68th legislative package; Personnel Committee reports on appointment to the Emergency Medical Services Advisory Council, appointments to the Crippled Children's Services Technical Advisory Committee, appointments to the Nursing Home Affairs Advisory Committee, and request for an extension of employment beyond age 70; announcements and comments; and the meeting date for January 1983.

Contact: Gary A. Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: December 3, 1982, 4:03 p.m.
TRD-829148

Saturday, December 11, 1982, 10:30 a.m.

The Dental Advisory Committee of the Texas Department of Health will meet in Room T-803, 1100 West 49th Street, Austin. Items on the agenda include minutes of the last meeting, analysis of a presentation to the Board of Health, and the Dental Advisory Committee target areas for 1983.

Contact: Carlos Lozano, D.D.S., 1100 West 49th Street, Austin, Texas, (512) 458-7323.

Filed: December 2, 1982, 2:14 p.m.
TRD-829084

**Texas Health
Facilities Commission**

Friday, December 17, 1982, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Austin State Hospital, Austin
AA82-0713-056

St. Joseph Hospital, Fort Worth
AH82-0629-060

Rusk State Hospital, Rusk
AA82-0712-053

Valley Baptist Medical Center, Harlingen
AH82-0521-015

Lewisville Memorial Hospital, Lewisville
AH82-0305-017

The Colony Community Hospital,
The Colony
AH82-0413-010

Quentin Mease Community Hospital,
Houston
AH82-0412-025

Henderson Memorial Hospital,
Henderson
AH82-0503-036

Marbridge Foundation Nursing Home,
Manchaca
AN82-0701-088

Petition for Reconsideration/Rehearing
Villa de Tejas Hospital, San Antonio
AH82-0420-017

Motion for Reconsideration/Rehearing
Charter Lane Hospital, Austin
AH82-0122-020

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

Filed: December 6, 1982, 9:33 a.m.
TRD-829162

Texas Housing Agency

Tuesday, December 14, 1982, 10 a.m. The Board of Directors of the Texas Housing Agency will meet in Conference Room C, John H. Reagan Building, 15th and Congress Streets, Austin. According to the agenda summary, the board will approve minutes; consider a resolution authorizing the sale of construction loan notes and a multifamily loans-to-lenders program secured by a certificate of deposit.

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

Filed: December 6, 1982, 3:59 p.m.
TRD-829204

Industrial Accident Board

Tuesday, December 14, 1982, 9:30 a.m. The Industrial Accident Board will meet in Room 225, second floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Items on the agenda include recommendations of the Policy Advisory Committee; an attempt to define the phrases "full time student" and "any accredited educational institution," in relation to Texas Civil Statutes, Article 8306, §8(b); and a formal statement of position concerning failure to fully address the issues in compliance with Texas Civil Statutes, Article 8307, §10.

Contact: William Treacy, P.O. Box 12757,
Austin, Texas 78711, (512) 475-3126.

Filed: December 3, 1982, 8:46 a.m.
TRD-829098

Friday, December 17, 1982, 10 a.m. The Drafting Subcommittee of the IAB Legislative Committee of the Industrial Accident Board will meet in Room 107, first floor, 200 East Riverside Drive. According to the agenda, the subcommittee will consider coverage for farm and ranch employees; late payment of compensation by insurance carrier/self insured; study groups for determination of medical disability and inclusion of vocational rehabilitation under the Act; and Texas Civil Statutes, Article 8306, §§8, 8(b), 8(d), 12c-2, and 15, and Article 8307, §5.

Contact: William Treacy, P.O. Box 12757,
Austin, Texas 78711, (512) 475-3126.

Filed: December 3, 1982, 2:03 p.m.
TRD-829136

State Board of Insurance

Monday, December 6, 1982, 3 p.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board met in executive session to discuss personnel matters. The emergency status was necessary for immediate action.

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

Filed: December 6, 1982, 10:46 a.m.
TRD-829157

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets are as follows.

Tuesday, December 14, 1982, 9 a.m.
Docket 7025—acquisition of its own stock in satisfaction of a debt by Insurance Company of America.

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

Filed: December 6, 1982, 11:37 a.m.
TRD-829190

Tuesday, December 14, 1982, 1:30 p.m.
Docket 7027—application for certification of authority of Alico Life Insurance Company, Waco.

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

Filed: December 6, 1982, 11:37 a.m.
TRD-829191

Tuesday, December 14, 1982, 2 p.m. The State Board of Insurance made an addition to the agenda of a meeting to be held in Room 414, 1110 San Jacinto Street, Austin. The addition concerns proposed legislation.

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

Filed: December 6, 1982, 10:45 a.m.
TRD-829158

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Dates, times, and dockets are as follows.

Wednesday, December 15, 1982, 9 a.m.
Docket 7016—whether the certificate of authority to Southwest Home Life Insurance Company, Houston, may be cancelled or revoked.

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

Filed: December 6, 1982, 11:38 a.m.
TRD-829192

Wednesday, December 15, 1982, 2 p.m.
Docket 7028—application for Group I Legal Reserve Insurance License of Marcus Kennedy.

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

Filed: December 6, 1982, 11:38 a.m.
TRD-829193

Thursday, December 16, 1982, 1:30 p.m.
Docket 7031—application for original charter of Galaxy Life Insurance Company, Dallas.

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

Filed: December 6, 1982, 11:38 a.m.
TRD-829194

Friday, December 17, 1982, 10:30 a.m.
Docket 7029—approval for contract of total reinsurance whereby Vantage Insurance Company, Dallas, will be totally reinsured by Security State Life Insurance Company, Athens.

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

Filed: December 6, 1982, 11:38 a.m.
TRD-829195

Friday, December 17, 1982, 1:30 p.m.
Docket 7019—whether the insurance agent's licenses issued to Freddie Wayne Thompson should be cancelled or revoked.

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

Filed: December 6, 1982, 11:38 a.m.
TRD-829196

Monday, December 20, 1982, 9 a.m.
Docket 7018—protest of proposed corporate name of Delta Service Plans Insurance Company.

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

Filed: December 6, 1982, 11:38 a.m.
TRD-829197

Texas

Commission on Jail Standards

Wednesday, December 15, 1982, 8:30 a.m.
The Texas Commission on Jail Standards will meet in Room 206, 1414 Colorado, Austin. Items on the agenda include reading and approval of minutes of October 27, 1982, meeting; director's report; old business of adopted rules; Denton, Orange, Smith, Webb, and Zavala Counties status; new business of Shelby County; and application for variances for Fayette, Harris, Medina, Travis, El Paso, and Hale Counties. The commission will also meet in executive session.

Contact: Robert O. Viterna, 411 West 13th, Suite 900, Austin, Texas 78701, (512) 475-2716.

Filed: December 6, 1982, 10:36 a.m.
TRD-829159

Lamar University

Wednesday, December 8, 1982, 9:30 a.m.
The Board of Regents of Lamar University met in emergency session in the Plummer Administration Building, Lamar University, Beaumont. Items on the agenda include

approval of the November 3, 1982, meeting; president's reports; approval of monthly financial report for the months of September and October; approval of bids recommended by the Building and Grounds Committee; review of proposed academic programs; discussion of student housing; approval of the police officers commission; and approval of property acquisition for Lamar University, Port Arthur. The board also met in executive session. The emergency status was necessary for construction to be completed as scheduled.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8403.

Filed: December 3, 1982, 8:56 a.m.
TRD-829099

Texas Mohair Producers Board

Tuesday, December 7, 1982, 10 a.m. The Texas Mohair Producers Board of the Texas Department of Agriculture met in emergency session at Gideon's Restaurant, 26 East Concho, San Angelo. According to the agenda, the board discussed the USDA mohair referendum, an assessment report, and the director's replacement. The emergency status was necessary to meet the deadline of the USDA mohair referendum.

Contact: Fred Campbell, P.O. Box 5337, San Angelo, Texas 76902, (915) 655-3161.

Filed: December 3, 1982, 8:17 a.m.
TRD-829096

State Board of Morticians

Monday, December 6, 1982, 9 a.m. The State Board of Morticians submitted an emergency addition to the agenda of a meeting held at 1513 IH 35 South, Austin. The addition concerned applicants for reciprocal licensure. The emergency status was necessary because all credentials and information were not received until after the final deadline.

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

Filed: December 3, 1982, 10:13 a.m.
TRD-829106

Texas State Board of Examiners of Professional Counselors

Saturday, December 11, 1982, 9 a.m. The State Board of Examiners of Professional

Counselors will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the minutes of the October 14, 1982, meeting; consider rules relating to the eligibility of persons with criminal backgrounds for licensure under the provisions of Texas Civil Statutes, Article 6252-13c; specialty designations; the request for a formal hearing by John Abell, Ed.D., in regard to licensure application; development of licensure examination; licensure applications and procedures; discuss continuing education requirements for renewal of licensure and other matters relating to the licensure and regulation of professional counselors; and set the next meeting date.

Contact: Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: December 2, 1982, 2:17 p.m.
TRD-829086

Texas

Department of Public Safety

Monday, December 13, 1982, 2 p.m. The Public Safety Commission of the Texas Department of Public Safety will meet at the DPS regional office, 2405 South Holiday Hill Road, Midland. According to the agenda, the commission will approve minutes, and consider budget matters, personnel matters, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: December 3, 1982, 10:54 a.m.
TRD-829127

Public Servant Standards of Conduct Advisory Committee

Thursday, December 16, 1982, 3 p.m. The Purchasing Practices Subcommittee of the Public Servant Standards of Conduct Advisory Committee will meet in Room 411, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include consideration of subcommittee recommendations.

Contact: Donna Mobley, John H. Reagan Building, 105 West 15th Street, Room 417, Austin, Texas 78701, (512) 475-2466.

Filed: December 6, 1982, 3:03 p.m.
TRD-829203

**Public Utility
Commission of Texas**

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

Wednesday, December 15, 1982, 9 a.m. A prehearing conference in Docket 4862—application of Kerrville South Water Company, Inc., for a \$68,802 rate/tariff change.

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

Filed: December 3, 1982, 9:48 a.m.
TRD-829105

Friday, December 17, 1982, 9 a.m. A prehearing conference in Docket 4867—application of Alexa Enterprises, doing business as Engel Utility Company, for authority to change rates for water and sewer utility service within Henderson County.

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

Filed: December 3, 1982, 9:49 a.m.
TRD-829101

Wednesday, January 19, 1983, 10 a.m. A hearing in Docket 4834—application of Jasper-Newton Electric Cooperative, Inc., for authority to increase electric rates.

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

Filed: December 3, 1982, 9:48 a.m.
TRD-829104

Tuesday, January 25, 1983, 10 a.m. A hearing on the merits in Docket 4822—application of South Plains Electric Cooperative, Inc., for authority to increase electric rates.

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

Filed: December 6, 1982, 10:34 a.m.
TRD-829160

Wednesday, January 26, 1983, 9 a.m. A hearing in Docket 4767—application of Saratoga Water Company, Inc., for a certificate of convenience and necessity.

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

Filed: December 3, 1982, 2:35 p.m.
TRD-829137

Wednesday, February 2, 1983, 9 a.m. A hearing on the merits in Docket 4521—com-

plaint of Amtel Communications, Inc., *et al.*, as to rates, charges, and practices of Southwestern Bell Telephone Company.

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

Filed: December 6, 1982, 10:33 a.m.
TRD-829161

Wednesday, February 2, 1983, 9 a.m. A hearing on the merits in Docket 4838—application of Sam Houston Electric Cooperative, Inc., for authority to change rates.

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

Filed: December 6, 1982, 2:13 p.m.
TRD-829199

Thursday, February 10, 1983, 9 a.m. A hearing on the merits in Docket 4839—application of Houston County Electric Cooperative, Inc., for authority to change rates.

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

Filed: December 2, 1982, 2:16 p.m.
TRD-829085

**State Purchasing and
General Services Commission**

Wednesday, December 15, 1982, 10 a.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. Items on the agenda include staff review of the annual report to the governor, LBJ staff recommendations for fiscal years 1984 and 1985 appropriations; year-end financial report by program; status report on construction projects—John H. Winters Human Services Center and William B. Travis Building; monthly reports; and setting of a date and time for the next regular meeting. The commission will also meet in executive session to consider personnel matters and acquisition of real property.

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

Filed: December 7, 1982, 9:38 a.m.
TRD-829212

Railroad Commission of Texas
Monday, December 13, 1982, 9 a.m. The following divisions of the Railroad Com-

mission of Texas will meet at 1124 IH 35 South, Austin. The agendas and meeting rooms follow.

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

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

Filed: December 3, 1982, 10:27 a.m.
TRD-829110

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

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

Filed: December 3, 1982, 10:31 a.m.
TRD-829122

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

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

Filed: December 3, 1982, 10:32 a.m.
TRD-829125

The Gas Utilities Division will meet in Room 107 to consider Docket 3706—statement of intent filed by Entex, Inc., to change rates to industrial customers; and to consider the motion to quash certain portions of the suspension order.

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

Filed: December 3, 1982, 11:56 a.m.
TRD-829103

Additions to the above agenda:

The division will consider Dockets 3502, 3808-3810, 3812-3815, 3762, 3792, 2887, and the director's report.

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

Filed: December 3, 1982, 10:29 a.m.
TRD-829118

Consideration of Docket 3578—statement of intent filed by Rio Grande Valley Gas Company to change rates in the environs of the City of McAllen and consideration of intent.

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

Filed: December 3, 1982, 3:55 p.m.
TRD-829145

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

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

Filed: December 3, 1982, 10:29 a.m.
TRD-829119

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

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

Filed: December 3, 1982, 10:28 a.m.
TRD-829116

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

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

Filed: December 3, 1982, 10:31 a.m.
TRD-829121

Addition to the above agenda:

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

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: December 3, 1982, 10:30 a.m.
TRD-829120

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

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

Filed: December 3, 1982, 10:31 a.m.
TRD-829124

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

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

Filed: December 3, 1982, 10:32 a.m.
TRD-829126

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

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

Filed: December 3, 1982, 10:26 a.m.
TRD-829109

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

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

Filed: December 3, 1982, 10:28 a.m.
TRD-829117

Texas Southern University

Friday, December 10, 1982. Committees of Texas Southern University will meet in Room 117, Hannah Hall, 3100 Cleburne Avenue, Houston. Times, committees, and agendas follow

9 a.m. The Finance Committee will consider monthly financial reports, and approve short-term investments and payments for real estate purchases.

9:45 a.m. The Building and Grounds Committee will consider approval of payments for construction contracts and change orders; award contracts for construction and rehabilitation of buildings, and approve land acquisition.

10:30 a.m. The Personnel and Academic Affairs Committee will receive 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 a.m. The Development Committee will receive progress reports from the administration on university fund raising.

Noon. The Student Affairs Committee will receive status reports from the administration on the Student Life Center, progress reports on dormitory renovations, and student organizations and activities.

Contact: Everett O. Bell, 3201 Taft Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: December 2, 1982, 2:15 p.m.
TRD-829087-829091

Friday, December 10, 1982, 2 p.m. The Board of Regents of Texas Southern University will meet in Room 203, Student Life Center, Texas Southern University, Houston. Items on the agenda include minutes; reports of the standing committees; Finance: financial reports and approval of short term investments; Building and Grounds: awarding of construction contracts and status reports on current construction; approval of faculty appointments, and leaves of absences; changes in status of personnel, status reports from Student Affairs and Development Committees. The board will also meet in executive session.

Contact: Everett O. Bell, 3201 Taft Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: December 2, 1982, 2:25 p.m.
TRD-829092

Texas Water Commission

Thursday, January 6, 1983, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider a docket requesting cancellation of Permit 2167 held by T. R. Freeman which authorizes appropriation of 13 acre-feet of water from Cypress River Basin for the purpose of watering gravel roads to decrease the dust nuisance in a residential area for the reason permittee has ceased to use the waters for a period greater than 12 months.

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

Filed: December 3, 1982, 11:27 a.m.
TRD-829107

Texas Department of Water Resources

Monday, January 17, 1983, 9 a.m. The Office of General Counsel of the Texas Department of Water Resources will meet in city council chambers, city hall, 630 East Hopkins, San Marcos. According to the agenda summary, the counsel will conduct a public hearing to receive evidence from the public on actions the Texas Water Development Board should take to protect the Edwards Aquifer from pollution.

Contact: Savannah Robinson, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: December 3, 1982, 2:36 p.m.
TRD-829138

Regional Agencies

Meetings Filed December 2

The Bosque County Appraisal Review Board met at the Bosque County Courthouse, Meridian, on December 9, 1982, at 9 a.m. and 7 p.m. Information may be obtained from Ralph Roberts, Box 393, Meridian, Texas 76665.

The Carson County Appraisal District, Board of Directors, met at 220 Main Street, Panhandle, on December 8, 1982, at 7 p.m. Information may be obtained from Dianne Lavake, Box 970, Panhandle, Texas 79068.

The Coastal Bend Council of Governments, Membership Committee, will meet in the central jury room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on December 10, 1982, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

The Region XVI Education Service Center, Board of Directors, will meet at 1601 South Cleveland, Amarillo, on December 17, 1982, at 10:30 a.m. Information may be obtained from Dr. Kenneth M. Laycock, Box 30600, Amarillo, Texas 79120.

The Fannin County Appraisal District, Board of Directors, met at 401 North Main Street, Bonham, on December 7, 1982, at 7 p.m. Information may be obtained from Betty Manning, 401 North Main, Bonham, Texas, (214) 583-9546.

The Hansford County Appraisal District, Board of Directors, met at 13 West Kenneth Avenue, Spearman, on December 8, 1982, at 3 p.m. Information may be obtained from Alice Peddy, Box 567, Spearman, Texas 79081, (806) 659-5575.

The Lee County Appraisal District, Board of Review, met at 118 Richmond Street, Giddings, on December 8, 9, and 10, at 9 a.m. daily. Information may be obtained from Denise Urban, 218 East Richmond Street, Giddings, Texas 78942, (713) 542-9618.

TRD-829081

Meetings Filed December 3

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

The Eastland County Appraisal District, Board of Review, will meet in the commissioner's courtroom, Eastland County Courthouse, Eastland, on December 29, 1982, at 9 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Region VIII Education Service Center, Board of Directors, will meet at the Region VIII Education Service Center, 100 North Riddle, Mount Pleasant, on December 16, 1982, at 6:15 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-6676.

The Region IX Education Service Center, Board of Directors, met in emergency session at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, on December 3, 1982, at 11 a.m. and 1:15 p.m. Information may be obtained from Dr. H. M. Fullerton, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Region XX Education Service Center, Board of Directors, will meet at the ESC-20 conference center, 1314 Hines Avenue, San Antonio, on December 15, 1982, at 3 p.m. Information may be obtained from Dr. Dwain M. Estes, 1550 Northeast Loop 410, San Antonio, Texas 78209, (512) 271-7611.

The Ellis County Tax Appraisal District, and the Appraisal Review Board met at K-Bob's Steakhouse, 287 By-Pass, Waxahachie, on December 9, 1982, at 7 p.m. Information may be obtained from Gray Chamberlain, 406 Sycamore Street, Waxahachie, Texas 75165, (214) 937-3552.

The Henderson County Appraisal District, Board of Directors, will meet at 101 East Corsicana, Athens, on December 30, 1982, at 7:30 p.m. Information may be obtained from A. K. Monroe, P.O. Box 430, Athens, Texas 75751, (214) 675-9296.

The Houston Galveston Area Council, Project Review Committee, met in the transportation conference room, 3701 West Alabama, Houston, on December 7, 1982, at 9:30 a.m. Information may be obtained from Geraldine McCray, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 330.

The Interim Transportation Authority, Communications and Community Involvement Committee, met in emergency session in Suite 406, Love Field Terminal Building, Dallas, on December 3, 1982, at noon. Information may be obtained from Cinde

Weatherby, Lock Box 12, Dallas, Texas 75235, (817) 640-3300.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main Street, Cleburne, on December 15, 1982, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Appraisal District of Jones County, Board of Directors, will meet at the district office, 1137 East Court Plaza, Anson, on December 16, 1982, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

The Swisher County Appraisal District, Board of Directors, met at Omer's Cafe, Highway 87, Tulia, on December 9, 1982, at 7:15 a.m. Information may be obtained from Nan Davis, 130 North Armstrong, Tulia, Texas, (806) 995-3015.

The Trinity River Authority of Texas, Executive Committee, met at 5300 South Collins, Arlington, on December 8, 1982, at 9:15 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-829100

Meetings Filed December 6

The Ark-Tex Council of Governments, Executive Committee, met at Catfish Village, Daingerfield, on December 9, 1982, at 5:30 p.m. Information may be obtained from James D. Goerke, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Ark-Tex Council of Governments, Board of Directors, met at Morris County Courthouse, on December 9, 1982, at 7:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Blanco County Central Appraisal District made an addition to the agenda of a meeting to be held at the Blanco County Courthouse Annex, Johnson City, on December 14, 1982, at 6:30 p.m. Information may be obtained from M. A. Stewart, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Deep East Texas Council of Governments, Board of Directors, will meet at the Fellowship Hall, First United Methodist Church, 329 North Bowie Street, Jasper, on

December 16, 1982, at 1 p.m. Information may be obtained from Billy D. Langford, P.O. Drawer 1170, Jasper, Texas 75951, (713) 384-5704.

The Region III Education Service Center, Board of Directors, will meet at 1905 Leary Lane, Victoria, on December 13, 1982, at 1 p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901.

The Region VI Education Service Center, Board of Directors, met in emergency session in Room 350, Lowman Student Center, Sam Houston State University, Huntsville, on December 8, 1982, at 4 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas, (713) 295-9161.

The Region XIV Education Service Center, Board of Directors, will meet at 1850 State Highway 351, Abilene, on December 16, 1982, at 5 p.m. Information may be obtained from Dr. Thomas Lawrence, 1850 State Highway 351, Abilene, Texas 79601, (915) 676-8201.

The Edwards County Appraisal District, Board of Directors, will meet in the new county office building, Rocksprings, on December 14, 1982, at 10 a.m. Information may be obtained from R. L. Fred, Box 348, Rocksprings, Texas 78880, (512) 683-6590.

The Gonzales County Appraisal District, Board of Review, met in Suite 201, 508 St. Louis Street, Gonzales Bank Building, Gonzales, on December 9, 1982, at 6:30 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, Pampa, on December 9, 1982, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (214) 665-0791.

The Gregg County Appraisal District will meet at 2010 Gilmer Road, Longview, on December 14, 1982, at noon. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hockley County Appraisal District, Appraisal Review Board will meet in the board room, 913 Austin Street, Levelland, and the Board of Directors will meet at K-Bob's Restaurant, 106 College Avenue, Lubbock, on December 17 and 21, 1982, at

9 a.m. and 7 p.m., respectively. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Hood County Appraisal District, Board of Directors, will meet in the district office, 1902 West Pearl, Granbury, on December 14, 1982, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-5595.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on December 9, 1982, at 3 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on December 13, 1982, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (713) 892-4011.

The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in emergency session in the board room, 2323 West Front Street, Tyler, on December 9, 1982, at 2:30 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4359, Tyler, Texas 75712, (214) 597-1351.

The Middle Rio Grande Development Council, Area Advisory Council on Aging, will meet in the auditorium, Texas A&M Research and Extension Center, Uvalde, on December 22, 1982, at 10 a.m. Information may be obtained from Anna M. Howenstine, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Nolan County Central Appraisal Office, Board of Review, met in emergency session in the city commission room, City Hall, Sweetwater, on December 7-10, 1982, at 9 a.m. daily. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Palo Pinto Appraisal District met at 603 South Oak, Mineral Wells, on December 9, 1982, at 7 p.m. Information may be obtained from Harold H. Quillen, 100 Southeast Fifth Street, Mineral Wells, Texas 76067, (817) 325-6871.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at 2514 Pliska Drive, Midland, on De-

ember 15, 1982, at 1:30 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on December 15, 1982, at 2 p.m. The Board of Trustees of the Employees Retirement Trust will meet immediately following in the same location. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple, on December 20, 1982, at 8 a.m. Information may be obtained from John W. Millican, 1002 First National Building, Temple, Texas, (817) 773-2250, or STS 820-1250.

The Tarrant County Appraisal District, Board of Directors, made an addition to the agenda of a meeting held in Suite 200, 1701 River Run, Fort Worth, on December 9, 1982, at 10 a.m. Information may be obtained from Nelson F. Eichman, 1701 River Run, Suite 200, Fort Worth, Texas, (817) 332-3151.

The Texas Municipal Power Agency, Board of Directors, met in emergency session at 2225 East Randol Mill Road, Arlington, on December 9, 1982, at 10 a.m. Information may be obtained from Frank H. Bass, Jr., 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office of the filter plant, Proctor Lake, Comanche County, on December 16, 1982, at 6:30 p.m. Information may be obtained from Zollie Skaggs, Box 67, Comanche, Texas 76442, (817) 879-2258.

The Upshur County Appraisal District, Board of Directors, will meet at Warren and Trinity Streets, Gilmer, on December 13, 1982, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736.

The West Central Texas Council of Governments, Personnel Search Committee, will meet at 1025 East North 10th Street, Abilene, on December 10, 1982, at 10 a.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

The Wise County Appraisal District, Board of Directors, met at 206 South State Street, Decatur, on December 9, 1982, at 9:30 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-829151

Meetings Filed December 7

The Capital Area Planning Council, Executive Committee and General Assembly, will meet at Quality Inn South, Austin, on December 14, 1982, at 11 a.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7653.

The Heart of Texas Council of Governments, Executive Committee, changed the location of a meeting held on December 9, 1982, at 5 p.m. The meeting was held in the conference room, 320 Franklin, Waco. The meeting was originally scheduled to be held at the Hilton Inn, Waco.

TRD-829209

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 Community Affairs Community Services Block Grant Request for Proposals

The Texas Department of Community Affairs (TDCA), administering agency for the Community Services Block Grant (CSBG) in Texas for federal fiscal year 1983, announces a request for proposals (RFP) to deliver services on behalf on low-income Indians in Texas.

Selected offerors will be expected to be responsible for the delivery of appropriate services authorized in the CSBG Act (Public Law 97-35), 42 United States Code 9901-9912, §§671-683. Proposed services should include but not be limited to the following: (1) a mechanism to mobilize resources, particularly private sector entities; (2) a planning component which includes input from the Indian Population in the planning process; a coordination component with the community action agency/community-based organizations' network in Texas; and a model demonstration project addressing the development of a food bank and related services to counteract conditions of starvation and malnutrition. Funding available will total \$125,000 for Texas. Proposals must include a 20% match by contractor of cash or in-kind contribution.

The period of performance of services will begin on or before January 14, 1983, and extend through a 12-month period at the option of the TDCA.

Qualifications Desired. Offerors eligible to respond to this request are political subdivisions of Texas, nonprofit private community organizations, or migrant and seasonal farmworker organizations. Offerors must be able to document their capability to accomplish the proposed services. Furthermore, offerors will be requested to include documentation of their legal authority and eligibility to contract with TDCA.

Deadline. The RFP will close at 5 p.m. on January 3, 1983, except for those proposals received postmarked on or before Monday, December 31, 1982.

General Information. The Texas Department of Community Affairs reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute a resulting contract on the basis of this notice and intends this material provided only as a means of identifying the various contractor alternatives. TDCA intends to use responses as a basis for further negotiation of specific project details with potential contractors. If TDCA selects a contractor to provide the delivery of services, TDCA will base its choice on the offeror's proposal, demonstrated competence, and qualifications. Selection will go to one or more in-state offerors. The request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of funds from the United States Department of Health and Human Services.

The Texas Department of Community Affairs specifically reserves the right to vary all provisions at any time prior to execution of a contract if TDCA deems such variances to be in the best interest of Texas, and to otherwise act as it determines in its sole discretion.

Contact Person. For details please contact Ruben Garcia, Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 443-4100, ext. 385.

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

TRD-829146 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: December 3, 1982
For further information, please call (512) 443-4100,
ext. 385.

**Comptroller of Public Accounts
Decision 9,831**

For copies of the following opinion selected and summarized by the Administrative Law Judges, contact the Administrative Law Judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with our confidentiality statutes.

Comptroller's Decision No. 9,831 (Franchise Tax). When a corporation receives payment in one fiscal year for goods or services, it is unconditionally obligated to provide in a future fiscal year, the corporation has a "debt" to the customer in the amount of the cash it has received. Therefore, the "realized but unearned" income received is not included in the computation of taxable capital at the close of the first year for purposes of the franchise tax under the Texas Tax Code, §171.101.

Issued in Austin, Texas, on December 2, 1982.

TRD-829113 Bob Bullock
Comptroller of Public Accounts

Filed: December 3, 1982
For further information, please call (512) 475-1938.

Decision 10,178

For copies of the following opinion selected and summarized by the Administrative Law Judges, contact the Administrative Law Judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with our confidentiality statutes.

Comptroller's Decision No. 10,178 (Franchise Tax). A foreign taxpayer employed resident salesman whose Texas customers' orders were approved and filled at an out-of-state location. Some goods were held for sale on a consignment basis in Texas. The comptroller held the taxpayer to be "doing business" in Texas under §171.001, and jurisdiction to impose the franchise tax was not barred by either the Commerce Clause, Due Process Clause, or 15 United States Code. §383.

Issued in Austin, Texas, on December 2, 1982.

TRD-829115 Bob Bullock
Comptroller of Public Accounts

Filed: December 3, 1982
For further information, please call (512) 475-1938.

Decision 12,380

For copies of the following opinion selected and summarized by the Administrative Law Judges, contact the Administrative Law Judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with our confidentiality statutes.

Comptroller's Decision No. 12,380 (Sales Tax). Sales tax applies to sales of tangible personal property made at a bankruptcy sale and is not invalidated by the Supremacy Clause. Where the "entire operating assets of a business" are sold at the bankruptcy sale to many purchasers, the purchase of one of the assets, made by the taxpayer in this case, does not qualify as an exempt "occasional sale" by the seller under §151.304(b)(2). The comptroller's rule is that the "entire operating assets" must be sold to a single purchaser in a single transaction.

Issued in Austin, Texas, on December 2, 1982.

TRD-829114 Bob Bullock
Comptroller of Public Accounts

Filed: December 3, 1982
For further information, please call (512) 475-1938.

**Office of Consumer Credit
Commissioner
Rate Ceilings**

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

Effective Period ⁽¹⁾	Type of Transaction	
	Commercial ⁽³⁾ Consumer ⁽²⁾ /thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
12/13/82-12/19/82	18%	18%
Monthly Rate Ceiling		
(Variable Commercial Only)		
12/01/82-12/31/82	18%	18%
Quarterly Rate Ceiling		
01/01/83-03/31/83	18%	18%
Annual⁽⁵⁾ Rate Ceiling		
01/01/83-03/31/83	22.72%	22.72%

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

Issued in Austin, Texas, on December 6, 1982.

TRD-829150 Sam Kelly
Consumer Credit Commissioner

Filed: December 6, 1982
For further information, please call (512) 475-2111.

Interagency Council on Early Childhood Intervention Request for Proposals

The Interagency Council on Early Childhood Intervention is requesting proposals from interested parties wishing to provide comprehensive intervention services for developmentally delayed children ages 0-3 in Galveston and Brazoria Counties.

Application materials are available from the Early Childhood Intervention Program, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7342. Applications must be returned to the Early Childhood Intervention office by January 4, 1983.

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

TRD-829147 Liz Hartman
Chairperson
Texas Interagency Council on
Early Childhood Intervention

Filed: December 3, 1982
For further information, please call (512) 458-7342.

Texas Employment Commission Correction of Error

The proposed amendment to 40 TAC §301.1, contained an error as published in the November 23, 1982, issue of the *Texas Register* (7 TexReg 4076). The definition of additional claim should read as follows.

Additional claim—A notice of new unemployment filed at the beginning of a second or subsequent series of claims within a benefit year or within a period of eligibility when a break of one week or more has occurred in the claim series with intervening employment. The employer named on an additional claim will have 12 days **from the date notice of the claim is mailed** to reply to the notice. The additional claim reopens a claim series and is not a payable claim since it is not a claim for seven days of compensable unemployment.

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; certificate of need 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.

Beverly Enterprises—Texas, Inc.
Fort Smith, Arkansas
AN82-1202-233

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire by purchase, on or after February 1, 1983, Colonial Manor of McAllen, an existing 60-bed ICF-III facility located in McAllen, from Douglas G. Pendergras.

Comprehensive Health Services, Inc.
Lafayette, Louisiana
AN82-1201-227

NIEH—Request for a declaratory ruling that a certificate of need is not required for Comprehensive Health Services, Inc., to acquire on or after January 31, 1983, Shady Oaks Lodge #1, an existing 114-bed ICF nursing facility, and Shady Oaks Lodge #2, an existing 110-bed skilled nursing facility, from the Shady Oaks Lodge Partnership. Both facilities are located at 2722 Old Anson Road in Abilene.

Whole Life, Inc., doing business as Trinity Towers
of Coastal Bend Health Center
Corpus Christi
AN81-0626-034A(112982)

CN/AMD—Request to extend the completion deadline from June 30, 1982, to June 30, 1984, in certificate of need AN81-0626-034 which authorized the construction and operation of a 30-bed skilled/Medicare nursing facility containing 13,984 square feet and offering skilled nursing services, physical therapy, speech therapy, occupational therapy, and social services.

Jewell Enterprises

Arlington

AN82-1201-229

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises, a Texas general partnership consisting of T. R. Jewell, A. V. Jewell, Harold W. Nash, and each of their partners, to acquire by purchase, Pleasant Grove Nursing Home, an existing nursing facility with 144 ICF and 22 personal care beds located in Paris, from Hillhaven Holding Co., Inc., a Delaware corporation. Upon acquisition of the facility the name will be changed to Stonebrook Nursing Home—Paris.

Stonebrook Properties, Inc.

Arlington

AN82-1201-231

NIEH—Request for a declaratory ruling that a certificate of need is not required for Stonebrook Properties, Inc., to acquire by lease Pleasant Grove Nursing Home, an existing nursing facility with 144 ICF and 22 personal care beds located in Paris. Upon acquisition of the facility the name will be changed to Stonebrook Nursing Home—Paris.

Beverly Enterprises—Texas, Inc.

Fort Smith, Arkansas

AN82-1202-235

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises—Texas, Inc., to acquire by purchase, on or after February 1, 1983, Colonial Manor—South, a newly constructed 122-bed ICF-III nursing facility located in McAllen, from Douglas Pendergras.

Issued in Austin, Texas, on December 6, 1982.

TRD-829153

John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: December 6, 1982

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

**State Board of Insurance
Procedures Concerning Applications
Filed with the Commissioner of
Insurance**

Notice is given that the State Board of Insurance has reviewed procedures for the approval of corporate names. These procedures are used by the commissioner of insurance acting through the corporate custodian and tax division of the State Board of Insurance, which is in part the same division designated before administrative reorganization as the company license section. In the past, upon filing with the commissioner of insurance an application to reserve a proposed corporate name, all companies licensed which possibly had a corporate name similar to another company's (as nearly as the commissioner could determine), and those companies which had

previously filed standing letters of protest with this agency relating to the use of certain words in proposed names, were notified in writing concerning the pending application and were advised of and given an opportunity to object to the proposed name.

In the future, no notifications by letter or personal communication will be made, and all other current methods of notifying are discontinued as of the date of this notice. Notice will now come through the *Texas Register*.

Each company having standing letters of protest on file with this department is being notified of this matter by certified letter, return receipt requested. One reason for this action is that there is not a statutory provision for the notification by the commission of companies with similar names. It should be noted, however, that provisions of the Texas Insurance Code concerning the approval of proposed corporate names do not constitute a statutory statement of the existing common law. Therefore, the statute is not in derogation of the common law and is not a change in, or a restatement of, the common law. Further, the determination by the board in this respect is made solely on the basis of whether the name is so similar to another as to mislead the public. Accordingly, no action to resolve disputes respecting common-law rights to the use of a name will be entertained. Agency determinations concerning proposed corporate names are made without consideration of the common-law decisions respecting common-law rights previously made by courts of record. Such court decisions are not *stare decisis* respecting determination made by this agency.

All proposed corporate names filed with the commissioner of insurance of the State Board of Insurance will be printed in the *Texas Register* and will provide notice previously given by letter or other notification.

The provisions of this notice apply to all applications for the reservation of proposed corporate names filed with the commissioner of insurance of the State Board of Insurance after 30 days from the date of this public notice. This constitutes notice of the changes in procedure to the public and to all companies, associations, or organizations licensed to conduct the business of insurance in Texas under the provisions of the Texas Insurance Code. It has been reviewed by the members of the State Board of Insurance.

Issued in Austin, Texas, on November 15, 1982.

TRD-829152

Tom Bond
Commissioner
State Board of Insurance

Filed: December 6, 1982

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

**Office of the Secretary of State
*Texas Register***

Texas Civil Statutes, Article 6252-13b states that the Secretary of State shall have published an "Ad-

ministrative Code." This function is currently being performed by Shepard's/McGraw-Hill of Colorado Springs, Colorado, under a contract dated April 19, 1978. Shepard's has informed this office that they will terminate this contract on March 31, 1983. They advised that this is being done since it is not a profitable venture for them. This termination is valid pursuant to the contract. In discussions with them, this office has found several areas of concern and potential cause for this situation:

- (1) Lack of sufficient subscribers. (This office is not sure if this is the cause or effect.)
- (2) Their cost of updating the Code.
- (3) Many agencies publish their own updated rules.

The Code has been published at no cost to the state, except for individual subscriptions at the agency level. There is no way for the state to subsidize a private publisher.

This office is seeking your assistance in evaluating the Code as currently published. It would be appreciated if you would take a few minutes to respond to the questionnaire at the end of this section. Please feel free to make any additional comments you feel are pertinent to this issue or call Bob Owens, Special Assistant for Support Services, (512) 475-0602, or Charlotte Scroggins, *Texas Register* Director, (512) 475-7886.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of November 29 through December 3, 1982.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the names of the applicants and the cities in which the facilities are located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of November 29-December 3, 1982

City of Melissa; treated wastewater; approximately 3,300 feet south of the intersection of State Highway 121 and the Southern-Pacific Railroad adjacent to the west Right-of-Way line of the railroad in Collin County; 12649-01; new permit

Schmidt Manufacturing Inc., Houston; wastewater treatment plant/manufacturing plant; 1.7 miles northwest of the intersection of State Highways 6 and 288, in Fort Bend County; 12658-01; new permit

City of Roma; treated wastewater; approximately ¼ mile south of U. S. Highway 83 and ¼ mile east of the city limits of Roma in Starr County; 11212-01; renewal

Dresser Industries, Inc., Houston; treated wastewater/electronic systems manufacturing plant; 10201 Westheimer Road in the City of Houston, Harris County; 00469; renewal

Phillips Chemical Company, Philtex Plant, Phillips; chemical manufacturing plant; approximately four miles northeast of the City of Borger, on State Highway 119 in Hutchinson County; 02484; renewal

Kirby Forest Industries, Silsbee; treated wastewater/Silsbee Plant; on the northwest corner of the intersection of State Highway 92 and FM Road 418 in the northern sector of the City of Silsbee, Hardin County; 00547; renewal

Texas Municipal Power Agency, Anderson; Gibbons Creek Steam Electric Station; adjacent to Gibbons Creek Reservoir, approximately 1.5 miles north of the Town of Carlos, Grimes County; 02120; renewal

Tom McKenna, Houston; mobile home park; 6600 Herman Road, approximately 1½ miles south of Greens Bayou and one mile east of Highway 59 in Harris County; 12626-01; new permit

Texas Utilities Generating Company, Tatum; Martin Lake Steam Electric Station Plant; approximately six miles southwest of Tatum, Rusk County; WDW-220 and WDW-221; new permit

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

TRD-829108 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: December 3, 1982

For further information, please call (512) 475-4514.

Second Class Postage

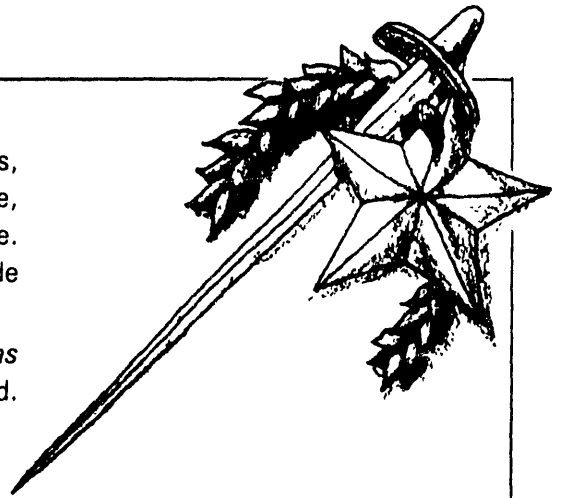
PAID

Austin, Texas
and additional entry offices

75246044
STATE OF TEXAS
ATTORNEY GENERAL
MAIL ROOM
1100 NORTH
DALLAS STREET
DALLAS, TEXAS 75202
INFORM
CARRIES

To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates of the issues requested. Each copy of a back issue is \$2.00.



**Please enter my subscription to the *Texas Register* as indicated below.
(I will look for my first issue in about two weeks.)**

1 year (100 issues) \$70 6 months (50 issues) \$50

(Please print or type)

Mr. Miss

Ms. Mrs.

Name _____

Organization _____

Occupation _____ Telephone _____

Address _____

City _____ State _____ ZIP CODE _____

Payment Enclosed

Change of Address
(Please attach mailing label.)

Bill Me

Back issues requested
(Please specify dates.)

Please make checks payable to the Secretary of State.
Subscription fees are not refundable.

For office use only:

For information concerning the *Texas Register*,
please call (512) 475-7886,
or write P.O. Box 13824, Austin, Texas 78711-3824.