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Texas Register

Volume 11, Number 92, December 12, 1986

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Highlights

The **Texas Department of Labor and Standards** proposes amendments concerning definitions and the reporting of law enforcement vehicles release from storage. Earliest possible date of adoption - January 16 **page 5000**
The **General Land Office** proposes new sections concerning general rules of practice

and procedure for institution and determination of all proceedings. Earliest possible date of adoption - January 16 . . **page 5001**
The **State Property Tax Board** proposes an amendment concerning deadlines for filing appeals of panel decisions of school district taxable value. Earliest possible date of adoption - January 16 **page 5011**

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes accumulative 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: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 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*, rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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*,

TAC stands for the *Texas Administrative Code*;

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).



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Proposed Rules

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

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 79. Vehicle Storage Facilities Act

★ 16 TAC §§79.1, 79.9, 79.13, 79.29

The Texas Department of Labor and Standards proposes amendments to §§79.1, 79.9, 79.13, and 79.29, concerning: a definition of the word "applicant"; the reporting to law enforcement officials of vehicles release/from storage, the availability of the wrecker driver's name to law enforcement officials; and the availability of records of vehicle storage facilities to law enforcement officials.

J Eric Tubbs, director of the Labor/Licensing and Enforcement Division, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr Tubbs also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be easier means of enforcing and complying with the Vehicle Storage Facilities Act. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to J Eric Tubbs, Director, Labor, Licensing and Enforcement Division, Texas Department of Labor and Standards, PO Box 12157, Austin, Texas 78711

The amendments are proposed under Texas Civil Statutes, Article 6687-9a, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules establishing requirements for the licensing of persons to operate Vehicle Storage Facilities to ensure that licensed storage facilities maintain adequate standards for the care of stored vehicles

§79.1 *Definitions* The following words and terms, when used in this chapter, shall

have the following meanings, unless the context clearly indicates otherwise.

Applicant—A wife or husband of the applicant or any person domiciled with the applicant for purposes of license application. *Session, 1929, Chapter 88, Texas Civil Statutes, Article 6675a-2, §2, or a member of the person's immediate family;*

Commission—The Texas Department of Labor and Standards.

Commissioner—The commissioner of the Texas Department of Labor and Standards.

Department—The Texas Department of Labor and Standards.

Fence—An enclosure, about a field or other space, of wood, iron, or other materials intended to prevent intrusion from without or straying from within.

Owner of a vehicle—One of the following persons:

(A) a person in whose name the vehicle is registered under the Certificate of Title Act, Texas Civil Statutes, Article 6687-1;

(B) a person in whose name the vehicle is registered under General Laws, Acts of the 41st Legislature, Second Called Session, 1929, Chapter 88, Texas Civil Statutes, Article 6675a-2, §2, or a member of the person's immediate family;

(C) a person who holds the vehicle through a valid lease agreement; or

(D) an unrecorded lienholder whose right to possess the vehicle exists through a chattel mortgage.

Vehicle—A motor vehicle subject to registration under the Certificate of Title Act, Texas Civil Statutes, Article 6687-1, or any other device designed to be self-propelled or transported on a public highway.

Vehicle storage facility—A garage, parking lot, or any type of facility owned or operated by a person other than a governmental entity for storing or parking ten or more vehicles. Ten or more vehicles shall mean the capacity to park or store ten or more vehicles in a year

§79.9 *Acceptance of Vehicles for Storage.*

(a)-(b) (No change.)

(c) A vehicle storage facility accepting a nonconsent towed vehicle from a private property tow must report that vehicle to the local law enforcement agency [,] or sheriff's

department [or department of public safety] within two hours of receiving the vehicle, along with vehicle license plate number and vehicle identification number. **All vehicles released from a storage facility regulated by these rules, must be reported to the local sheriff or police within 72 hours of release.**

§79.13. *Vehicle Storage.*

(a)-(c) (No change.)

(d) A vehicle accepted for storage in a facility must be secured, such as doors, windows, and/or hatchbacks closed, convertibles covered or tops raised, etc., without additional charge. **Wrecked vehicles which cannot be secured are excepted from this subsection.**

(e) (No change.)

§79.29. *Vehicle Documentation.*

(a) Each licensee of a vehicle storage facility authorized to operate as a private vehicle storage facility shall keep written records on each vehicle that is kept or stored on the vehicle storage lot. Such reports shall contain the following information:

(1)-(2) (No change.)

(3) name of wrecker driver, the wrecker license plate number, and company towing the vehicle; **the name of the wrecker driver shall be available to the department, police, sheriff, and department of public safety officials only;**

(4)-(6) (No change.)

(b) (No change.)

(c) The records required by this paragraph shall be made available by the licensee, his agent, or his employee for inspection and copying upon request of any personnel from the department, **duly licensed or commissioned police, sheriff, or department of public safety officer**, during the hours the vehicle storage facility must ensure that vehicles may be released to the vehicle owner.

(d) (No change.)

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

Issued in Austin, Texas, on December 9, 1986.

TRD-8611460

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

Earliest possible date of adoption:
January 16, 1987
For further information, please call
(512) 463-3129

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office Chapter 4. General Rules of Practice and Procedure

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the General Land Office, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The General Land Office proposes the repeal §§4.1-4.6, 4.21-4.25, 4.41-4.49, 4.61-4.63, 4.71-4.79, 4.91-4.100, 4.111-4.118, 4.131-4.133, 4.141-4.144, and 4.151-4.156, concerning general rules of practice and procedure before the General Land Office.

Dan Miller, deputy commissioner for legal services, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Miller also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be that persons responsible for paying royalties to the state will have the opportunity for administrative review and will be properly informed of the procedures for obtaining such review. There is no economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701.

Subchapter A. Definitions and General Provisions

★31 §§4.1-4.6

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq*, which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

- §4.1. *Purpose and Scope.*
- §4.2. *Definitions.*
- §4.3. *Filing of Documents.*
- §4.4. *Computation of Time.*
- §4.5. *Agreements To Be In Writing.*
- §4.6. *Conduct and Decorum.*

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 9, 1986.

TRD-8611438 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009

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Subchapter B. Parties

★31 TAC §§4.21-4.25

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq* which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

- §4.21. *Classification of Parties.*
- §4.22. *Parties Defined.*
- §4.23. *Alignment of Parties.*
- §4.24. *Who May Appear.*
- §4.25. *Representative Appearances.*

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 9, 1986.

TRD-8611440 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009

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Subchapter C. Pleadings

★31 TAC §§4.41-4.49

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq* which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

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- §4.49. *Prepared Testimony and Exhibits.*

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 9, 1986.

TRD-8611442 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009

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Subchapter D. Docketing and Notice

★31 TAC §§4.61-4.63

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq* which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

- §4.61. *Docketing and Numbering of Causes.*
- §4.62. *Notice and Service in Contested Case Proceedings.*
- §4.63. *Contents of Notice.*

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 9, 1986.

TRD-8611445 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009

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Subchapter E. Prehearing Proceedings

★ 31 TAC §§4.71-4.79

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq* which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies

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- §4.79. *Acceptance or Rejection of Position Letter (Motion to Dismiss Petition or Set for Hearing)*

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 9, 1986

TRD-8611447 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009

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Subchapter F. Hearings

★ 31 TAC §§4.91-4.100

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq* which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies

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- §4.97. *Offer of Proof*
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- §4.99. *Briefs*
- §4.100. *The Record.*

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 9, 1986

TRD-8611449 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009

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Subchapter G. Evidence

★ 31 TAC §§4.111-4.118

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq* which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies

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- §4.112. *Rules of Evidence.*
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- §4.114. *Documentary Evidence.*
- §4.115. *Evidence in Uncontested Proceedings*
- §4.116. *Admissibility of Prepared Testimony and Exhibits.*
- §4.117. *Introduction of Exhibits.*
- §4.118. *Witnesses Limited.*

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

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TRD-8611451 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009

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Subchapter H. Examiner's Proposal for Decision and Relation Actions

★ 31 TAC §§4.131-4.133

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq*, which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the

Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

- §4.131. *Examiner's Proposal for Decision.*
- §4.132. *Filing of Exceptions and Replies.*
- §4.133. *Form of Exceptions and Replies.*

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 9, 1986

TRD-8611454 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption:
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For further information, please call
(512) 463-5009

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Subchapter I. Orders

★ 31 TAC §§4.141-4.144

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq*, which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies

- §4.141. *Form, Content, and Service of Orders*
- §4.142. *Administrative Finality*
- §4.143. *Effective Date of Order.*
- §4.144. *Payment 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

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Subchapter J. Ancillary Proceedings and Proceedings Beyond the Order

★ 31 TAC §§4.151-4.156

The repeals are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq* which provides the commission of the General Land Office with

the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

- §4.151. *Rehearing.*
- §4.152. *Emergency Order.*
- §4.153. *Show Cause Orders and Complaints.*
- §4.154. *Ex Parte Communications.*
- §4.155. *Subpoenas.*
- §4.156. *Depositions.*

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

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The General Land Office Proposes new §§4.11-4.16, 4.21-4.25, 4.41-4.42, 4.51-4.55, 4.61-4.69, 4.81-4.83, 4.91-4.98, 4.111-4.120, 4.130-4.137, 4.151-4.153, 4.161-4.165, and 4.171-4.175, concerning general rules of practice and procedure before the General Land Office. These new sections govern the procedure for the institution, conduct, and determination of all proceedings before the General Land Office where notice and hearing is required. The General Land Office proposes these new sections to provide a means for review of General Land Office action for any lease termination, lease or agency forfeiture, or royalty deficiency assessment

Dan Miller, deputy commissioner for legal services, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Miller also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that persons responsible for paying royalties to the state will have the opportunity for administrative review and will be properly informed of the procedures for obtaining such review. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to Dan Miller, Deputy Commissioner for Legal Services, General Land

Office, 1700 North Congress Avenue, Austin, Texas 78701.

Subchapter A. Definitions and General Provisions

★31 TAC §§4.11-4.16

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.11. *Purpose and Scope.*

(a) These sections are intended to provide orderly and efficient procedures for the General Land Office to administer the laws within its jurisdiction.

(b) These procedures shall apply to the initiation, conduct, and determination of contested cases before the General Land Office where notice and hearing are required. They shall be fairly and impartially construed. These procedures shall not be construed so as to enlarge, diminish, or alter the jurisdiction, powers, or authority of the General Land Office or the substantive rights of any person. They shall not apply to proceedings before the School Land Board or to proceedings to determine the existence of vacancies (areas of unsurveyed public school land).

(c) These sections shall supplement the provisions of the Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a (Supplement 1985). All practices and procedures provided for by APTRA, even though not specifically included herein, shall be applicable to practice before the General Land Office. Further, if any of the provisions of these sections should conflict with any provision of APTRA, the statutory provision shall control.

§4.12. *Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise

Agency—The General Land Office of the State of Texas.

Chief clerk—The chief clerk of the General Land Office. The chief clerk may perform any of the duties of the commissioner if the commissioner is sick, is absent, dies, or resigns.

Commissioner—The commissioner of the General Land Office.

Contested case—A proceeding including, but not restricted to, a dispute involving an amount of royalty, penalty or in-

terest paid to or assessed by the General Land Office, an action to determine whether a lease has terminated, an action to reinstate a forfeited lease or landowner's agency rights, or any other action in which the legal rights, duties, or privileges of a party are to be determined by the General Land Office after an opportunity for an adjudicative hearing.

Examiner or hearings examiner—Any person appointed by the commissioner to conduct hearings.

Lessee—The holder of a lease of state land or minerals.

Order—A statement by the General Land Office or by the commissioner of the final disposition of a contested issue or case.

Party—Each person named or admitted as a party.

Person—Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

Pleading—A written document by a party alleging its claim, its response to a claim, or its request for specific relief or action. Pleadings may take the form of applications, petitions, complaints, protests, exceptions, replies, motions, or answers.

Proceeding—Any hearing, investigation, inquiry, or other fact finding or decision-making procedure, including the denial of relief or the dismissal of a complaint.

Register—The Texas Register established by the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a (Supplement 1985).

Rule—Any General Land Office statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the General Land Office. The term includes the amendment or repeal of a prior rule, but does not include statements concerning only the internal management or organization of the General Land Office and not affecting private rights or procedures.

Uncontested proceeding or case—Any proceeding other than a contested case.

§4.13. *Filing of Documents.*

(a) All documents relating to a contested case before the agency shall be filed with the Legal Services Division of the agency. They shall be deemed filed only when actually received, accompanied by the filing fee, if any, required by statute or agency rules

(b) However, a document required to be filed under these sections which is sent to the Legal Services Division, General Land Office, 630 Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, by United States mail in an envelope or wrapper properly addressed and stamped and which is deposited in the mail at least one day prior to the last day for filing the document, shall be deemed to have been filed timely if it is received not more than 10 days

after the filing deadline. A legible postmark affixed by the United States Postal Service shall be prima facie evidence of the date of mailing.

(c) Where the time period for filing any responsive documents (replies to exceptions, responsive briefs, replies to motions, etc.) is initiated by the filing of another document, the initiating document shall be considered filed when it is actually received and accepted for filing by the agency, whether on, before, or after the filing deadline.

§4.14. Computation of Time.

(a) Counting days. In computing any relevant period of time, the period shall begin on the day after the act, event, or default in question and shall conclude on the last day of that designated period, unless such last day falls on a Saturday, Sunday, or legal holiday. In that case, the period shall be extended until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

(b) Extensions. Unless otherwise provided by statute, the time for filing any documents covered by this title may be extended. A written motion must be filed prior to the expiration of the applicable period of time asserting that there is good cause for the extension of time and that the need for the extension is not caused by the neglect, indifference, or lack of diligence of the movant. A copy of any such motion shall be served upon all parties of record concurrently with its filing.

§4.15. All Agreements To Be In Writing. No stipulation or agreement between the parties, their attorneys, or representatives shall be enforceable unless it has been reduced to writing and signed by the parties or their authorized representatives, or unless dictated into the record during the course of a hearing, or incorporated into an order bearing written approval of all parties. This section shall not limit a party's ability to waive, modify, or stipulate any right or privilege afforded by these sections, unless otherwise precluded by law.

§4.16. Conduct and Decorum.

(a) Comportment. All parties, witnesses, attorneys, and other representatives shall conduct themselves during all agency proceedings with dignity, courtesy, and respect for the agency, its hearings examiners, and all other parties and participants. Attorneys shall observe all rules of professional and ethical behavior prescribed for the profession by the Code of Professional Responsibility.

(b) Compliance. Any party, witness, attorney, or other representative who violates subsection (a) may be excluded by the agency from any proceeding or may be subject to such other reasonable and lawful disciplinary action as the agency may prescribe.

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 9, 1986.

TRD-8611439

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Commissioner
General Land Office

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For further information, please call
(512) 463-5009

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Subchapter B. Initiation of General Land Office Action

★31 TAC §§4.21-4.25

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq.* which provides the commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.21. Audits.

(a) Audit billing notice. After inspection and examination of books, accounts, reports, or other records of a lessee relating to payment of royalties or other consideration due to the state, if the agency determines that additional royalties or other consideration are due, the agency shall send an audit billing notice to the lessee or other person determined to be liable for such amounts. The notice shall specify the additional amounts due, including any interest and penalty, and the reasons for that determination.

(b) Payment or request for hearing. A person receiving an audit billing notice shall have 30 days after its receipt to pay the audit deficiency assessment or to request a hearing before the agency for redetermination of that assessment.

(c) Payment to stop accrual of penalty or interest. In order to stop the further accrual of penalty or interest on delinquent royalties, the recipient of an audit billing notice may pay the audit deficiency assessment at any time after receipt of such notice.

(d) Immediate payment. If the commissioner believes that the collection of an amount due to the state, including an audit deficiency assessment, is jeopardized by delay in its collection, the commissioner shall issue a determination stating that the amount is in jeopardy. An amount so determined shall be immediately due and payable.

(e) Lien on production or forfeiture of lease. Failure to make immediate payment of amounts determined to be due and in jeopardy shall subject a party to forfeiture of its lease by the commissioner pursuant to the Natural Resources Code, §52.176, or to im-

mediate filing of a lien against its oil, gas, or other mineral production from state leases pursuant to the Natural Resources Code, §52.136.

§4.22. Suit After Protest Payment.

(a) A person who has received an audit deficiency assessment and has waived the right to request a hearing or who is required by a commissioner's order which has become final, to pay additional royalties, and who contends that the audit deficiency assessment is unlawful or that the commissioner may not legally demand or collect such royalties, shall pay to the commissioner the amount assessed before filing suit under the Natural Resources Code, §52.137. A person who intends to bring such a suit must submit with the payment a written protest stating fully and in detail each reason why it contends the assessed royalty is not due. Such payment shall be made to the commissioner within 30 days after receipt of an audit billing notice or after an order of the commissioner has become final, as the case may be.

(b) The commissioner, after receiving a payment made under protest, shall send it to the state treasurer along with a written statement that the payment was made under protest. The comptroller and treasurer shall then:

(1) place the payment in state depositories to bear interest in the same manner as other funds placed in state depositories at interest;

(2) allocate the interest earned on these funds; and

(3) credit the amount allocated to an account established for this purpose pending a final determination of the status of the funds.

(c) A suit to recover a payment made under protest may be brought against the commissioner under the Natural Resources Code, §52.137. Such a suit is barred unless it is brought in the district courts of Travis County within 90 days after the protest payment or within 90 days after the final order of the commissioner after a hearing, whichever is later.

(d) The issues to be determined in such a suit are limited to those arising from the reasons stated in the written protest as originally filed.

(e) The trial of the issues in such a suit is de novo and the substantial evidence rule will not apply.

§4.23. Refund. If a suit authorized by the Natural Resources Code, §52.137, results in a final determination that all or part of the payment under protest was not due or was unlawfully demanded by the commissioner and that it belongs to the lessee, the comptroller and treasurer shall refund the proper amount, with the pro rata interest earned on that amount. A refund warrant drawn against the account established for that purpose shall be issued and the refund warrant shall be returned to the commissioner. The commissioner shall deliver it to the person entitled to receive it.

§4.24. Other Actions.

(a) Determination that a lease has terminated. If the agency determines that a lease has terminated, it shall promptly notify the lessee of such determination and the specific reasons therefor.

(b) Forfeiture of a lease or of landowner's agency rights. If the agency forfeits a lease or a landowner's agency rights, it shall promptly notify the lessee or landowner of such forfeiture and the specific reasons therefor.

(c) Other action. If the agency takes any action not specifically excluded from coverage under these sections which determines the legal rights, duties, or privileges of a party subject to its jurisdiction, it shall promptly notify the affected party of its action and the specific reasons for that action.

§4.25. Notice. All notices required by these sections shall be sent by certified mail, return receipt requested, and shall contain the following:

- (1) a concise statement of the specific action taken by the agency and the reasons for that action;
- (2) a statement citing the specific statute or rule authorizing such action;
- (3) in the case of an audit billing notice, the amount of delinquent royalties determined to be due and the penalty and interest due on such royalties;
- (4) any other statement required by law or General Land Office rule.

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 9, 1986.

TRD-8611441 Garry Mauro
Commissioner
General Land Office

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(512) 463-5009.



Subchapter C. Request for Hearing and Statement of Grounds

★31 TAC §§4.41-4.42

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.41. Request for Hearing. An affected party who disagrees with an action taken by

the agency and who wishes to request a hearing for reconsideration or redetermination of the action taken shall file with the agency its petition or request for a hearing. The filing must be made in accordance with these sections within 30 days of receipt of notice from the agency of such action. Failure to request reconsideration or redetermination of an agency action within 30 days shall render such agency action final.

§4.42. Statement of Grounds

(a) A statement of grounds must be submitted by a petitioner concurrently with its petition or request for a hearing. The statement of grounds shall set out in detail the reasons for disagreement with the agency action and shall include the factual and legal basis for the claim. Any documentary evidence in support of the claim may be submitted with the statement of grounds.

(b) The deputy commissioner for legal services may extend the time for submission of a statement of grounds upon a showing of good cause by a petitioner.

(c) If a petitioner contends in its statement of grounds that it should not be assessed 100% of the audit deficiency assessment but rather some smaller percentage thereof, the petitioner must submit with its statement of grounds a list of all other parties whom petitioner contends should be assessed and the percentage of the assessment that petitioner contends should be assessed to each.

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

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Subchapter D. Parties

★31 TAC §§4.51-4.55

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001 *et seq.* which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.51. Classification of Parties. Parties to proceedings before the agency shall be classified as applicants or petitioners, complainants, intervenors or protestants.

§4.52. Parties Defined. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Applicant or petitioner—Any party who has by written petition, including appeal, applied for or sought an administrative remedy available in a contested case before the General Land Office.

Complainant—Any party who complains to the General Land Office of any act or omission of any party subject to the jurisdiction of the agency.

Intervenor—A party other than an applicant, petitioner, complainant, or protestant, who is permitted to become a party to a proceeding.

Protestant—A party opposing an application or petition submitted to the General Land Office.

§4.53. Alignment of Parties. Parties may be aligned according to the nature of the proceeding and their relationship to it and to each other.

§4.54. Who May Appear. In all contested cases, any interested party may be permitted to appear in support of or in opposition to the granting of all or part of any remedy sought. Such a party must file a proper pleading with the agency at least five days prior to the hearing date. A party may present any relevant and proper testimony or evidence bearing upon the issues to be decided. In any proceeding involving notice of less than 30 days or to serve the ends of justice, the time for filing may be modified.

§4.55. Representative Appearances. Any party may appear and represent himself or herself or may authorize any other person to appear in his or her behalf.

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

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Subchapter E. Pleadings

★31 TAC §§4.61-4.69

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001 *et seq.* which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article

6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.61. *Classification of Pleadings.* All pleadings must be in writing and must be filed with the Legal Services Division of the General Land Office. Pleadings shall be classified as applications or petitions, protests, complaints, answers, exceptions, replies, or motions. Any error in the designation of a pleading shall not prevent it from being accorded its true status in the proceeding in which it is filed.

§4.62. *Form and Content of Pleadings.*

(a) Pleadings shall contain the name, address, and telephone number of the party filing the document and the name, business address, and telephone number of its representative, if applicable.

(b) All pleadings shall contain the following:

(1) the name of the party filing such pleading;

(2) a concise statement of the facts relied upon by the pleader and the legal basis for the relief sought;

(3) a prayer stating the specific relief, action, or order sought by the pleader;

(4) a certificate of service stating that a copy of the pleading has been sent or delivered to each party of record.

§4.63. *Filing Fees.* Each application, petition, or complaint intended to initiate a proceeding before the agency shall be accompanied by the appropriate filing fee prescribed by law or agency rule.

§4.64. *Service of Pleadings.* A copy of each pleading must be sent or delivered to all parties at the time the pleading is filed with the agency.

§4.65. *Examination and Correction of Pleadings.* Any pleading filed with the agency shall be examined for sufficiency. If it does not comply substantially with applicable statutes and these sections, it shall be rejected and returned to the party filing it along with a statement of the reasons for its rejection. The party filing the pleading shall have the right to file a corrected pleading. However, the filing of the corrected pleading shall not be permitted to delay any hearing unless it is determined that a delay is necessary in order to prevent injustice or to protect the public interest.

§4.66. *Motions.* Any motion in any proceeding, unless made on the record during a hearing, shall be in writing, shall be filed with the agency, and shall set forth the relief sought and the specific reasons and grounds for such relief. If based upon matters which do not appear of record, it shall be supported by written affidavit or certificate.

§4.67. *Amended Pleadings.* A pleading may be amended at any time unless the amendment would operate as a surprise to another party or would delay any hearing, unless that delay is necessary to prevent in-

justice or to protect the public interest. An amended pleading which operates as a surprise to another party may be allowed upon a written motion and a showing that no harm will result from allowing the amendment.

§4.68. *Incorporation of Agency Records by Reference.* Any pleading may adopt and incorporate by specific reference any document or entry in the official files and records of the General Land Office, or any part thereof. This section shall not act to relieve any party from the necessity of alleging and proving in detail those facts necessary to sustain its burden of proof as imposed by law or by agency rule.

§4.69. *Pre-Filed Testimony and Exhibits.* The agency may require that prepared testimony and exhibits be pre-filed and served on all other parties of record prior to the date set for hearing on any pleading.

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

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Subchapter F. Docketing and Notice

★31 TAC §§4.81-4.83

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001 *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.81 *Docketing and Numbering of Causes.* When an application or other pleading intended to initiate a hearing before the agency is received, and is determined to comply with these sections in form and content, it shall be docketed as a pending proceeding, numbered in accordance with the established docket numbering system of the General Land Office, and assigned to a hearings attorney. Notice of such actions shall be served on all appropriate parties.

§4.82 *Notice and Service in Contested Case Proceedings.* In any contested case, the agency shall send a notice of hearing to

all parties of record at least 10 days prior to the hearing date.

§4.83. *Contents of Notice.* All hearing notices shall include the following:

(1) a statement of the time, place, and nature of the hearing,

(2) a statement citing the specific statute or rule creating jurisdiction to hold such hearing;

(3) a concise statement of the issues in dispute and the remedy or action sought. Upon timely written application, a more definite and detailed statement of the issues in dispute or of the remedy or action sought must be furnished to a requesting party not less than three days prior to the hearing date;

(4) any other statement required by law or General Land Office rule.

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

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Subchapter G. Prehearing Proceedings

★31 TAC §§4.91-4.98

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001 *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.91. *Position Letter.* Following receipt of the petitioner's statement of grounds and of any additional information requested, the hearings attorney shall send the petitioner a position letter either accepting or rejecting in whole or in part, each contention of the petitioner. The position letter shall set forth in detail the position of the hearings attorney with regard to each of petitioner's claims.

§4.92. *Petitioner's Response to the Position Letter.* Petitioners desiring to present additional facts or legal arguments for consideration by the hearings attorney should submit a written response to the position letter within 15 days after its receipt. A petitioner may request a conference with the hearings attorney in order to present such facts or legal arguments. If the petitioner

wishes during a subsequent hearing to rely on facts or legal arguments or authorities other than those set forth in its statement of grounds, a written response to the position letter must be filed

§4.93. Response of the Agency—Amended Position Letter. If a petitioner presents additional facts or legal arguments for consideration by the hearings attorney, the hearings attorney shall prepare an amended position letter accepting or rejecting, in whole or in part, each contention of the petitioner. The amended position letter shall set forth in detail the position of the hearings attorney regarding each of petitioner's claims

§4.94. Acceptance or Rejection of Position Letter

(a) Motion to dismiss petition or set for hearing. The petitioner must accept or reject, in whole or in part, the position letter or the amended position letter within 15 days after receipt of such letter. A form for this purpose shall be enclosed with the final position letter sent to petitioner by the hearings attorney. The petitioner shall indicate acceptance by signing the motion to dismiss portion of the form. Petitioner shall indicate rejection by completing and signing the motion to set portion of the form. The petitioner must mail the completed form to the designated hearings examiner. The result of petitioner's failure to file a motion to set or a motion to dismiss within 15 days shall be the dismissal of the hearing and disposal of the case according to the final position letter sent by the hearings attorney.

(b) Motion to set options. A motion to set shall offer the petitioner four options:

- (1) the petitioner may request an oral hearing and additional time to submit a written response to the final position letter;
- (2) the petitioner may request an oral hearing without submitting a written response to the final position letter;
- (3) the petitioner may waive an oral hearing and request that the hearings examiner make a recommendation based on the written evidence and arguments previously submitted, including any response to the final position letter; or
- (4) the petitioner may waive an oral hearing and request that the hearings examiner make a recommendation based on the written evidence and arguments previously submitted to the hearings attorney without further response by the petitioner.

§4.95. Dismissal Without Hearing. The agency may dismiss a proceeding without a hearing for any of the following reasons:

- (1) failure to comply in a timely manner with any requirement of these sections or to respond to any directive of the agency;
- (2) unnecessary duplication of proceedings or res judicata;
- (3) withdrawal of petition;
- (4) moot questions or obsolete petitions;
- (5) lack of agency jurisdiction:

§4.96. Prehearing Conference.

(a) Following written notice by the agency or upon request by a party, the parties, their attorneys or representatives may be directed to appear before an examiner at a specified time and place for a conference prior to a hearing to consider any of the following:

- (1) formulation or simplification of issues;
- (2) admissions, stipulations of fact, or stipulations concerning the use of public records, or other evidence;
- (3) hearing procedures;
- (4) limitation, where possible, of the number of witnesses;
- (5) any other matters which may aid in shortening or simplifying the proceedings, or in the disposition of matters in controversy.

(b) Action taken at a prehearing conference shall be recorded by the examiner or reduced to writing by the parties and filed as a part of the record of the proceeding

§4.97. Postponements or Continuance. A motion for postponement or continuance shall be in writing, shall be filed with the agency prior to the hearing date, and shall set forth the specific grounds upon which it is sought. During a hearing, a postponement may be granted by an examiner for good cause upon either oral or written motion.

§4.98. Motion for Consolidation. Two or more proceedings may be consolidated upon written notice by the agency or upon written motion of a party filed with the agency prior to the hearing date. No proceedings shall be consolidated or heard jointly without either consent of all parties involved or a finding by the examiner that the proceedings to be consolidated or heard jointly involve common questions of law or fact, or both, and that separate hearings would result in unwarranted expense, delay, or injustice. Separate hearings on specific issues may be allowed by the examiner after consolidation of proceedings

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

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For further information, please call
(512) 463-5009

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Subchapter H. Hearings

★ 31 TAC §§4.111-4.120

The new sections are proposed under the Texas Natural Resources Code, §31.051

and §52.001 *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies

§4.111. Place of Hearings. All hearings in contested cases shall be conducted in Austin, Texas, unless for good cause the agency designates another place for the hearing.

§4.112. Hearings Examiners.

(a) Examiners shall be designated by the commissioner to preside at hearings and to report to the commissioner, as provided by law, on the conduct of such hearings. The examiners shall have no prosecutorial duties on behalf of the agency. They shall act independently of other agency staff and in a fair and impartial manner. A hearings examiner assigned to a particular proceeding or case shall have the authority to:

- (1) convene a hearing;
- (2) administer oaths to all persons presenting testimony.
- (3) rule on motions;
- (4) rule on the admissibility of evidence;
- (5) designate and align parties and establish the order for presentation of evidence;
- (6) examine witnesses;
- (7) set hearing dates;
- (8) set prehearing conferences;
- (9) when required, issue subpoenas to compel the attendance of witnesses or the production of papers and documents related to a hearing;
- (10) commission and require the taking of depositions;
- (11) define the jurisdiction of the General Land Office concerning the matter under consideration;
- (12) limit testimony to matters within the jurisdiction of the General Land Office;

(13) ensure that information and testimony are introduced as conveniently and expeditiously as possible without prejudicing the rights of any party to the proceeding;

(14) recess, continue, or reschedule any hearing; and

(15) exercise any other appropriate powers necessary or convenient to carry out the examiner's responsibilities

(b) If a hearings examiner fails for any reason to complete an assigned case before a final order is rendered, the commissioner may designate another examiner to complete the assigned case without the necessity for duplicating any duty or function performed by the previous examiner

§4.113. Parties to the Hearings. The General Land Office and all persons named in the hearing notice are parties to the hear-

ing. In any adjudicative hearing the hearing, notice shall set a time limit within which any other interested persons may apply in writing to the hearings examiner to be admitted as a party. Except for good cause, no person shall be admitted as a party unless the written request is received in the Legal Services Division of the General Land Office in Austin, by the time set in the notice. The hearings examiner shall admit all interested persons who make timely application and shall so notify, in writing or by telephone if necessary, the persons admitted and the other parties. At the hearing only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. The commissioner or his designee shall determine by whom and in what manner the General Land Office will be represented at a hearing.

§4.114. Order of Procedure

(a) The examiner shall open the hearing and make a concise statement of its scope and purposes. A record of all proceedings during such hearing shall be made. Once the hearing has begun, parties or their representatives may be off the record only when permitted by the examiner. If a discussion off the record is determined by the examiner to be pertinent to the issues to be decided in the hearing, the examiner may summarize such discussion for the record. Appearances are to be entered on the record by all parties, their attorneys, or representatives, and any witnesses who may testify during the proceeding. All witnesses present who may testify will then be placed under oath. Thereafter, parties may present motions or opening statements.

(b) Following opening statements, if any, by both sides, the party with the burden of proof may be directed to proceed with its direct case, after which opposing parties may be allowed to pose clarifying questions or inquiries for fuller explanation or elaboration. Clarifying questions will not be permitted to be used to cross-examine a witness. The examiner may allow presentation of an entire direct case before any cross-examination of witnesses.

(c) Where the proceeding is initiated by the General Land Office or where several proceedings are heard on a consolidated record, the examiner shall designate which party shall open and close and at what stage intervenors or other parties shall be permitted to offer evidence. The party with the burden of proof shall be entitled to open and to close.

(d) Opportunity for cross-examination of witnesses and presentation of a direct case shall be afforded all parties of record. After all parties have completed the presentation of their evidence, and have been afforded the opportunity to ask clarifying questions and to cross-examine opposition witnesses, closing statements may be allowed.

(e) The parties may by agreement alter the order of these proceedings with the consent of the hearings examiner.

§4.115. Reporters and Transcripts.

(a) All contested cases shall be recorded on audio tape or cassette. Upon written request by any party, a transcript shall be made of the hearing. The cost of such transcript shall be borne by the requesting party. As many copies of the transcript as may be required for the purposes of the General Land Office shall be filed with the hearings examiner. No copies of the transcript will be furnished to the parties by the General Land Office, but copies may be purchased from the official reporter upon payment of applicable charges.

(b) Errors claimed in any transcription shall be noted in writing and suggested corrections may be offered within 10 days after the transcript is filed with the examiner. Such time for suggested corrections may be extended. Suggested corrections shall be served in writing upon each party of record and upon the examiner. If not objected to within 10 days after being offered, the examiner shall direct that such suggested corrections be made and shall stipulate the manner of making such corrections. In the event that parties disagree on suggested corrections, the examiner, with the aid of argument and testimony from the parties, shall then determine the manner in which the record shall be changed.

§4.116. Formal Exceptions. Formal exceptions to rulings of the examiner during a hearing shall not be necessary in order to preserve an objection until a later stage of the proceeding.

§4.117 Offer of Proof. When testimony is excluded by ruling of the examiner, a party shall be permitted to offer such testimony by dictating it into the record or by submitting in writing the substance of the proposed testimony prior to the conclusion of the hearing. Such an offer of proof shall be sufficient to preserve such offer for review by the commissioner. The examiner may ask such questions of a witness as are necessary to determine that the witness would, if allowed, testify as represented in the offer of proof.

§4.118. Interim Order.

Prior to any final order of the commissioner, a party may seek, upon motion submitted to the hearings examiner, approval of a written interim order. An interim order shall not be subject to exceptions or application for rehearing, but any party aggrieved by such an interim order shall be provided an opportunity to file a written motion in opposition to, to set aside, or to modify such interim order.

§4.119. Briefs.

(a) Briefs shall conform, where practicable, to the requirements set out in these sections for form of pleadings. The issues involved shall be concisely stated, the evidence in support of each contention shall be summarized, and the arguments and authorities shall be organized and directed to each contention in a concise and logical manner.

(b) Briefs may be requested by the examiner both prior to and after the filing of the examiner's proposal for decision.

§4.120. The Record

(a) Contents of record. The record in a contested case shall include the following:

- (1) all pleadings, motions, briefs and interim orders;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections, and rulings on objections;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the examiner presiding at the hearing;
- (7) all staff memoranda or data submitted to the hearings examiner or members of the agency in connection with their consideration of the case;
- (8) the proposal for decision prepared by the hearings examiner;
- (9) any findings of fact or conclusions of law;
- (10) the final order of the commissioner;

(b) Findings of fact. Findings of fact shall be based exclusively on the evidence presented and on matters officially noticed.

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 9, 1986

TRD-8611452

Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption
January 16, 1987
For further information, please call
(512) 463-5009

★ ★ ★

Subchapter I. Evidence

★31 TAC §§4.130-4.137

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001 *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.130 Witnesses to be Sworn. Oral testimony shall be presented under oath administered by the examiner.

§4.131. Rules of Evidence. The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed. Irrelevant, immaterial, or unduly

repetitious evidence shall be excluded. When necessary to ascertain facts not reasonably susceptible to proof under those rules, evidence not admissible under them may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. The rules of privilege recognized by law shall be effective in agency proceedings. Objections to evidentiary offers may be made and shall be noted in the record. No evidence shall be admissible in a proceeding if it is beyond the scope of the notice or amended pleadings of such proceeding.

§4.132. Official Notice. Official notice may be taken of judicially cognizable facts and of generally recognized facts within an area of General Land Office specialized knowledge or expertise. Parties shall be notified of the material noticed, including any staff memoranda or data, and shall be afforded an opportunity to contest the material so noticed. The special skills or knowledge of the agency and its staff may be utilized in evaluating the evidence.

§4.133. Documentary Evidence

(a) Documentary evidence may be received in the form of copies or excerpts where an original document is not readily available. On request, however, parties shall be given an opportunity to compare the copy with the original.

(b) Where a large number of similar documents are offered, the examiner may limit those admitted to a representative sample and may require the abstracting of relevant data from the documents and presentation of the abstracts in the form of an exhibit. The examiner shall allow all parties of record or their representatives an opportunity to examine the documents from which such abstracts are made.

§4.134. Evidence in Uncontested Proceedings In any uncontested proceeding, the examiner shall receive, without regard to the legal rules of evidence, any evidence of a form and character which would ordinarily be relied upon by prudent people in the conduct of their affairs (unless precluded by statute), including, without limitation, affidavits, documents, and other forms of hearsay testimony determined by the examiner to be relevant.

§4.135 Admissibility of Prepared Testimony and Exhibits Where a proceeding will be expedited and the interests of the parties will not be substantially prejudiced, evidence may be received in written form. The prepared testimony of a witness upon direct examination, either in narrative or question-and-answer form, may be incorporated into the record as if read or received as an exhibit. Such a witness shall be sworn and shall identify the prepared testimony as a true and accurate reflection of what the testimony would be if given orally. The witness shall be subject to cross-

examination and the prepared testimony shall be subject to a motion to strike either in whole or in part.

§4.136. Introduction of Exhibits.

(a) Form of exhibits. Exhibits of documentary character shall be of a size which will not unduly encumber the files and records of the General Land Office.

(b) Tender and service. Where practical, the original of each exhibit offered shall be tendered to the examiner for identification. At the discretion of the examiner, a copy of an original exhibit may be accepted in lieu of such original. One copy shall be furnished to the examiner, and one copy to each party of record or its representative. Written or printed documents and maps received in evidence may not be withdrawn except with the approval of the examiner.

(c) Excluded exhibits. If an exhibit is identified, objected to, and excluded, the party offering the exhibit may withdraw the exhibit and the examiner may permit its return. If the excluded exhibit is not withdrawn, it shall be identified, endorsed with the examiner's ruling, and included in the record for the limited purpose of preserving an exception to the examiner's ruling.

§4.137. Testimony Limited The examiner shall have the right in any proceeding to limit testimony which is merely cumulative.

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 9, 1986.

TRD-8611453 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption
January 16, 1987
For further information, please call
(512) 463-5009

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**Subchapter J. Examiner's
Proposal for Decision and
Related Actions**

★ 31 TAC §4.151-4.153

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001, *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.151 Examiner's Proposal for Decision In either a contested or an uncontested case, if the commissioner has not personally heard the evidence in the case or

read the entire record, a decision adverse to a party other than the General Land Office shall not be issued until after a proposal for decision has been prepared by the hearings examiner, served on all parties, and each party has been afforded the opportunity to file exceptions and present briefs to the commissioner. A proposal for decision must contain a statement of the issues in dispute, the reasons for the proposed decision, and findings of fact and conclusions of law necessary to support the proposed decision.

§4.152 Filing of Exceptions and Replies

(a) Any party of record may, within 10 days after service of the examiner's proposal for decision, file with the commissioner its exceptions to the proposal for decision. Replies to such exceptions shall be filed within seven days after the date of filing of exceptions. The examiner may extend the time for filing of exceptions and replies. A request for extension of time within which to file exceptions or replies shall be filed with the examiner and served on all parties of record prior to the expiration of the relevant filing period. The examiner shall rule promptly regarding such requests for extension of time and notify all parties of such ruling.

(b) Upon the expiration of the time for filing exceptions or replies to exceptions, or after such replies and exceptions have been filed and considered, the examiner's proposal for decision shall be considered by the commissioner who shall render a decision and issue a final order.

§4.153 Form of Exceptions and Replies Exceptions and replies to exceptions shall state concisely and with particularity the evidence and arguments relied upon.

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 9, 1986.

TRD-8611457 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption
January 16, 1987
For further information, please call
(512) 463-5009

★ ★ ★
Subchapter K. Orders

★ 31 TAC §§4.161-4.165

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001 *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article

6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.161. Form, Content, and Service of Orders. All final decisions or orders of the agency shall be in writing and shall be signed and dated by the commissioner. All final decisions or orders shall be accompanied by findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the evidence supporting such findings. All parties of record shall be notified by mail of a final decision or order.

§4.162. Rehearing. Prior to an appeal of a final order of the commissioner, a party must file a motion for rehearing within 15 days after a final decision or order is signed by the commissioner. Replies to motions for rehearing must be filed with the agency within 25 days after the signing of the final decision or order. A motion for rehearing which has not been granted within 45 days after the signing of the final decision or order shall be deemed overruled by operation of law. Copies of all motions and replies shall be served on all parties concurrently with their filing with the agency. The commissioner may, by written order, extend the period of time for filing motions and replies and for granting a motion for rehearing, however, in no instance shall the period be extended beyond 90 days after the date of signing of the final decision or order. If an extension is granted, a motion for rehearing shall be overruled by operation of law 90 days from the date of the signing of the final decision or order.

§4.163. Administrative Finality.

(a) Administrative action shall become final upon the occurrence of any of the following:

(1) issuance by the commissioner of a final order and denial of a motion for rehearing, either expressly or by operation of law;

(2) issuance by the commissioner of a final order which includes a statement that no motion for rehearing will be entertained because the threat of imminent peril to the public health, safety or welfare requires immediate effect be given to such final decision or order.

(b) A final decision or order must be issued within 90 days from the date a hearing is closed, unless the hearings examiner at the conclusion of the hearing specifies a longer period of time within which the final order or decision may be issued.

§4.164. Effective Date of Order. The effective date of a final decision or order, unless otherwise stated, is the date of its signing by the commissioner. That date shall be incorporated in the body of the final decision or order.

§4.165. Payment Required. Upon issuance by the commissioner of a final order

and denial of a motion for rehearing, either expressly or by operation of law, any audit deficiency assessed plus any relevant penalty and interest must be paid within 30 days of the issuance of such order. Failure to make such a payment shall subject a party to forfeiture of its lease or leases by the commissioner pursuant to the Natural Resources Code, §52.176, or to filing of a lien against its oil, gas, or other mineral production from state leases pursuant to the Natural Resources Code, §52.136.

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 9, 1986

TRD-8611458

Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption

January 16, 1987

For further information, please call
(512) 463-5009

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Subchapter L. Ancillary Proceedings and Proceedings Beyond the Order

★ 31 TAC §§4.171-4.175

The new sections are proposed under the Texas Natural Resources Code, §31.051 and §52.001 *et seq.*, which provides the Commission of the General Land Office with the authority to make and enforce suitable rules consistent with the law. Additional statutory authority is found in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provides minimum standards of uniform practice and procedure for state agencies.

§4.171. Emergency Order. If the commissioner finds that an imminent peril to public health, safety, or welfare requires immediate effect of a final decision or order in a contested case, he shall state such finding in his decision or order. He shall also state that his decision or order is final and effective from and after the date signed. Such a decision or order shall be final and appealable from and after the date signed and no motion for rehearing shall be required as a prerequisite for appeal.

§4.172. Show Cause Orders and Complaints. The commissioner may, at any time after notice to all interested parties, cite any person or agency under his jurisdiction to appear at a public hearing and require such person or agency to show cause why it should not comply with any applicable statute, rule, regulation, or general order of the General Land Office with which it is allegedly in noncompliance or why the agency should not take a particular action permitted by law. All such show cause hearings

shall be conducted in accordance with the provisions of these sections.

§4.173. Ex Parte Communications. Unless otherwise authorized by law, a hearings examiner in a contested case may not communicate, directly or indirectly, with any agency, person, party, or its representative regarding any issue of fact or law relating to such case, except on notice and opportunity for all parties to participate. However, pursuant to the authority provided in the Administrative Procedure and Texas Register Act, §14(g), of the commissioner, chief clerk, or an employee of the General Land Office who is assigned to render a decision or to make findings of fact and conclusions of law in a contested case may communicate *ex parte* with employees of the General Land Office who have not participated in any way in preparation for or as a participant or witness in such contested case in order to utilize the special skills of the agency and its staff in evaluating the evidence.

§4.174. Subpoenas

(a) The issuance of subpoenas in any proceeding shall be governed by the Administrative Procedure and Texas Register Act, §14. The General Land Office may issue subpoenas addressed to any sheriff or constable to require the attendance of witnesses and the production of books, records, papers, or other objects as may be necessary and proper for the purposes of a proceeding. A subpoena may be issued by the commissioner, the chief clerk, or during the course of a hearing, by a hearings examiner.

(b) Motions for subpoenas to compel the production of books, records, papers, or other objects shall be addressed to the hearings examiner, shall be verified, and shall specify as specifically as possible the books, records, papers, or other objects desired.

(c) Subpoenas shall be issued only after a showing of good cause and after the deposit of sufficient funds to ensure payment of expenses incident to the issuance of such subpoenas and payment of witness fees shall be made in the manner prescribed in the Administrative Procedure and Texas Register Act, §14.

§4.175. Depositions. The taking and use of depositions in any proceeding shall be governed by the Administrative Procedure and Texas Register Act, §14 and §14a.

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 9, 1986.

TRD-8611459

Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption:

January 16, 1987

For further information, please call
(512) 463-5009

**TITLE 34. PUBLIC
FINANCE
Part VII. State Property
Tax Board
Chapter 165. Practice and
Procedure**

**Rules or Practice and Procedure
★34 TAC §165.76**

The State Property Tax proposes an amendment to §165.76, concerning deadlines for filing appeals of panel decisions of school district taxable value.

The State Property Tax Board is authorized by the Texas Education Code, §11.86(a), to conduct an annual study to determine the total taxable value of property within each school district. The board has adopted administrative hearings procedures in §§165.72-165.77 of this title (relating to Rules of Practice and Procedure) that govern the conduct of protest hearings. Protests are generally heard by an independent hearings panel, with the right of administrative appeal to the State Property Tax Board. Section 165.76 of this title (relating to Proposed Decision) requires that a petitioner's written request for an appeal be filed within 15 days of the date of receiving the decision of the hearings panel. The board's executive director is also allowed 15 days to file an appeal of the panel decision.

The amendment would shorten the period the executive director or a school district

has for filing an appeal from 15 days to 10 days. This will allow the board's staff to add five days to the evidence review that takes place before the hearing. Staff believes that a ten day filing period still allows sufficient time to file a written request for an appeal.

Mr. John Franklin Niles, general counsel, has determined that for the first five-year period the proposed section will be in effect, there will be no fiscal implications for state or local government or for small businesses as a result of enforcing or administering the section.

Mr. Niles also has determined that for each year of the first five years the section is in effect the public benefits anticipated as a result of enforcing the section will be a more thorough review of the petition and evidence prior to the initial administrative hearing. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted in writing to John Franklin Niles, General Counsel, State Property Tax Board, PO Box 15900, Austin, Texas 78761.

The amendment is proposed under the Texas Education Code, §11.86(e), which provides the board with the authority to adopt procedural rules governing the conduct of protest hearings, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, which provide each agency with the authority to adopt rules of practice setting

forth the nature and requirements of all formal and informal procedures available.

§165.76 Proposed Decision.

(a)-(b) (No change.)

(c) Within 10 [15] days after the date of receiving a proposed decision, a petitioner may file a written response taking exception to the proposed decision. A written response must state the reason for taking exception to the proposed decision and may include a request for an appeal hearing before the board.

(d) The executive director may take exception to the designee's proposed decision and request an appeal hearing before the board. If the director requests an appeal, he shall deliver written notice by certified mail to the school district, appraisal district, or commissioner of education within 10 [15] days after the date the proposed decision was delivered to a party.

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 8, 1986

TRD-8611432

Ron Patterson
Executive Director
State Property Tax Board

Earliest possible date of adoption
January 16, 1987
For further information, please call
(512) 834-4800

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Adopted

Rules

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

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. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter GG. Resources for Individuals Related to the SSI Program

★ 40 TAC §15.3226

The Texas Department of Human Services adopts an amendment to §15.3226, without changes to the proposed text published in October 7, 1986, issue of the *Texas Register*

The section ensures that the caseworker is able to monitor retroactive payments that may be excluded.

The section will function by requiring individuals to keep money from retroactive supplemental security income (SSI) and retirement survivors and disability insurance (RSDI) payments separate from other resources.

No comments were received regarding the adoption of this amendment

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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 9, 1986.

TRD-8611435

Marlin W Johnston
Commissioner
Texas Department of
Human Services

Effective date: January 15, 1987
Proposal publication date: October 7, 1986
For further information, please call
(512) 450-3766

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State Board of Insurance Exempt Filings

State Board of Insurance Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note. As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.

The State Board of Insurance has amended the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance* by approving rule changes in the Rules Section, Endorsement Section, Classification Section, and

Underwriting Guide Section. In the Rules Section the Expense Constant was increased to \$85 for Domestic Workers-Residences and the definition of remuneration was expanded to include the amount by which an employee's salary is reduced to participate in a Cafeteria Plan, Salary Reduction Plan, or Flexible Benefit Plan. Endorsement 00 01 07 Longshore and Harbor Workers' Compensation Act Exclusion Endorsement was approved for use in Texas to exclude employer's liability for longshore exposure and to exclude longshore exposures not to be covered. The Classification and Underwriting Guide Sections were amended to make editorial changes and to add assignments that have become common usage. The language in the complaint notice was amended.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on December 9, 1986

TRD-8611467

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: January 1, 1987
For further information, please call
(512) 463-6327.

★ ★ ★

The State Board of Insurance has considered a filing by the Insurance Services Office Inc., proposing a revision to the effective date of the revision to the Boiler and Machinery Program originally approved by Board Order 49396 dated August 18, 1986, and revised by Board Order 49595 dated October 7, 1986. The following filings are amended

(1) BM-84-084F—Policy Forms and Endorsements

(2) GL-84-084BM--Rules and Rates

(3) CL-84-084BM—Supplement Revised Rules, Rate Pages and Guide (a) Rate Pages

It is proposed that these filings become effective July 1, 1987, instead of April 1, 1987

This revision was approved to become effective July 1, 1987, under the following rule of application. These changes are applicable to all policies effective on or after July 1, 1987. No policy effective prior to July 1, 1987, shall be endorsed or cancelled

and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying at the date of such request

This notification is filed pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on December 4, 1986

TRD-8611412 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 1, 1987
For further information, please call
(512) 463-6327

★ ★ ★

The State Board of Insurance has considered a filing by Insurance Services Office, Inc., proposing to withdraw from the Texas Guide (a) Rates Program the current suggested Guide (a) Rates for Liquor Liability

This filing was approved to become effective January 1, 1987, in accordance with the following rule of application. These changes are applicable to all policies effective on or after January 1, 1987

This notification is filed pursuant to the Insurance Code, Article 5.97, which ex-

empts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on December 4, 1986.

TRD-8611413 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: January 1, 1987
For further information, please call
(512) 463-6327

★ ★ ★

The State Board of Insurance has considered a filing by the Insurance Services Office, Inc., proposing a revision to the effective date of the new Simplified Commercial General Liability Program approved by Board Order 49398 dated August 18, 1986, and Board Order 49596 dated October 7, 1986. The following filings are amended

- (1) GL-86-086F—New Simplified Commercial General Liability Occurrence Policy Form
- (2) GL-84-084RU—Rules
- (3) GL-86-086UE—Endorsements
- (4) GL-86-086UM—Miscellaneous Coverage Parts
- (5) GL-860UBPO—Pollution Exclusion Amendatory Endorsements
- (6) GL-86-0UBPL—Pollution Exclusion Rule

(7) CL-85-085CT—Common Classifications Table

(8) GL-860CANI—Texas Cancellation and Non-renewal provisions.

It is proposed that these filings become effective July 1, 1987, instead of April 1, 1987.

This revision was approved to become effective July 1, 1987, under the following rule of application

These changes are applicable to all policies effective on or after July 1, 1987. No policy effective prior to July 1, 1987, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying at the date of such request

This notification is filed pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act

Issued in Austin, Texas, on December 4, 1986

TRD-8611411 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 1, 1987
For further information, please call
(512) 463-6327.

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. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, 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

Posting of open meeting notices. 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, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Advisory Commission on State Emergency Communications

Monday, December 22, 1986, 9:30 a.m. The Advisory Commission on State Emergency Communications will meet at Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the commission will review information and consider issues related to a statewide 9-1-1 emergency telephone service. Draft legislative proposals for financing and implementing 9-1-1 service will be considered, and the commission will review a draft of the final written report to the legislature

Contact: Jay Staiford, P O Box 13206, Austin, Texas 78701, (512) 463-1812.

Filed: December 10, 1986, 12:03 p.m.
TRD-8611481

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Employees Retirement System of Texas

Friday, December 19, 1986, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at 18th and Brazos Streets, Austin. According to the agenda summary, the board will review and approve the board minutes, consider investment advisor recommendations and act on investment of system's funds, consider and act on additions to the approved broker/dealer list, the adjustment to the 1987 operating budget to reflect cost of surety bond coverage on security clearance accounts, hear the report of fiscal years 1982-1985 actuarial investigation and act on recommendations of actuarial assumptions and tables, hear the report on actuarial valuation as of August 31, 1986, consider and act on the 70th Legislative Session proposed legislation, the request for proposal to comply with federal legislation and adjustment to the 1987 operating budget, the selection of a firm to conduct the 1985-1986 insurance carrier's audit, the final adoption of amendments to insurance rules, amendments to insurance rules regarding COBRA, the

proposed emergency amendment to the insurance rule; hear the status report on the state auditor's management letter and the executive director's report and set the date of the next trustee meeting. The board also will meet in executive session.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 178.

Filed: December 10, 1986, 8:55 a.m.
TRD-8611472

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Texas Employment Commission

Tuesday, December 16, 1985, 8:30 a.m. The Texas Employment Commission (TEC) made an emergency revision to the agenda for a meeting to be held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. The revision concerns Benefit Docket 50: 86 03885 10 110386 should read 86 13885 10 110386 and now appears on page 3; and Benefit Case 85 13469 10 100986 is added on page 2 of Benefit Docket 50.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: December 10, 1986, 10:15 a.m.
TRD-8611474

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Texas Industrial Accident Board

Monday, December 15, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board reviewed board files. The board also met in executive session to review applications for executive director.

Contact: William Treacy, 200 East Riverside Drive, first floor, Austin, Texas 78704, (512) 448-7962.

Filed: December 11, 1986, 9:41 a.m.
TRD-8611503

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State Board of Insurance

The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

Friday, December 19, 1986, 9 a.m. The section will consider Docket 9423—application of Safeguard Health Plans, Inc., Dallas, for a certificate of authority to operate a health maintenance organization offering a single health care service plan.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: December 10, 1986, 4:21 p.m.
TRD-8611495

Friday, December 19, 1986, 1:30 p.m. The section will consider Docket 9420—application of Lomas and Nettleton Financial Corporation, Dallas, to acquire control of MPACT Life Insurance Company, Dallas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: December 10, 1986, 4:21 p.m.
TRD-8611496

Monday, December 22, 1986, 9 a.m. The section will consider Docket 9413—application of Cameron Life Insurance Company to acquire control of Equity Services Life Insurance Company, San Antonio.

Contact: O. A. Cassidy, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: December 10, 1986, 4:23 p.m.
TRD-8611497

Monday, December 22, 1986, 9 a.m. The section will consider Docket 9421—proposed plan of merger of Pecos Life Insurance Company, Phoenix, Arizona into Service Life and Casualty Insurance Company, Austin.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: December 10, 1986, 4:23 p.m.
TRD-8611498

Monday, December 22, 1986, 10:30 a.m. The section will consider Docket 9427—proposed plan of merger of Inwood Life Insurance Company, Phoenix, Arizona, into Service Life and Casualty Insurance Company, Austin.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: December 10, 1986, 4:23 p.m.
TRD-8611499

Monday, December 22, 1986, 1:30 p.m. The section will consider Docket 9422—proposed plan of merger of National Life Insurance Company of Texas, Dallas, into National Security Life and Accident Insurance Company, Dallas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: December 10, 1986, 4:23 p.m.
TRD-8611500

Wednesday, January 7, 1987, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the board's designate will consider the appeal of Brooks W. Porter from action of the Texas Catastrophe Property Insurance Association.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: December 10, 1986, 2:01 p.m.
TRD-8611482

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Legislative Budget Board

Monday, December 22, 1986, 9 a.m. The Legislative Budget Board will meet in Room 310, State Capitol, Austin. According to the agenda, the board will consider the appropriation requirements for the 1988-1989 biennium and any other business that might come before the board.

Contact: Jim Oliver, Room 207-A, State Capitol, Austin, Texas 78711, (512) 463-1166.

Filed: December 9, 1986, 2:42 p.m.
TRD-8611461

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State Preservation Board

Wednesday, December 17, 1986, 10 a.m. The Permanent Advisory Committee of the State Preservation Board will meet in emergency session in Speaker's Committee Room 236, State Capitol, Austin. According to the agenda, the committee will approve minutes, update current projects, and tour the state capitol. The emergency status is necessary

because Mr. Curtis Tunnell has been out of town and was not able to sign the open meeting notice.

Contact: Curtis Tunnell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: December 10, 1986, 12:44 p.m.
TRD-8611480

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Texas Public Building Authority

Friday, December 12, 1986, 9 a.m. The Texas Public Building Authority (TPBA) made an emergency revision to the agenda for a meeting held at Underwood; Neuhaus & Company, 909 Fannin, Houston. The revision concerned the approval of minutes from the October 28, 1986, meeting; reports on the budget and buildings; the annual report, including the TRL study, Executive Development Program, and Leedom Study; the approval of a resolution authorizing TPBA refunding bonds, Series 1986; consideration of a first supplement to funds management agreement with the treasurer, the trust indenture building projects (first refunding with Allied Bank), an escrow deposit agreement with Allied Bank, a bond purchase agreement with certain underwriters; approval of an official statement and other matters; and set the date and time for the next meeting. The authority also met in executive session to discuss personnel matters. The emergency status was necessary to approve documents and authorize the sale of advanced refunding bonds under the current favorable market conditions.

Contact: Gayle Colby, 907 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: December 9, 1986, 2:52 p.m.
TRD-8611464

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Public Utility Commission of Texas

Friday, December 12, 1986, 9 a.m. The Administrative Division of the Public Utility Commission of Texas made an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Docket 7195—GSU's request in the motion of Gulf States Utilities Company for consideration by full commission of request for emergency interim rate relief. The emergency status was necessary because of procedural deadlines within the docket.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 10, 1986, 3:13 p.m.
TRD-8611486

The Hearings Division of the Public Utility Commission of Texas will meet in Suite

450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Wednesday, December 17, 1986, 9 a.m. An open meeting in Dockets 6983, 6765, 6766, 6960, 6957, 7144, 7143, 6907, 7020, 6927, 6920, 6932, 6293, 7221, 6925, 7029, 6980, 6592, 7119, 7149, 6990, 7031, 7139, 7003, and 7193. The commissioners also will consider the petition for rulemaking requesting expansion of utility load/resource forecast reporting requirements to develop integration plans which were filed by Public Citizens of Texas, *et al.*; the petition to require Sam Houston Electric Cooperative to set a standard payment date and to accept the customer's postmark to establish the timely payment of bills, which was filed by Tillman Johnson, *et al.*; and Substantive Rules §§23.11-23.13, 23.31, 23.44, and 23.46, concerning the deletion of water and/or sewer where applicable will be considered for permanent adoption. The division also will meet in executive session to consider Docket 5952—appeal in Southwestern Bell v. Public Utility Commission, and Docket 6072—appeal in Central Power and Light Company v. Public Utility Commission.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 9, 1986, 2:48 p.m.
TRD-8611462

Friday, December 19, 1986, 10 a.m. A prehearing conference in Docket 7195—application of Gulf States Utilities Company for authority to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 10, 1986, 3:14 p.m.
TRD-8611487

Tuesday, December 30, 1986, 10 a.m. An interim rate hearing in Docket 7195—application of Gulf States Utilities Company for authority to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 10, 1986, 3:14 p.m.
TRD-8611488

Friday, February 20, 1987, 10 a.m. A hearing on the merits in Docket 7184—application of Fort Bend Telephone Company for detariffing and deregulation of inside wire.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 10, 1986, 3:13 p.m.
TRD-8611489

Friday, February 27, 1987, 10 a.m. A prehearing conference in Docket 7195—application of Gulf States Utilities Company for authority to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 10, 1986, 3:14 p.m.
TRD-8611492

Tuesday, March 3, 1987, 10 a.m. A hearing on the merits in Docket 7195—application of Gulf States Utilities Company for authority to change rates.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 10, 1986, 3:14 p.m.
TRD-8611493

Monday, May 11, 1987, 10 a.m. A hearing on the merits in Dockets 7122, 7123, 7124, and 7152—complaint of Intellicall, Inc., against private coin phone rates and practices of Southwestern Bell Telephone Company; complaint of Advanced Telecom Systems, Inc., against private coin phone rates and practices of Southwestern Bell Telephone Company; complaint of Intellicall *et al.* against private coin phone rates and practices of Southwestern Bell Telephone Company; and application of Southwestern Bell Telephone Company to revise its private coin service tariff.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 9, 1986, 2:46 p.m.
TRD-8611463

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House of Representatives

Friday, December 19, 1986, 10:30 a.m. The Texas State Korean and Vietnam Veterans Memorials of the House of Representatives will meet in Room 106, John H. Reagan Building, Austin. Items on the agenda include the minutes and summary of the November meeting, a progress report, an update on financial status, the Executive Committee report, discussion of how to proceed with the project, an update on the Sponsoring Committee, and new business.

Contact: C. J. Parham, Room 345-A, State Capitol, Austin, Texas 78701, (512) 463-0494.

Filed: December 10, 1986, 4:31 p.m.
TRD-8611501

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State Securities Board

Friday, December 19, 1986, 9:30 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will consider the minutes of the September 19, 1986, board meeting; consider the rule proposal to amend §109.13(k) concerning the Form D notice fil-

ing requirements and the repeal of §115.1(e) concerning maintenance of discretionary accounts by dealers who are also investment advisers; consider new business items for subsequent board meetings; discuss possible legislative proposals; and consider the update on agency operations with reports from the division directors and securities commissioner. The board also will meet in executive session to discuss personnel matters pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

Contact: Richard D. Latham, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: December 10, 1986, 3:40 p.m.
TRD-8611490

Monday, December 22, 1986, 1 p.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities issued by Havilah Mining and Exploration, Inc., and offered for sale and sold by Wayne E. Whitson and Robert I. Dixon.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: December 10, 1986, 3:39 p.m.
TRD-8611491

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University System of South Texas

Wednesday, December 10, 1986, 1 p.m. The Planning Committee of the Board of Directors of the University System of South Texas (USST) met in emergency session in the boardroom, USST Office, two miles west on Highway 141, Kingsville. According to the agenda, the committee considered, discussed, and acted on the proposal to create a comprehensive University System for South Texas under one board of directors to include Texas A&I University, Corpus Christi State University, Laredo State University, Pan American University (Edinburg), and Pan American University at Brownsville. The emergency status was necessary to consider alternatives proposed by the Select Committee on Higher Education which affect the University System of South Texas.

Contact: Frederick D. C. Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208

Filed: December 10, 1986, 10:42 a.m.
TRD-8611478

Wednesday, December 10, 1986 4:30 p.m. The Board of Directors of the University System of South Texas met in emergency session in the boardroom, USST Office, two miles west on Highway 141, Kingsville. According to the agenda, the board considered and acted on waiving notice of meeting requirements in the System Policy Manual and By-Laws, and Senator's Truan's proposal

for a Comprehensive University System in South Texas. The emergency status was necessary because the select committee will act on merger proposal on December 11, 1986.

Contact: Frederick D. C. Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: December 10, 1986, 2:14 p.m.
TRD-8611485

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Texas Sunset Advisory Commission

Thursday and Friday, December 18 and 19, 1986, 10 a.m. and 9 a.m., respectively. The Texas Sunset Advisory Commission will meet in the Senate Chamber, State Capitol, Austin. According to the agenda summary, the commission will review legislation on the Texas Diabetes Council Commission decisions relating to the Technology Training Board, Texas Conservation Foundation, Mental Health and Mental Retardation issues, the Texas Air Control Board, Texas Commission for the Deaf, Texas Department of Corrections, and Texas Department of Human Services. On Friday, December 19, 1986, the commission will continue decisions relating to the Texas Department of Human Services and the Board of Private Investigators and Private Security Agencies.

Contact: Jeri Kramer, Room 305, 105 West 15th Street, Austin, Texas 78701, (512) 463-1300.

Filed: December 10, 1986, 3:56 p.m.
TRD-8611494

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Texas Water Development Board

Thursday, December 18, 1986, 9:30 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda, the board will approve minutes of November 19 and 20, 1986, watch water conservation slide presentation, hear development fund manager's report, consider extension of loan commitment for City of Pittsburg, change pledge on revenue bonds to city of Glenn Heights, financial assistance for Brookshire Municipal Water District, \$850,000, Angelina-Neches River Authority, \$320,000, City of Ladonia, \$275,000, town of Fulton, \$500,000, Nueces River Authority's water conservation plan, funding priorities for water research, flood protection planning and regional water supply and wastewater planning and an annual budget for the research and fund portion of the water assistance fund, grant applications, multi-state water resources planning, \$22,080, Brazoria County Conservation and Reclamation District No. 3 for \$220,445, and results of Edwards Aquifer bad water line experiment project

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: December 10, 1986, 11:45 a.m.
TRD-8611479

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Regional Agencies Meetings Filed December 9

The Alamo Area Council of Governments, Board of Managers, Bexar Metro 9-1-1 Network, met in Room 420, Atlee B. Ayers Building, San Antonio, on December 15, 1986, at 10 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Central Counties Center for Mental Health/Mental Retardation Services, Board of Trustees, will meet at 304 South 22nd Street, Temple, on December 16, 1986, at 7:45 p.m. Information may be obtained from Steven B. Schnee, P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Education Service Center, Region XIII, Board of Directors, met in Room 205, ESC Region XIII, 5701 Springdale Road, Austin, on December 15, 1986, at 12:30 p.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300.

The Gonzales County Appraisal District, Board of Directors, met in emergency session at 928 St. Paul Street, Gonzales, on December 11, 1986, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hale County Appraisal District, Appraisal Review Board, will meet at 302 West Eighth Street, Plainview, on December 17, 1986, at 11 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4226.

The Hansford County Appraisal District, will meet at 709 West Seventh Avenue, Spearman, on December 17, 1986, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Harris County Appraisal District, Board of Directors, will meet on the Eighth Floor, 2800 North Loop West, Houston, on December 17, 1986, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

The Lower Neches Valley Authority, Board of Directors, will meet in the LNVA Office Building, 7850 Eastex Freeway, Beaumont, on December 16, 1986, at 10:30 a.m. Information may be obtained from Lower Neches

Valley Authority, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Mental Health/Mental Retardation Center of East Texas, Board of Trustees, met in emergency session in the boardroom, 2323 West Front Street, Tyler, on December 11, 1986, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Middle Rio Grande Development Council, Texas Review and Comment System Committee, will meet in the McNally Room, First State Bank of Uvalde, Uvalde, on December 17, 1986, at 10:30 a.m. Information may be obtained from Oralia Saldua, 612 D. Bedell, Del Rio, Texas 78840, (512) 774-4741.

The Mills County Appraisal District, will meet in the Mills County Courthouse, Goldthwaite, on December 18, 1986, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.
TRD-8611437

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Meetings Filed December 10

The Bastrop County Appraisal District, Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on December 16, 1986, at 6:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78609, (512) 321-3925

The Comal Appraisal District, Board of Directors, met at 644 North Loop 337, New Braunfels, on December 15, 1986, at 6 p.m. Information may be obtained from Pat Fox, 644 North Loop 337, New Braunfels, Texas 78130, (512) 625-8597

The Denton Central Appraisal District, Denton Central Appraisal Board, will meet at 3911 Morse, Denton, on December 18, 1986, at 12 p.m. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The Education Service Center, Region V, Board of Directors, will meet in the boardroom, 2295 Delaware Street, Beaumont, on December 16, 1986, at 1:15 p.m. Information may be obtained from Fred J. Waddell, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

The Henderson County Appraisal District, Board of Directors, met in emergency session at 101 East Corsicana, Athens, on December 12, 1986, at 3:30 p.m. Information may be obtained from Helen Marchbanks, P.O. Box 430, Athens, Texas 75751, (214) 675-9296.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East

Court Street, Seguin, on December 18, 1986, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Mental Health/Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at 3012 East 24th Street, Bryan, on December 17, 1986, at 1:30 p.m. Information may be obtained from Dr. Ann Pye-Shively, 707 Texas Avenue, Suite 225C, College Station, Texas 77840, (409) 696-8585.

The Sabine Valley Regional Mental Health/Mental Retardation Center, Board of Trustees, will meet at Holiday Inn, Estes Parkway at I-20, Longview, on December 18, 1986, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Tyler County Tax Appraisal District, Search Committee, will meet at 103 North Pecan, Woodville, on December 17, 1986, at 5 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.
TRD-8611469

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Meetings Filed December 11

The Cherokee County Appraisal District, Board of Directors, will meet at 107 East Sixth Street, Rusk, on December 18, 1986, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2269.

The Education Service Center, Region X, Board of Directors, will meet in the boardroom, 400 East Spring Valley, Richardson, on December 19, 1986, at 9:30 a.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75083-1300, (214) 231-6301

The Education Service Center, Region XVI, Board of Directors, will meet in the boardroom, 1601 South Cleveland, Amarillo, on December 19, 1986, at 10 a.m. Information may be obtained from Dr. Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79120, (806) 376-5521.

The Limestone County Appraisal District, Board of Directors, will meet in Appraisal District Office, Limestone County Courthouse, Groesbeck, on December 17, 1986, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Mills County Appraisal District, made an emergency revision to the agenda for a meeting held at Mills County Courthouse,

Goldthwaite, on December 18, 1986, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (916) 648-2253.

The Sabine River Authority of Texas. Board of Directors, made an emergency revision to the agenda for a meeting held in the Lincoln Hotel, 5410 LBJ Freeway, Dallas, on De-

ember 13, 1986, at 9 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

The Wise County Appraisal District, Board of Directors, made an emergency revision to the agenda for a meeting held in the boardroom, 206 South State Street, Decatur, on December 11, 1986, at 9 a.m. Information

may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081.

TRD-8611502

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In Addition

The *Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Banking Department of Texas Notice of Public Hearing

The Banking Commissioner of Texas (Department of Banking) has accepted an application to establish a foreign bank agency in Texas, pursuant to Texas Civil Statutes, Article 1001 *et seq.*, from Banco Nacional De Mexico, a foreign bank corporation incorporated and existing under the laws of Mexico. The proposed site of the foreign bank agency is 1000 Louisiana, Suite 6920, Houston, Texas 77002.

The hearing officer of the Banking Department of Texas will conduct a public hearing on this application on December 18, 1986, at 10 a.m., in the Department of Banking Hearing Room, 2601 North Lamar Boulevard, Austin, Texas. Said hearing is being held pursuant to the request of the applicant, Banco Nacional De Mexico, to allow the applicant an opportunity to present evidence to show that the establishment of a foreign agency by Banco Nacional De Mexico in Texas would not be detrimental to the public interest. Anyone who desires to participate in the scheduled hearing, or anyone desiring to present evidence on this issue shall notify the department of banking of such intent on or before December 17, 1986, for participation in the December 18, 1986, hearing, or on or before December 29, 1986, to present additional evidence.

For further information contact Jorge A. Gutierrez, General Counsel, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705.

Issued in Austin, Texas, on December 10, 1986

TRD-8611473 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: December 10, 1986

For further information, please call (512) 479-1200.



Texas Cancer Council Regional Cancer Networks Program

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Cancer Council requests proposals for implementation of a Demonstration Regional Cancer Networks Program.

Description of Services. The contractor will plan, develop, organize, and implement demonstration regional cancer networks as recommended within the Texas Cancer Plan and analyze their effectiveness in achieving the goals of the plan. This program must foster the development of community cancer coalitions which disseminate cancer prevention information, must evaluate the network model as to its feasibility and effectiveness in this information process, and must provide the Texas Cancer Council with

information on which approaches are useful and cost-effective for future efforts. The contractor must be responsive to the network concept as defined in the Texas Cancer Plan and to the goals of the Texas Cancer Plan.

The Texas Cancer Plan envisions regional cancer networks as critical segments of the framework to lower the risks for developing cancer, to detect, diagnose, and treat cancer earlier; and to improve the accessibility, availability, and quality of cancer care at the community level.

Major Tasks. There are seven overall tasks to be accomplished as follows:

- (1) development of criteria for designation of demonstration projects,
- (2) review of appropriate literature;
- (3) development of network plan and identification of potential membership,
- (4) facilitation of network process;
- (5) development of measures to monitor the networks;
- (6) evaluation of demonstration networks and model; and
- (7) design of vehicle to maintain and replicate networks.

Eligible Organizations. In order to facilitate implementation of the demonstration cancer networks, academic, research, health, community and other appropriate organizations are encouraged to submit proposals. The organization should have the capability for community outreach and rigorous evaluation of the network concept.

Proposal Format. Each proposal will contain two parts, a technical proposal and a business proposal. The technical proposal will specify the overall program priority area, the specific problem(s) to be addressed, the scope of work to be undertaken, including major tasks and activities, a timetable with major milestones and delivery schedule, an organizational plan with manpower estimates by major task, identification of key personnel, and an evaluation plan.

The business proposal will specify the estimated cost to the Texas Cancer Council if the proposal is funded and other terms and conditions related to the proposal. The estimated cost must be on a line-item budget basis to fully identify the type of expense anticipated and, where appropriate, to estimate these costs for each major task identified in the technical proposal.

Other terms and conditions must include the time period during which the proposal is valid, and who is authorized to negotiate any matters related to the proposal on behalf of the submitting agency or organization.

Timetable. The Demonstration Regional Cancer Networks Program is intended to be a two-year program. However, submitted proposals should cover only the first phase of the program in detail ending August 31, 1987, with some general discussion of the overall two-year program.

Evaluation Procedures. The criteria used to evaluate the offers include:

- (a) background, experience and knowledge in cancer programs, networking community resources and evaluation;
- (b) the offeror's ability to complete the project in a quality manner and within the time frame allowed;
- (c) the submission of a proposal addressing all of the required areas, with a reasonable budget to achieve the major tasks;
- (d) the offeror's plan for completing the project on or before the deadline to be stipulated in the contract; and
- (e) the description of the offeror's organization or agency.

The Texas Cancer Council reserves the right to accept or reject any or all proposals submitted. The Texas Cancer Council is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends that any material provided be used only as a means of identifying qualified applicants. This request does not commit the Texas Cancer Council to pay any costs incurred prior to execution of a contract.

Contact Person. The contact person is Richard Merkel, Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

Due Date. All proposals must be submitted by the close of business on the 20th day after the first date of publication of this notice. Proposals must be mailed by certified mail or delivered directly to the contact person by the above date previously referred to.

Cost. The proposed contract shall be a cost reimbursement type contract. The Texas Cancer Council has adopted a policy to pay for the direct cost of program implementation, including fringe benefits, but excluding indirect or overhead costs. The Texas Cancer Council will assess the reasonableness of the total project cost and specific cost elements by major task. Although not necessarily the deciding factor, this criterion will be considered in the evaluation process. Some level of cost sharing by the contractor is expected. The degree of cost sharing proposed by the contractor will reflect the importance of this effort to ongoing programs of the contractor.

Final Selection. Final selection will be made by the Texas Cancer Council using the previously identified evaluation criteria. The award will not necessarily be made to the lowest bidder, but rather to the lowest and best bidder, considering cost and the results of the council's evaluation.

Issued in Austin, Texas, on December 10, 1986

TRD-8611475 James D Dannenbaum
Chairman
Texas Cancer Council

Filed: December 10, 1986
For further information, please call (512) 463-3190.

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Computerized Cancer Study Communication Network

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Cancer Council requests proposals for development, implementation and maintenance of a statewide Computerized Cancer Study Communication Network.

Description of Services. In its final report, the Legislative Task Force on Cancer in Texas (LTFCT) emphasized the need for cancer patients to receive the most current treatment possible and for physicians and other health professionals in the community to have access to the most current information available in cancer therapy.

The contractor will plan, develop, organize, implement, and maintain a computerized communication network for physicians and other health professionals throughout Texas with an interest in cancer. This network will provide an individual as well as a group medium for continuous communication on cancer related topics among health professionals at cancer centers and in the Texas community.

The network will provide information through case presentations, assistance through a question and answer facility for the treatment of cancer patients, and will publicize opportunities for participation in investigational studies, implementation of new technology, and education programs.

The contractor will also assess degree of need and feasibility of an on-line cancer treatment guideline system; review information sources such as the oncology guidelines developed by the LTFCT and the NCI PDQ system; and determine a strategy for selection, review, structuring, and updating of such information. The contractor will work closely with the Cancer Research Advisory Committee and the Oncology Guidelines Advisory Committee to be appointed by the Texas Cancer Council.

A detailed description of the functions of the network as outlined by the Cancer Study Committee of the LTFCT is included in the detailed instructions for the request for proposal available through the contact person for this contract. Other reference documents related to the Texas Cancer Plan are the final report of the full task force, the workgroup final report, and the oncology guidelines report also available from the contact person.

Major Tasks. There are seven overall major tasks to be accomplished as follows:

- (1) Survey the extent of interest of the cancer community in different aspects of the network and determine willingness to participate as a user and/or a facilitator.
- (2) Prioritize implementation of each of the functions of the network according to interest, feasibility, and cost.
- (3) Determine the optimal system to support network, including communication channels, computer hardware, and software. Develop a plan for implementation of the system.
- (4) Organize expert participation and support for the network and develop marketing and publicity strategies.
- (5) Implement the network including expert support.
- (6) Execute marketing and publicity plans.
- (7) Continue to maintain and upgrade the network.

Eligible Organizations. In order to facilitate the achievement of this proposed program, a consortium or organization is encouraged, including a single proposal with several subcontracts. Letters of support from each member of the consortium should be included in any proposal. Each organization should be actively involved in cancer care in Texas and be willing to participate in a cooperative program.

Proposal Format. Each proposal will contain two parts, a technical proposal and a business proposal. The technical proposal will specify the overall program priority area, the specific problem(s) to be addressed, the scope of work to be undertaken including major tasks and activities, a time-

table with major milestones and delivery schedule, an organizational plan with manpower estimates by major task, identification of key personnel, and an evaluation plan.

The business proposal will specify the estimated cost to the Texas Cancer Council if the proposal is funded and other terms and conditions related to the proposal. The estimated cost must be on a line-item budget basis to fully identify the type of expense anticipated and, where appropriate, to estimate these costs for each major task identified in the technical proposal.

Other terms and conditions must include the time period during which the proposal is valid, and who is authorized to negotiate any matters related to the proposal on behalf of the submitting agency or organization.

Timetable. The Computerized Cancer Study Communication Network initiative is intended to be at least a five-year program. However, submitted proposals should cover only the first phase of the program in detail for a total of no longer than eight months, ending August 31, 1987, with some general discussion of the overall five-year program.

Evaluation Procedures. The criteria used to evaluate the offers include:

- (a) background, experience, and knowledge in cancer care, professional education, and computer systems;
- (b) the offeror's ability to complete the project in a quality manner and within the time frame allowed;
- (c) the submission of a proposal addressing all of the required areas, with a reasonable budget to achieve the major tasks;
- (d) the offeror's plan for completing the project on or before the deadline to be stipulated in the contract, and
- (e) the description of the offeror's organization or agency.

The Texas Cancer Council reserves the right to accept or reject any or all proposals submitted. The Texas Cancer Council is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends that any material provided be used only as a means of identifying qualified applicants. The Texas Cancer Council intends to use responses as a basis for further negotiation of specific project details with potential contractors.

Issuance of this material in no way obligates the Texas Cancer Council to award a contract, to pay any costs incurred in the preparation of a response, or to pay any other costs incurred prior to execution of a contract. The Texas Cancer Council specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the Texas Cancer Council deems it to be in the best interest of the State of Texas.

While the Texas Cancer Council will accept proposals for renewal of this program on an annual basis in the future, it is the Council's intention to award the contract to the organization that previously performed the services unless a clearly superior proposal is received.

Contact Person. The contact person is Richard Merkel, Executive Director, Texas Cancer Council, P. O. Box 12097, Austin, Texas 78711, (512) 463-3190.

Due Date. All proposals must be submitted by the close of business on the 20th day after the first date of publication of this notice. Proposals must be sent by certified mail or delivered directly to the contact person by the above date previously referred to.

Cost. The proposed contract shall be a cost reimbursement type contract. The Texas Cancer Council has adopted a policy to pay for the direct cost of program implementation, including fringe benefits, but excluding indirect or overhead costs. The Texas Cancer Council will assess the reasonableness of the total project cost and specific cost elements by major task. Although not necessarily the deciding factor, this criterion will be considered in the evaluation process. Some level of cost sharing by the contractor is expected. The degree of cost sharing proposed by the contractor will reflect the importance of this effort to ongoing programs of the contractor.

Final Selection. Final selection will be made by the Texas Cancer Council using the previously identified evaluation criteria. The award will not necessarily be made to the lowest bidder, but rather to the lowest and best bidder, considering cost and the results of the council's evaluation.

Issued in Austin, Texas, on December 10, 1986

TRD-8611476 James D. Dannenbaum
Chairman
Texas Cancer Council

Filed: December 10, 1986

For further information, please call (512) 463-3190.



Community Hospital Planning Grants

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Cancer Council requests proposals for implementation of the Community Hospital Planning Grants.

Description of Services. The contractor will plan, develop, and organize the activities necessary for application to the American College of Surgeons (ACOS) for hospital cancer program certification. These activities will include establishment of a multidisciplinary cancer committee to provide overall leadership of the cancer program, a tumor registry, multidisciplinary cancer conferences, and completion of two patient care evaluation studies. The primary rationale for these grants is to encourage the development of plans for organized cancer programs by community hospitals in areas of Texas where multidisciplinary cancer programs previously did not exist.

In its final report, the Legislative Task Force on Cancer in Texas (LTFCT) emphasized its commitment to the enhancement of the quality of existing resources, services, and programs for cancer care. Actions taken toward development of the core components of the ACOS programs in community hospitals in each State Planning Region will improve the accessibility, availability, and quality of cancer resources, services, and programs in Texas.

Major Tasks. There are six overall tasks to be accomplished as follows:

(1) Establish a multidisciplinary cancer committee that meets quarterly and provides the overall leadership of the cancer program. Committee membership should include representatives from surgery, internal medicine, gynecology, pediatrics, diagnostic and therapeutic radiology, pathology, and family practice, as well as administration, nursing and social services, rehabilitation and the tumor registry.

(2) Establish a tumor registry with two years of patient data and one year of successful (minimum 90%) patient follow-up.

(3) Conduct patient-oriented, multidisciplinary cancer conferences conducted weekly or monthly, depending on the number of cancer cases accessioned each year.

(4) Complete two patient care evaluation studies in one year. If data are not sufficient to complete one study to measure process and one study to measure outcome, two process studies may be conducted.

(5) Publish report of cancer program activities at the end of the year.

(6) Request for a consultative visit of ACOS prior to a formal survey request or submit in writing to the Texas Cancer Council the rationale for declining a formal survey for certification.

Eligible Organizations. In order to facilitate achievement of these proposed actions, individual hospitals or a consortium of hospitals currently seeing over 100 new cancer cases per year are encouraged to participate. Each hospital (or consortium) should be located in a State Planning Region that currently does not contain a hospital with an ACOS certified cancer program. Letters of support from administrative and medical staff in each hospital should be included in any proposal. Each hospital (or consortium) should be actively involved in cancer care, have qualified expertise in the area of cancer, and be willing to participate in the development of the core components of an ACOS cancer program.

Proposal Format. Each proposal will contain two parts, a technical proposal and a business proposal. The technical proposal will specify the overall program priority area, the specific problem(s) to be addressed, the scope of work to be undertaken, including major tasks and activities, a timetable with major milestones and delivery schedule, an organizational plan with manpower estimates by major task, identification of key personnel, and an evaluation plan.

The business proposal will specify the estimated cost to the Texas Cancer Council if the proposal is funded and other terms and conditions related to the proposal. The estimated cost must be on a line item budget basis to fully identify the type of expense anticipated and, where appropriate, to estimate these costs for each major task identified in the technical proposal. Other terms and conditions must include the time period during which the proposal is valid, and who is authorized to negotiate any matters related to the proposal on behalf of the submitting agency or organization.

Timetable. The Community Hospital Planning Grants initiative is intended to be a one year program. However, submitted proposals should cover only the first phase of the program in detail for a total of no longer than eight months, ending August 31, 1987, with some general discussion of the overall one year program.

Evaluation Procedures. The criteria used to evaluate the offers include:

(a) location of hospital—the facility must serve patients in a State Planning Region which previously did not contain a hospital with an ACOS certified cancer program;

(b) patient load—the facility must currently be serving over one hundred new cancer patients per year,

(c) staff interest—administrative and medical staff support must be demonstrated,

(d) methodology—the proposal must provide reasonable proof that the project will be completed in a quality manner and within the time frame allowed,

(e) submission of proposal—all required areas must be addressed and a budget, not to exceed \$5,000, must be provided.

The Texas Cancer Council reserves the right to accept or reject any or all proposals submitted. The Texas Cancer Council is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends that any material provided be used only as a means of identifying qualified applicants. This request does not commit the Texas Cancer Council to pay any costs incurred prior to execution of a contract.

Contact Person. The contact person is Richard Merkel, Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

Due Date. All proposals must be submitted by the close of business on the 20th day after the first date of publication of this notice. Proposals must be mailed by certified mail or delivered directly to the contact person by the date previously referred to.

Cost. The proposed contract shall be a cost reimbursement type contract. The Texas Cancer Council has adopted a policy to pay for the direct cost of program implementation, including fringe benefits, but excluding indirect or overhead costs. The Texas Cancer Council will assess the reasonableness of the total project cost and specific cost elements by major task. Although not necessarily the deciding factor, this criterion will be considered in the evaluation process. Some level of cost sharing by the contractor is expected. The degree of cost sharing proposed by the contractor will reflect the importance of this effort to ongoing programs of the contractor.

Final Selection. Final selection will be made by the Texas Cancer Council using the previously identified evaluation criteria. The award will not necessarily be made to the lowest bidder, but rather to the lowest and best bidder, considering cost and the results of the council's evaluation.

Issued in Austin, Texas, on December 10, 1986

TRD-8611477 James D. Dannenbaum
Chairman
Texas Cancer Council

Filed December 10, 1986

For further information, please call (512) 463-3190.

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Texas Department of Community Affairs Announcement of Contract Awards

Contractor. The Texas Department of Community Affairs (TDCA) announces that Peat, Marwick, Mitchell and Company has been awarded a contract, under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of December 1, 1986, through June 30, 1987. The contract is for the purpose of providing workshops for local program operators and staff in courses related to the treatment of indirect costs under the Job Training Partnership Act (JTPA) program in the State of Texas. The Consultant Proposal Request was published in the May 27, 1986, issue of the *Texas Register* (11 TexReg 2486).

Description of Services. The services to be provided by Peat, Marwick, Mitchell and Company shall include, but not be limited to, the following:

Providing workshops to increase the ability of JTPA administrators and staff to direct productive JTPA programs. Workshops will be conducted in the area of indirect costs.

Topics to be covered in the workshops include the following areas: items that comprise an indirect cost base; cost allocation plans; allocation of indirect costs across JTPA expenditure categories; indirect cost allocation vs. direct charge methods; and responsibilities of cognizant agencies.

Business address. The business address of Peat, Marwick, Mitchell and Company is 1300 One Capitol Square, 300 West 15th Street, Austin, Texas 78701.

Contract amount. The total cost of services to be performed under the contract with Peat, Marwick, Mitchell and Company is presently estimated to be \$45,000.

Project reports. Reports to be generated under this contract shall be submitted to TDCA upon completion.

Issued in Austin, Texas, on December 4, 1986.

TRD-8611427 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: December 8, 1986
For further information, please call (512) 834-8080.

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Contractor. The Texas Department of Community Affairs (TDCA) announces that the Texas Association of Private Industry Councils has been awarded a contract under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of December 8, 1986, through December 8, 1987. The contract is for the purpose of providing curriculum development and training for Private Industry Councils (PICs) and staff in courses related to improving specific technical skills applicable to PIC functions under the Job Training Partnership Act (JTPA) program in the State of Texas. The Consultant Proposal Request was published in the May 27, 1986, issue of the *Texas Register* (11 TexReg 2486)

Description of services. The services to be provided by the Texas Association of Private Industry Councils shall include, but not be limited to, the following: development of workshop materials on the topic of PIC orientation; presentation of workshops; and production and delivery of final products to include a PIC orientation handbook, curriculum, and video tapes.

Business address. The business address of the Texas Association of Private Industry Councils is 815 Brazos Street, Austin, Texas 78701.

Contract amount. The total cost of services to be performed under the contract with the Texas Association of Private Industry Councils is presently estimated to be \$100,000.

Project reports. Reports to be generated under this contract shall be submitted to TDCA upon completion.

Issued in Austin, Texas, on December 8, 1986.

TRD-8611428 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: December 8, 1986
For further information, please call (512) 834-8080.

Office of Consumer Credit Commissioner Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

| Type of Rate Ceilings Effective Period (Dates are Inclusive) | Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000 | Commercial ⁽⁴⁾ over \$250,000 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------|
| Indicated (Weekly) Rate—Article 1.04(a)(1) 12/15/86-12/21/86 | 18.00% | 18.00% |
| Monthly Rate— Article 1.04(c)(1) 12/01/86-12/31/86 | 18.00% | 18.00% |
| Standard Quarterly Rate—Article 1.04(a)(2) 01/01/87-03/31/87 | 18.00% | 18.00% |
| Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 01/01/87-03/31/87 | 18.00% | N/A |
| Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 01/01/87-03/31/87 | 14.00% | N/A |
| Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 01/01/87-03/31/87 | 18.00% | 18.00% |
| Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 01/01/87-03/31/87 | 18.00% | N/A |
| Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 01/01/87-03/31/87 | 18.00% | N/A |
| Judgment Rate—Article 1.05, §2 12/01/86-12/31/86 | 10.00% | 10.00% |

(1) For variable rate commercial transactions only.

(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)

(3) Credit for personal, family, or household use

(4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on December 8, 1986.

TRD-8611470 Al Endsley
Consumer Credit
Commissioner

Filed: December 10, 1986
For further information, please call (512) 479-1280.

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Texas Economic Development Commission

Private Activity Bond Allocation Report

Private activity bonds (PABs) that were induced on or after June 19, 1984, are subject to a ceiling, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$75 per capita (effective August 15, 1986), or approximately \$1.2 billion for the State of Texas effective August 15, 1986.

Executive Order MW-40 states that the procedure for allocating this ceiling will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of December 1-5, 1986.

Total unresolved principal amount of private activity bonds authorized to be allocated as per the Federal Deficit Reduction Act of 1984 through December 5, 1986:
\$530,130,000.

Comprehensive listing of bond issues which have received a reservation date as per Executive Order MW-40 from December 1-5, 1986; listed in order of issuer, user, description, and amount:

Grand Prairie Housing Finance Corporation; Sunrise Properties Limited Partnership; multi-family housing development; \$40 million

Grand Prairie Industrial Development Authority; Conover River Limited Partnership; office building; \$9.1 million

Grand Prairie Industrial Development Authority; Dickey Road Limited Partnership; office building; \$9.1 million

Grand Prairie Industrial Development Authority; Bennie Investors Limited Partnership; office building; \$9.1 million

Grand Prairie Industrial Development Authority; Highland Investors Limited Partnership; office building; \$9.1 million

Grand Prairie Industrial Development Authority; West Freeway Limited Partnership; office building; \$9.1 million

Grand Prairie Industrial Development Authority; Carrier Parkway Limited Partnership; office building; \$9.1 million

Grand Prairie Industrial Development Authority; Desco Investors Limited Partnership; shopping center; \$9.1 million

Grand Prairie Industrial Development Authority; W. W. Grainger; warehouse/distribution center for electric motors; \$1.2 million

Harris County Industrial Development Corporation; Yokohama Tire Corporation; tire warehouse/distribution center; \$5.4 million

Wharton County Health Facilities Development Corporation; Ventana Development Corporation; nursing home; \$2.5 million

Polk County Industrial Development Corporation; Jackson's Farm and Electric Supply, Inc.; grocery store; \$1.350 million

Pannhandle-Plains Higher Education Authority, Inc.; eligible borrowers of student loans; student loans; \$4.0 million

South Texas Higher Education Authority; potential borrowers of student loans; student loans; \$93 million

Denton County Industrial Development Corporation; Hydro Conduit Corporation; concrete pipe manufacturer; \$9.0 million

Copperas Cove Industrial Development Corporation; Farr Company; industrial air filter manufacturer; \$2.0 million

City of El Paso Industrial Development Authority, Inc.; El Paso Hotel Joint Venture; hotel; \$10 million

Capital Health Facilities Development Corporation; The Island on Lake Travis, Limited; retirement home; \$25 million

Brazos Higher Education Authority, Inc.; potential borrowers of student loans; student loans; \$9.0 million

Giddings Health Facilities Development Corporation; Lee Memorial Hospital; hospital; \$2.0 million

West Texas Industrial Development Corporation; Texas Hotel Corporation; hotel; \$6.0 million

El Paso Health Facilities Development Corporation; Penan Partnership Nursing Corporation; nursing home; \$3.310 million

El Paso Health Facilities Development Corporation; Popular Dry Goods Company, Inc.; department store; \$10 million

Total \$ amount of reservations—December 1-5, 1986:
\$287,460,000.

The Brazos River Authority reserved \$100 million on November 10, 1986, for the Texas Utilities Electric Company project. This reservation was rescinded by the Issuer on December 8, 1986.

Total principal amount of Private Activity Bonds issued from December 1-5, 1986:
\$185,000,000

Comprehensive listing of bonds issued as per Executive Order MW-40 from December 1-5, 1986:

Matagorda County Navigation District No. 1; Central Power and Light; H2O pollution control solid waste facility; \$60 million

Brazos River Authority; Houston Lighting and Power Company; air and H2O pollution control/solid waste disposal facility; \$15 million

West Texas Higher Education Authority, Inc.; potential borrowers of student loans; student loans; \$110 million

The allocations were granted by the Texas Economic Development Commission in accordance with the procedures set forth in Executive Order MW-40, signed by Governor Mark White on November 10, 1986, and effective as of August 15, 1986.*

Issued in Austin, Texas, on December 8, 1986.

TRD-8611433

David V. Brandon
Executive Director
Texas Economic Development
Commission

Filed: December 9, 1986

For further information, please call (512) 472-5059.

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Texas Education Agency Request for Applications

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Education Agency is requesting applications for the 1987 Dropout Prevention Program for migrant secondary students. The Texas Education Agency is requesting applications for summer instructional programs directed toward reducing the dropout rate among secondary migrant students who have been retained at least twice. Up to four sites will be served, in the following areas: Education Service Center Regions I, II, XX; Education Service Center Regions III to VIII; Education Service Center Regions IX to XIII; and Education Service Center Regions XIV to XIX.

The applicant may choose to apply to serve one, multiple, or all sites. The Dropout Prevention Program for migrant secondary students will be conducted during the summer of 1987. Teaching personnel will be required to meet Texas Education Agency certification requirements and the project must be able to offer courses which will be accepted for credit by Texas public schools.

Dates of Project. The project beginning date will be March 2, 1987. The project ending date will be August 31, 1987.

Project Amount. Total funds available for all sites for this project are \$250,000.

Applicant's Conference. Applicants will be provided one and only one opportunity to review any documents, forms, etc., that have been developed to provide information about the scope of the 1987 Dropout Prevention Program for migrant secondary students. An applicant's conference will be held on Monday, January 5, 1987, from 9:00 a.m. until noon in Room 1-104 of the William B Travis Building, 1701 North Congress Avenue, Austin.

Each person attending will be required to sign a register setting out the representative's name, the firm or organization represented, its name, address, and telephone number.

This applicant's conference will be the single opportunity afforded to ask questions of Texas Education Agency personnel to assist potential applicants in clarifying their understanding of the scope and nature of the work required in this program. The conference will be open to all potential applicants, and all questions will be asked and answered in the presence of all attending.

Further Information. A copy of the complete Request for Application may be obtained by calling or writing the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

Deadline for Receipt of Applications. The deadline for submitting an application is 5:00 p.m., January 30, 1987

Issued in Austin, Texas, on December 9, 1986

TRD-8611468 W. N. Kirby
Commissioner of Education

Filed, December 9, 1986
For further information, please call (512) 463-9212.

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State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for admission to do business in Texas of Annapolis Life Insurance Company, a foreign life insurance. The home office is in Jenkintown, Pennsylvania.

(2) Application for admission to do business in Texas of American Guardian Life Assurance Company, a foreign life insurance company. The home office is in Jenkintown, Pennsylvania

(3) Application for admission to do business in Texas of Centurion Casualty Company. The home office is in Des Moines, Iowa.

(4) Application for incorporation of Commercial Lloyd's Insurance Company, to be a domestic lloyd's insurance company. The home office is in Dallas

(5) Application for admission to do business in Texas of Continental National Life Insurance Company, a foreign life insurance company. The home office is in Dover, Delaware

(6) Application for admission to do business in Texas of Cypress Insurance Company, a foreign fire and casualty insurance company. The home office is in Pasadena, California.

(7) Application for admission to do business in Texas of EBI Insurance Company, a foreign fire and casualty insurance company. The home office is in Portland, Oregon.

(8) Application for admission to do business in Texas of Economy Premier Assurance Company, a foreign fire and casualty insurance company. The home office is in Freeport, Illinois.

(9) Application for name change by National Bonding and Accident Insurance Company, a foreign life insurance company. The home office is in New York, New York. The proposed new name is Municipal Bond Investors Assurance Corporation.

(10) Application for name change by Puritan Life Insurance Company, a foreign life insurance company. The home office is in Overland Park, Kansas. The proposed new name is Employers Reassurance Corporation

(11) Application for admission to do business in Texas of Milbank Insurance Company, a foreign fire and casualty insurance company. The home office is in Milbank, South Dakota.

(12) Application for admission to do business in Texas of Sunset Life Insurance Company of America, a foreign life insurance company. The home office is in Olympia, Washington.

(13) Application for incorporation of USAA Life Insurance Company to be a domestic life insurance company. The home office is to be in San Antonio.

Issued in Austin, Texas, on December 8, 1986

TRD-8611465 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed December 9, 1986

For further information, please call (512) 463-6327.

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The following applications have been filed with the State Board of Insurance and are under consideration.

(1) Application for admission to do business in Texas of American Columbus Insurance Company, a foreign fire and casualty insurance company. The home office is in New Orleans, Louisiana

(2) Application for incorporation of American Funeral Plan and Life Insurance Company, to be a domestic stipulated premium insurance company. The home office is in Atlanta

(3) Application for incorporation of Caldwell Pre-Paid Legal Administrators of Texas, Incorporated, to be a domestic non-profit pre-paid legal corporation. The home office is in Humble

(4) Application for admission to do business in Texas of Commercial Risk Underwriters Insurance Company, a foreign fire and casualty insurance company. The home office is in Omaha, Nebraska

(5) Application for admission of Investors Title Insurance Company, to be a foreign title insurance company. The home office is to be in Chapel Hill, North Carolina

(6) Application for a name change by Pilot Life Insurance Company, a foreign life insurance company. The home office is in Greensboro, North Carolina. The proposed new name is Jefferson-Pilot Life Insurance Company.

(7) Application for a name change by Jefferson-Pilot Life Insurance Company, a foreign life insurance company. The home office is in Greensboro, North Carolina. The proposed new name is Jefferson Standard Life Insurance Company

(8) Application for a name change by Pikeman's Protective Life Insurance Company, a domestic life insurance company. The home office is in Baytown. The proposed new name is Legal Protective Life Insurance Company

(9) Application for admission of MedLife Insurance Company, to be a foreign life insurance company. The home office is to be in Cleveland, Ohio

(10) Application for admission of MidAmerica Mutual Life Insurance Company, to be a foreign life insurance company. The home office is in Minneapolis, Minnesota

(11) Application for admission of National Credit Union Insurance Corporation, to be a foreign casualty insurance company. The home office is in Dublin, Ohio

(12) Application for incorporation of Personal Medical Protection Insurance Company, Inc., to be a domestic casualty insurance company. The home office is to be in Houston

(13) Application for incorporation of Planet Indemnity Company, to be a domestic fire and casualty insurance company. The home office is to be in Houston

(14) Application for admission of The Signature Life Insurance Company of America, a foreign life insurance company. The home office is in Schaumburg, Illinois.

(15) Application for incorporation of Texas Dental Health Services, Inc., to be a domestic health maintenance organization. The home office is to be in Austin

(16) Application for incorporation of Texas Oral Health Services, Inc., to be a domestic health maintenance organization. The home office is to be in Dallas

(17) Application for admission of Western Pacific Life Insurance Company, to be a foreign life insurance company. The home office is to be in Los Angeles, California

(18) Application for a name change by American Contractors Insurance Company, a domestic fire and casualty insurance company. The home office is in Dallas.

The proposed new name is American Contractors Insurance Company Risk Retention Group

Issued in Austin, Texas, on December 4, 1986

TRD-8611466 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed December 9, 1986

For further information, please call (512) 463-6327



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 December 1-5, 1986.

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 the name, mailing address, and phone number of the person making the request, and 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) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal

Period of December 1-5, 1986

Kirby Forest Industries, Inc., Bon Weir; pulp mill; approximately one mile south of FM Road 363, approximately 1.5 miles west of the Town of Bon Weir in Newton County, 02106, amendment

Bell County WCID No. 4, Harker Heights; wastewater treatment facilities; approximately 1/4 miles west of the intersection of U.S. Highway 190 and FM Road 439, approximately 1/4 miles west of the intersection of State Highway Spur 518 and FM Road 3219 in Bell County; 10155-01, renewal

Ana-Lab Corporation, Kilgore; wastewater treatment facilities, approximately 4,000 feet east of the intersection of State Highway 87 and FM Road 2928 and approximately 2,000 feet south of FM Road 2928 on the shore of Toledo Bend Reservoir in Sabine County; 11327-01; renewal

Avalon Water Supply and Sewer Service Corporation, Avalon; wastewater treatment facilities; approximately 1,900 feet southwest of the intersection of FM Road 55 and State Highway 34 in Ellis County; 11022-01; renewal

City of Harlingen; wastewater treatment facilities; approximately 2.5 miles east of the intersection of 15th Street and East Harrison Avenue and south of Harrison Avenue (FM 106) in the City of Harlingen, Cameron County; 10490-03; renewal

Texas Department of Corrections, Huntsville; wastewater treatment plant; approximately five miles east of the intersection of FM Roads 655 and 521 within the boundary of the Ramsey Unit Prison Farm in Brazoria County; 10991-01; renewal

Lyondell Petrochemical Company, A Division of Atlantic Richfield Company, Channelview; waste disposal well; in the John Jones Survey, Abstract No. 483, at a point 2,060 feet east of the west line, and 1,720 feet north of the north line of the Amy White Survey Abstract No. 81, approximately six miles north of Channelview, Harris County; WDW-36; amendment

City of Amarillo; wastewater treatment plant; approximately four miles east-southeast of the intersection of State Highway Spur 335 (Hollywood Road) and FM Road 1541 (Washington Street) in Randall County; 10392-03; amendment

Phillips Coal Company, Calvert Lignite Mine, Calvert; surface lignite mine; between State Highway 6 and 46, approximately five miles north of the City of Calvert, Robertson County; 02881; new

City of Bastrop, wastewater treatment plant; approximately .2 mile south of State Highway 71 and immediately east of the Colorado River in the City of Bastrop in Bastrop County; 11076-01; amendment

E.I. Dupont De Nemours and Company, Matagorda Plant, Wadsworth; plant manufacturing high density polyethylene; approximately three miles south of the town of Wadsworth on the west side of State Highway 60 in Matagorda County; 02481; renewal

Texas Department of Corrections, Huntsville; wastewater treatment plant; within the boundaries of the Ransey State Prison Farm on the eastern side of the prison reservation, approximately .4 mile south of FM Road 655 and approximately 1.8 miles due west of the intersection of FM Road 655 and State Highway 288 in Brazoria County; 12300-01; renewal

Texas Department of Corrections, Brazoria; wastewater treatment plant; approximately five miles southeast of the City of Brazoria, north of the intersection of State Highway 36 and FM Road 2611 in Brazoria County; 10878-01; renewal

Town of Little Elm; wastewater treatment plant; approximately 2,600 feet of the intersection of FM Road 720 and Hart Road and 1,000 feet south of FM Road 720 in the Town of Little Elm in Denton County; 11600-01; amendment

Woodmark Development Corporation, Flint; wastewater treatment plant; south of FM Road 346, approximately 3,500 feet east of the intersection of FM Roads 2493 and 346 in Smith County; 13168-01; amendment

City of Somerset, wastewater treatment facilities; approximately 4,000 feet southeast of the City of Somerset on the east side of Payne Road, approximately 2,400 feet south of FM 1518 on the north side of the abandoned Artesian Belt Railroad grade in Bexar County; 11822-01; renewal

Hydril Company, Houston; wastewater treatment facilities; approximately 2.7 miles west of the intersection of U.S. Highway 59 and North Belt Road in Harris County; 11794-01; renewal

Margaret Gready Bybee, Trustee, Houston; wastewater treatment facilities; approximately 1,600 feet west-southwest of the intersection of Fairbanks North Houston Road and West Little York Road on the north bank of Cole Creek in Harris County; 12385-01; renewal

Issued in Austin, Texas, on December 5, 1986

TRD-8611430 Mary Ann Heffner
Chief Clerk
Texas Water Commission

Filed: December 8, 1986
For further information, please call (512) 463-7898.

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