

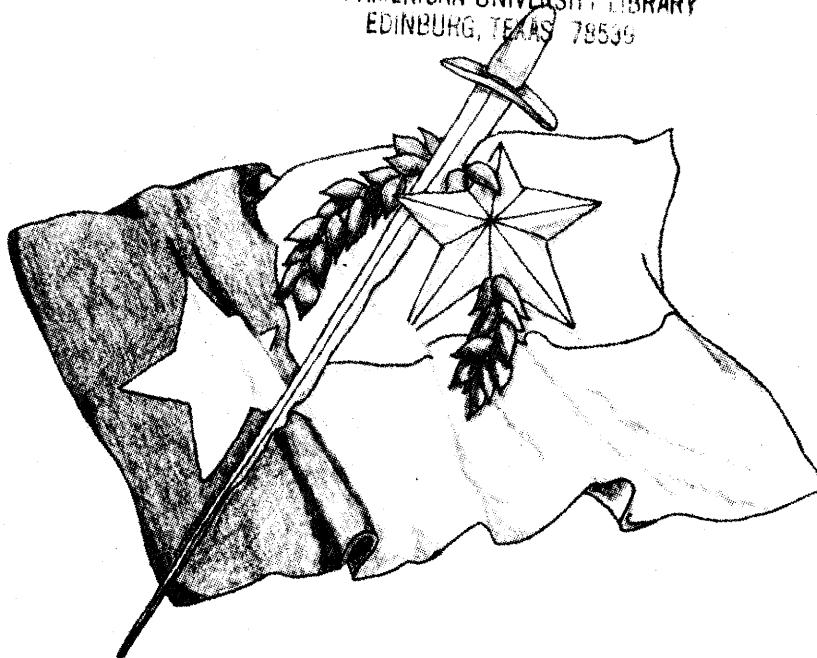
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Texas Register

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Highlights

- ★ The Texas State Library and Archives Commission proposes amendments to a rule concerning the federal Library Services and Construction Act annual program and long-range plan; earliest possible date of adoption - January 14 page 4342
- ★ The Texas Department of Labor and Standards proposes amendments to rules concerning boiler regulations; earliest possible date of adoption - January 14 page 4343
- ★ The Credit Union Department adopts new rules concerning administrative proceedings; effective date - December 28 page 4348

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362 4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1982 with the exception of January 5, April 27, November 16, November 30, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824 Austin, Texas 78711-3824, (512) 475-1886.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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

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

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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

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

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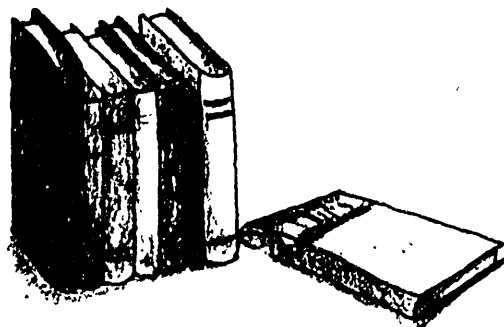
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Proposed Rules

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

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

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



TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development LSCA Annual Program and Long-Range Plan

13 TAC §1.21

The Texas State Library and Archives Commission proposes amendments to §1.21, concerning the federal Library Services and Construction Act annual program and long-range plan. The proposed amendments would change the language of the rule and adopt by reference a new annual program to establish general criteria for federal fiscal year 1983.

Raymond Hitt, library development division director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an estimated increase in revenue of \$69,513 each year for 1983-1987. The effect on local government will be an estimated increase in revenue of \$3,806,438 each year for 1983-1987.

Mr. Hitt has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be enhanced services and additional materials provided by the libraries because the libraries in the state receive grants as a result of this program. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Raymond Hitt, Library Development Division, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 5436a, which provides the Texas State Library and Archives Commission with the authority to adopt a state plan for improving public library services.

§1.21. Adoption by Reference. The Texas State Library adopts by reference all rules contained in the LSCA Annual Program, 1983 [1982] and Long-Range

Plan, 1983-1987 [1982-1986] as amended in **October 1982** [August 1981]. Copies may be obtained from the Library Development Division of the Texas State Library, P.O. Box 12927, Austin, Texas 78711.

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 7, 1982.

TRD-829235 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Earliest possible date of adoption:
January 14, 1983

For further information, please call (512) 475-2166.

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 65. Boiler Administration

16 TAC §§65.20, 65.22, 65.33

The boiler division of the Texas Department of Labor and Standards proposes amendments to §§65.20, 65.22, and 65.33, concerning fees, fees for inspection, and authority to set and seal safety appliances.

Steve Matthews, boiler division director and chief inspector, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Matthews has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed will be to insure that the safe operation of boilers within this state will be intelligible and enforceable. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Diane Hudson, Boiler Division, P.O. Box 12157, Austin, Texas 78711.

The amendments are proposed under the Texas Boiler Inspection Law, Article 5221c, §6, which provides the commissioner with the authority to enforce a code of rules for the operation of boilers in Texas.

§65.20. *Fees.* Certificate of operation.

(1) **Inspection by authorized inspector.** The owner, user, or his agent shall forward to the chief in-

spector the certificate of operation fee required in §5 of the Act.

(2) **Inspection by deputy inspector.** The owner or user shall make a direct payment of the fee required in §65.33 of this title (relating to Fees for Inspection[s] of Boilers).

§65.22. *Authority to Set and Seal Safety Appliances.* All safety valves and safety relief valves must be repaired, tested, set, [set, tested,] and sealed by one of the following:

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

§65.33. *Fees for Inspection[s] of Boilers.*

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

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

Issued in Austin, Texas, on November 24, 1982

TRD-829234 Lias B. "Bubba" Steen
Commissioner
Texas Department of Labor and
Standards

Earliest possible date of adoption:
January 14, 1983

For further information, please call (512) 475-0155.

Heating Boilers

16 TAC §65.82

The Texas Department of Labor and Standards proposes amendments to §65.82, concerning safety relief valves.

Steve Matthews, boiler division director and chief inspector, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Matthews has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to insure that the safe operation of boilers within the state will be intelligible and enforceable. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dianne Hudson, Boiler Division, P.O. Box 12157, Austin, Texas 78711.

The amendments are proposed under the Texas Boiler and Inspection Law, Article 5221c, §6, which provides the commissioner with the authority to enforce a code of rules for the operation of boilers in Texas.

§65.82. *Safety Relief Valves.*

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

(c) Each relief valve will [shall] have a substantial lifting device which will positively lift the disk from its

seat at least 1/16 inch when there is no pressure on the boiler.

(d)-(f) (No change.)

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

Issued in Austin, Texas, on November 24, 1982.

TRD-829233 Lias B. "Bubba" Steen
Commissioner
Texas Department of Labor and
Standards

Earliest possible date of adoption:
January 14, 1983

For further information, please call (512) 475-0155.

TITLE 25. HEALTH SERVICES Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care Subchapter W. Utilization of Medical Assistants, Physician's Assistants, and Medical Technicians

25 TAC §§405.571-405.584

(Editor's note: the text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §§405.571-405.584 (302.04.32.001-.014), concerning the utilization of medical assistants, physician's assistants, and medical technicians. The repeal of this subchapter is pursuant to the recommendations of the departmental committee that was appointed to revise all of the rules of the department. The department no longer employs medical assistants, physician's assistants, and medical technicians. Therefore the department has proposed the repeal of this subchapter.

Sue Cavin Dillard, office of standards and quality assurance director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Dillard has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the elimination of rules which are no longer applicable, since the department no

longer employs medical assistants, physician's assistants, and medical technicians. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, no later than 30 days after publication.

The repeals are proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provides the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

§405.571. *Purpose.*

§405.572. *Application.*

§405.573. *Definitions.*

§405.574. *Physician's Application to the Texas State Board of Medical Examiners for Approval to Supervise Physician's Assistant.*

§405.575. *Consent and Identification.*

§405.576. *Supervision of Performance.*

§405.577. *Credentials Review.*

§405.578. *Promotion of Medical Assistant to Physician's Assistant.*

§405.579. *Limitation of Employment.*

§405.580. *Grounds for Denial to Practice as Medical Assistant or Physician's Assistant in MH/MR.*

§405.581. *Permitted Tasks.*

§405.582. *Limitations of Medical Assistants or Physician's Assistants.*

§405.583. *Distribution.*

§405.584. *Effective Date.*

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

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

TRD-829244 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Earliest possible date of adoption:
January 14, 1983

For further information, please call (512) 465-4591.

Subchapter CC. Quality Assurance

25 TAC §§405.731-405.736

(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909

West 45th Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §§405.731-405.736, (302.04.38 001-.006), concerning the goals, activities, and structure of the quality assurance system. The content of the subchapter governs only the internal management of the department, does not affect private rights or procedures, and is not required to be filed with the *Texas Register*. The department has therefore proposed its repeal.

Sue Cavin Dillard, office of standards and quality assurance director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Dillard has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be the following. The repeal of this subchapter is pursuant to the recommendations of the committee appointed by the commissioner to revise all rules of the department. Because this subchapter is not required to be filed with the *Texas Register* pursuant to the Administrative Procedure and the Texas Register Act, Article 6252-13a, the committee recommends its repeal. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, no later than 30 days after publication.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provides the commissioner with the authority to promulgate rules of the department subject to the general policies formulated by the Texas Board of Mental Health and Mental Retardation.

- §405.731. *Purpose.*
- §405.732. *Application.*
- §405.733. *Definitions.*
- §405.734. *Goals of the Quality Assurance Team.*
- §405.735. *Quality Assurance Activities.*
- §405.736. *Structure of Quality and Standards Sections.*

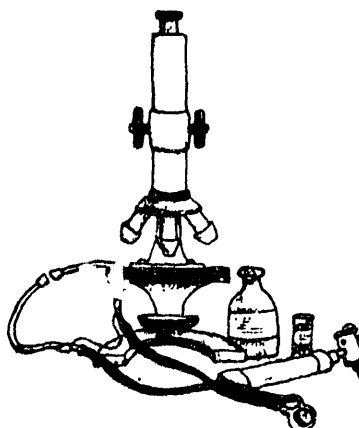
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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

TRD-829245 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Earliest possible date of adoption:
January 14, 1983

For further information, please call (512) 465-4591.



Subchapter FF. Departmental Procedures Governing Program Evaluation

25 TAC §§405.801-405.808

(Editor's note: The text of the following rules being proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Department of Mental Health and Mental Retardation proposes the repeal of §§405.801-405.808 (302.04.42.001-.008), concerning departmental regulations governing program evaluation. The content of this subchapter governs only the internal management of the department, does not affect private rights or procedures, and is not required to be filed with the *Texas Register*. The department has therefore proposed the repeal of this subchapter.

Sue Cavin Dillard, office of standards and quality assurance director, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications to state or local government as a result of the repeals.

Ms. Dillard has also determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of the repeals will be the following. The repeal of this subchapter is pursuant to the recommendations of the committee appointed by the commissioner to revise all rules of the department. Because this subchapter is not required to be filed with the *Texas Register* pursuant to the Administrative Procedure and the Texas Register Act, Article 6252-13a, the committee recommends its repeal. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Linda Logan, Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, no later than 30 days after publication.

The repeals are proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provides the commissioner with the authority to promulgate rules of the department subject to the general policies formulated by the Texas Board of Mental Health and Mental Retardation.

§405.801. *Purpose.*

§405.802. *Application.*

§405.803. *Statement of Philosophy.*

§405.804. *Definitions.*

§405.805. *Small Contracts Program.*

§405.806. *Program Evaluation Clearinghouse.*

§405.807. *Distribution.*

§405.808. *References.*

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

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

TRD 829246

Gary E. Miller, M.D.

Commissioner

Texas Department of Mental
Health and Mental Retardation

Earliest possible date of adoption:

January 14, 1983

For further information, please call (512) 465-4591.

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

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

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

Withdrawn Rules

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 21. Practice and Procedure

16 TAC §21.65

(Editor's note: This proposed new rule, concerning requests for interim rate relief, was assigned an incorrect, duplicative Texas Administrative Code number, §21.65. The rule was resubmitted and adopted as §21.67, in the September 27, 1982, issue (7 TexReg 3534). This withdrawal in no way affects the validity of the original §21.65 (052.01.00.044), concerning rate changes by water utilities with fewer than 150 customers (adopted on September 9, 1981 (6 TexReg 3508)).)

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §21.65 (052.01.00.040) submitted by the Public Utility Commission of Texas has been automatically withdrawn, effective December 7, 1982. The new section as proposed appeared in the June 4, 1982, issue of the *Texas Register* (7 TexReg 2102).

TRD-829207
Filed: December 7, 1982



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.

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

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

TITLE 7. BANKING AND SECURITIES Part VI. Credit Union Department Chapter 93. Administrative Proceedings Contested Cases 7 TAC §§93.41-93.64

The Credit Union Department adopts new §§93.41-93.64, with changes to the proposed text as published in the April 18, 1980, issue of the *Texas Register* (5 TexReg 1485). These changes were necessitated by a recent attorney general ruling which states that rules should not duplicate statutory language. The content of these rules has not changed by making reference only to the appropriate statute.

In order to provide a just, fair, and equitable determination of any administrative matter within the jurisdiction of the Credit Union Commission or the Credit Union Commissioner, the Credit Union Commission adopts the following rules with respect to the conduct of contested cases. These rules will provide a standard procedure for the initiating and hearing of contested case by either the Credit Union Commission or the Credit Union Commissioner. The provisions of the Administrative Procedure and Texas Register Act will govern if ambiguity or conflict exists between these rules and the Act.

No comments were received regarding these proposed rules.

The following rules are adopted under the authority of the Texas Credit Union Act, Texas Civil Statutes, Article 2461, Chapter 1 *et seq.*

§93.41. Official Action To Be Taken. Neither the commission nor the commissioner shall take official action in a contested case unless it is formally pending for adjudication, and unless it is a real case, controversy or issue; except that an official ruling or opinion may be made in advance on any matter at the discretion of the commission or the commissioner if it is shown that unreasonable hardship, loss, or delay would result if the matter is not determined in advance. This rule shall not abridge or limit the right to an adjudicative hearing as provided by law; nor shall it be interpreted as limiting the right of the commission or the commissioner, on its own motion, to cause matters to become formally pending and to perform any function or duty prescribed by law or rule or regulation of the commission.

§93.42. Notice and Service.

(a) In a contested case, all parties shall be afforded an opportunity for hearing after notice given in accordance with Texas Civil Statutes, Article 6252-13a, §13(a), (b), and (c).

(b) Deposit in the United States mails of a registered or certified letter, return receipt requested, containing a notice of a hearing in compliance with the requirements set out above, or containing a copy of any decision or order addressed to the affected party or the attorney of record for said party, sent to the party's last known address or the attorney's last known address, shall constitute notice of the hearing or of such decision or order.

(c) A copy of any pleading filed by any party in a proceeding shall be mailed or otherwise delivered by the party filing the same to every other party or such party's attorney. A certificate by the party, attorney, or representative who files a pleading, stating that it has been served on the other parties is *prima facie* evidence of such service. The following form of certificate is sufficient. I hereby certify that I have this ____ day of _____, 19____, served copies of the foregoing pleading upon all other parties to this proceeding by (here state the manner of service). BY: _____
(Signature)

§93.43. Pleadings.

(a) In a contested case, all pleadings for which no other form is prescribed shall contain:

- (1) the name of the party seeking to bring about or prevent action by the agency;
- (2) the names of all other known parties;
- (3) a concise statement of the facts relief upon by the pleader;
- (4) a prayer stating the type of relief, action, or order desired by the pleader;
- (5) any other matter required by statute;
- (6) a certificate of service, as required by §93.42 of this title (relating to Notice and Service), and
- (7) the signature of the submitting party or his authorized representative.

(b) Any pleading filed pursuant to notice of a hearing may be amended up to seven days prior to the hearing. Amendments after that time will be at the discretion of the presiding officer.

(c) Any pleading may adopt and incorporate, by specific reference thereto, any part of any document or entry in the official files and records of the agency.

(d) All pleadings relating to any matter pending before the commission shall be filed with the administrative support clerk. Pleadings relating to any matter pending before the commissioner shall also be filed with the administrative support clerk.

§93.44. Ex Parte Consultations. To the extent required by Texas Civil Statutes, Article 6252-13a, §17, *ex parte* consultations are prohibited.

§93.45. Agreements To Be in Writing. In a contested case, no stipulation or agreement between parties, their attorneys or representatives shall be enforced unless it shall have been reduced in writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into a record during the course of a hearing, or incorporated in an order. This rule shall not be interpreted as limiting a party's ability to waive, modify, or stipulate any right or privilege afforded by these rules, unless precluded by law.

§93.46. Depositions.

(a) Depositions of witnesses shall be taken in accordance with the provisions of Texas Civil Statutes, Article 6252-13a, §14(d)-(n).

(b) Should a party arbitrarily and capriciously refuse to answer questions during a deposition, the party taking the deposition may recess the deposition and re-

quest the presiding officer to compel answers. Should the party still refuse to answer, the presiding officer may take further appropriate action.

§93.47. Interrogatories to Parties.

(a) Any time the agency has properly served notice of its intention to institute adjudicative proceedings in a contested case, any party may serve upon any other party written interrogatories, in accordance with Texas Rules of Civil Procedure, Rule 168.

(b) Service of interrogatories and answers to interrogatories shall be in accordance with Texas Rules of Civil Procedure, Rule 168.

(c) The scope of the interrogatories shall be in accordance with Texas Rules of Civil Procedure, Rule 168. A party may be required in his or her answers to identify each person whom that party expects to call as an expert witness at hearing and to state the subject matter concerning which the expert is expected to testify.

(d) The procedure for and time for serving interrogatories shall be in accordance with Texas Rules of Civil Procedure, Rule 168.

(e) The number of interrogatories or of sets of interrogatories to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment, or oppression. The provisions of Texas Rules of Civil Procedure, Rule 186b, are applicable for the protection of the party from whom answers to interrogatories are sought under this rule. The interrogatories shall be answered in accordance with Texas Rules of Civil Procedure, Rule 168, and true copies of the interrogatories and any answers shall be served as provided by that rule. True copies of the interrogatories and answers shall also be promptly filed with the administrative support clerk or the hearing reporter. However, not more than four copies of any set of interrogatories or of answers shall be required to be furnished to parties, and if there be more than four parties, four copies of such interrogatories or of such answers shall be deposited with the administrative support clerk or hearings reporter and in such case no copies shall be required to be served on the other parties or their attorneys as otherwise provided. The party filing such copies shall inform all parties of their attorneys or record that such copies have been deposited with the administrative support clerk or hearings reporter. The copies shall be delivered by the administrative support clerk or hearings reporter to the first four applicants entitled thereto. Such four copies so provided to be deposited with the administrative support clerk or hearings reporter are in addition to the one copy to be filed with the administrative support clerk or hearings reporter.

(f) Within 15 days after service of interrogatories, a party may serve written objections thereto together with a notice of hearing to consider the objections at the earliest practicable time. Answers to interrogatories to which objection is made shall be deferred until the objections are determined and for such additional time as the presiding officer may direct.

(g) If a party refuses to answer any interrogatory, the proponent of the question may, upon reasonable notice to all persons affected, apply to the presiding officer in which the action is pending for an order compelling an answer.

(h) If a party, except for good cause shown, fails to serve answers to interrogatories after service of such interrogatories, the presiding officer in which the cause is pending may, on motion and notice, make such orders as are just.

(i) A party is under a duty to supplement answers to interrogatories in accordance with Texas Rules of Civil Procedure, Rule 168.

§93.48. Admission of Fact and Genuineness of Document. Any time after an agency has properly served notice of its intention to institute adjudicative proceedings in a contested case, a party may deliver a written request for admission, in accordance with Texas Rules of Civil Procedure, Rule 169. A true copy of a request for admissions or of a sworn statement in reply thereto shall be filed promptly with the administrative support clerk or presiding officer. The provisions of Texas Rules of Civil Procedure, Rule 169, shall apply to the procedure and use of admissions made under this rule.

§93.49. Subpoenaing Witnesses and Materials. The commission or commissioner shall issue a subpoena in accordance with Texas Civil Statutes, Article 6252-13a, §14(c).

§93.50. Prehearing Conference.

(a) In a contested case, the presiding officer on its own motion or on the motion of a party, may direct the parties and/or their attorneys or representatives to appear before him at a specified time and place for a conference prior to the hearing for the purpose of formulating issues and considering:

- (1) the simplification of issues;
- (2) the possibility of making admissions of certain averments of fact or stipulations concerning the use by either of both parties of matters of public record;
- (3) the procedure at a hearing;
- (4) the limitation, where possible, of the number of witnesses; and
- (5) such other matters as may aid in the simplification of the proceedings, and the disposition of the matters in controversy, including settlement of such issues as are in dispute.

(b) Action taken at the conference shall be recorded in an appropriate manner unless the parties enter into a written agreement.

§93.51. Briefs. Briefs may be filed at any time prior to hearing. With leave of the presiding officer, and on such conditions as he may impose, parties may file briefs subsequent to the hearing.

§93.52. Motions for Postponement. Either by agreement of the parties or their attorneys or representatives, or on a showing of good cause to the presiding officer, a motion for postponement of a hearing in a contested case may be granted. Any postponement requested within seven days of the date set will require approval from the presiding officer.

§93.53. Presentation of Evidence in a Contested Case. Unless the order of presentation in a contested case is otherwise directed by the presiding officer, the agency or party who initiated the proceeding or its duly authorized representative shall briefly state the nature of the mat-

ters to be heard and proceed with the introduction of evidence in such order as the presiding officer may direct. All parties shall have the right to cross-examine witnesses and present arguments. The presiding officer may recess the hearing from day to day or until a later date subject to call. At the conclusion of all oral testimony, the presiding officer may leave the hearing open for a period of 10 days to receive further written evidence, briefs, or documents from any party.

§93.54. Witness Placed Under Rule. Witnesses may be removed out of the hearing room in accordance with Texas Rules of Civil Procedure, Rule 267.

§93.55. Evidence.

(a) Evidence shall be admitted or excluded in accordance with Texas Civil Statutes, Article 6252-13a, §14(a).

(b) Documentary evidence may be received in accordance with Texas Civil Statutes, Article 6252-13a, §14(o).

(c) Official notice may be taken of all facts judicially cognizable, in accordance with Texas Civil Statutes, Article 6252-13a, §14(q).

§93.56. Prepared Testimony. In any contested matter, after providing copies to all parties of record present at the hearing at such time as may be designated by the presiding officer, the prepared testimony of a witness upon direct examination, either in narrative or question and answer form, may be incorporated in the record as if read or received as an exhibit, upon the witness being sworn and identifying the same. Such witness shall be subject to cross-examination, and the prepared testimony shall be subject to a motion to strike in whole or in part.

§93.57. Exceptions. Formal exceptions to rulings of the presiding officer during the hearing of a contested matter shall be unnecessary. Any ruling adverse to an objecting party shall automatically preserve the exception as if the exception had been made and noted.

§93.58. Excluded Testimony. In a contested matter when testimony is excluded by a ruling of the presiding officer, the party offering such evidence shall be permitted to make an offer of proof by dictating it into the record or submitting the substance of the proposed testimony in writing, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point. The presiding officer may ask such questions of the witness as he deems necessary to satisfy himself that the witness would testify as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without making an offer of proof.

§93.59. Informal Disposition of a Contested Case. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or dismissal.

§93.60. Final Decisions. A final decision is one made in accordance with Texas Civil Statutes, Article 6252-13a, §16(a)-(d).

§93.61. Motion for Rehearing. A motion for rehearing must be filed in accordance with Texas Civil Statutes, Article 6252-13a, §16(e).

§93.62. *Record.*

(a) The record in a contested case consists of those items described in Texas Civil Statutes, Article 6252-13a, §13(f).

(b) Proceedings shall be transcribed in accordance with Texas Civil Statutes, Article 6252-13a, §13(g). The party requesting the proceedings to be transcribed shall bear the expense thereof in accordance with the usual and customary charges of a court reporter. Should two or more parties make such request, the cost shall be borne on a *pro rata* basis.

§93.63. *Appeal from a Final Decision or Order of the Commissioner.* Any party aggrieved by a final decision or order of the commissioner in a contested case may appeal to the commission after the decision or order complained of is final and appealable. Appeal to the commission for review of actions of the commissioner shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the commission may allow an appeal after that date.

§93.64. *Modification of Time Periods.* Parties may provide for modification of time periods in accordance with Texas Civil Statutes, Article 6252-13a, §16(f).

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

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

TRD-829210 John P. Parsons
Commissioner
Credit Union Department

Effective date: December 28, 1982
Proposal publication date: April 18, 1980
For further information, please call (512) 837-9236.

Rulemaking Proceedings

7 TAC §§93.81-93.83

The Credit Union Department adopts new §§93.81-93.83, with changes to the proposed text as published in the April 18, 1980, issue of the *Texas Register* (5 TexReg 1490). These changes were necessitated by a recent attorney general ruling which states that rules should not duplicate statutory language. The content of these rules has not changed by making reference only to the appropriate statute.

These rules provide the public and regulated credit unions with the department's procedures for developing and adopting rules applicable to credit union operations and administrative proceedings, thereby permitting them to participate in the rulemaking process.

These rules will be followed by the commission and the commissioner to propose, amend, adopt, and repeal rules applicable to the operations of regulated, state chartered credit unions.

No comments were received regarding adoption of these proposed rules.

The rules are adopted under the authority of the Texas Credit Union Act, Texas Civil Statutes, Article 2461, Chapters 1 *et seq.*

§93.81. *Prerequisites to Adopting, Repealing, or Amending Sections.*

(a) Prior to adopting, repealing, or amending any rule, the commission or the commissioner shall give notice of the intended action as prescribed by Texas Civil Statutes, Article 6252-13a, §5(a).

(b) Notice of proposed rule is effective when given in accordance with Texas Civil Statutes, Article 6252-13a, §5(b).

(c) The commission or commissioner shall afford all interested persons reasonable opportunity to submit data, views, or arguments in accordance with Texas Civil Statutes, Article 6252-13a, §5(c). It shall be at the discretion of the commission or commissioner whether such data, views, or arguments are submitted orally or in writing.

(d) The commission or commissioner may adopt an emergency rule in accordance with the procedure described in Texas Civil Statutes, Article 6252-13a, §5(d).

(e) Except as prohibited by law, the commission or commissioner may use informal conferences and consultations and may appoint committees, as provided for in Texas Civil Statutes, Article 6252-13a, §5(e).

§93.82. *Effective Date of Rules.* Each rule adopted becomes effective at the time and in the manner provided for in Texas Civil Statutes, Article 6252-13a, §10.

§93.83. *Petition for Adoption of Rules.* Any interested person may petition the commission or commissioner requesting the adoption of a rule, in accordance with Texas Civil Statutes, Article 6252-13a, §11. Petitions shall be sent to the administrative support clerk or the hearings reporter. Petitions shall be deemed sufficient if they contain:

(1) the exact wording of the new, changed, or amended proposed rule;

(2) specific reference to the existing rule which is proposed to be changed or amended in the case of a changed or amended rule; and

(3) a justification for the proposed action set out in narrative form with sufficient particularity to inform the commission or the commissioner and any other interested party of the reasons and arguments on which the petitioner is relying.

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

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

TRD-829211 John P. Parsons
Commissioner
Credit Union Department

Effective date: December 28, 1982
Proposal publication date: April 18, 1980
For further information, please call (512) 837-9236.

TITLE 22. EXAMINING BOARDS
Part XXI. Texas State Board of
Examiners of Psychologists
Chapter 463. Applications

22 TAC §463.20

The Texas State Board of Examiners of Psychologists adopts amendments to §463.20, without changes to the proposed text published in the November 2, 1982, issue of the *Texas Register* (7 TexReg 3871).

The justification for the rule is to accept applications from all students who graduate from regionally accredited educational institutions and satisfy the other requirements of the board. To use the same standards as the regional accrediting body concerning the date, a degree will be accepted from a newly accredited institution. The rule will provide information to applicants concerning the requirement to graduate from a regionally accredited educational institution.

No comments were received regarding adoption of this amendment.

The amendment is adopted under the authority of Texas Civil Statutes, Article 4512(c), §8(a), which provides the board with the authority to make all rules not inconsistent with the constitution and laws of this state which are necessary for the proper performance of its duties.

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

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

TRD-829201

Patti Bizzell
Executive Director
Texas State Board of Examiners
of Psychologists

Effective date: December 27, 1982

Proposal publication date: November 2, 1982

For further information, please call (512) 835-2036.

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

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

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

Open Meetings

State Bar of Texas

Thursday, December 16, 1982, 9 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the President's Room, third floor, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will consider the report of the president concerning general and committee matters, the IOLTA Task Force, the Referendum Task Force, policies with respect to the legislative program, a recommendation regarding support to the American Bar Association in efforts to abolish generation skipping tax, review of plans to honor certain judges, budget for the Committee on Federal Laws and Regulations Affecting the Bar, the liaison between the bar and the Board of Law Examiners, and outside counsel in the IRS case; the report of the executive director concerning general and personnel matters, the 1983-1984 budget, Texas Lawyers Care, and a leadership conference; budgetary matters, including the 1981-1982 audit, the 1982-1983 budget and amendments, and approval of capital expenditures; reports of the president-elect, the Supreme Court liaison—Justice Charles Barrow, the immediate past president, the board chairman,

the general counsel concerning general items, pending litigation, and grievance matters, the PDP director concerning free registration to judges to advanced PDP courses and institutes; a report on the 1983 convention; report on the Texas Criminal Defense Lawyers Association, the Texas District and County Attorneys Association; and the legislative package.

Contact: Evelyn Avent, P.O. Box 12487, Austin, Texas 78711, (512) 475-4746.

Filed: December 8, 1982, 1:47 p.m.
TRD-829265

Texas Health Facilities Commission

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

Certificate of Need Order

Doctors Hospital of Victoria, Inc.,
Victoria

AH80-1126-036A(090982)

Southwest General Hospital,
San Antonio

AH81-1105-040A(110882)

Ladrillera Neighborhood Center,
Santo Nino Neighborhood Center, and
Farias Neighborhood Center, Laredo
AS79-1130-009A(110882)

Notices of Intent to Acquire Existing Health Care Facilities

Beverly Enterprises-Texas, Inc.,
Fort Smith, Arkansas

AN82-0901-005

AN82-0901-007

AN82-0901-009

AN82-0901-011

AN82-0901-013

AN82-0901-015

AN82-0901-017

AN82-0901-019

AN82-0901-021

AN82-0901-023

Declaratory Ruling/Notice of Intent

Edna M. Wright, San Antonio
AN82-1101-149

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Nunc Pro Tunc Orders
Methodist Hospital, Lubbock
AH81-1223-023
Mercy Hospital, Slaton
AH82-1001-069

A routine business meeting will be held after the open meeting.

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

Filed: December 8, 1982, 9:32 a.m.
TRD-829251

State Department of Highways and Public Transportation

Wednesday, December 15, 1982, 9 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in Room 207, second floor, Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will execute contract awards and routine minute orders; consider presentations from previous public hearing dockets; and review staff reports relative to planning and construction programs and projects.

Contact: Lois Jean Turner, Dewitt C. Greer State Highway Building, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 475-3525.

Filed: December 7, 1982, 1:17 p.m.
TRD-829231

Texas Department of Mental Health and Mental Retardation

Thursday, December 16, 1982. Committees of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation (TDMHMR) will meet in Room 240, 909 West 45th Street Austin. The times, committees, and agendas follow.

1:30 p.m. The Business Committee will consider a landfill for the City of Terrell on Terrell State Hospital property; the sale of

seven tracts of Rusk State Hospital land totalling 507.13 acres; approval for the expenditure of unexpended balances for energy conservation projects at TDMHMR facilities and selections of engineering firms; transfer of utility funds; quarterly budget additions and revisions; review of Legislative Budget Board office staff recommendations on the TDMHMR's biennial budget request; and the consultant contract process.

3:30 p.m. The Executive Committee will consider a Medical Advisory Committee recommendation on the use of megavitamin therapy; a report from the House Select Committee to investigate TDMHMR; review the TDMHMR legislative program concerning an emergency appropriation to pay utilities and a report on mental health code revision; the response from the MHMR authority of Harris County regarding the Texas Board of MHMR policies on transfer of service responsibilities from TRIMS to MHMRA.

4:30 p.m. The Personnel Committee will review and consider personnel actions and related items requiring approval by the Texas Board of MHMR.

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

Filed: December 8, 1982, 4:21 p.m.
TRD-829271-829273

Friday, December 17, 1982, 9 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation (TDMHMR) will meet in the auditorium, 909 West 45th Street, Austin. According to the agenda summary, the board will consider approval of minutes of the November 9-11, 1982, and November 18, 1982, meetings; the commissioner's calendar; status reports concerning energy conservation, the MIS consultant engagement, the Medical Advisory Committee, Houston Psychiatric Hospital, and reorganization implementation; a resolution of appreciation to Mrs. H. E. Butt; personnel actions and related items requiring approval by the board; landfill for the City of Terrell; the sale of seven tracts of Rusk State Hospital land; approval for expenditure of unexpended balances for energy conservation projects at TDMHMR facilities and selections of engineering firms; transfer of utility funds; quarterly budget additions and revisions; review of Legislative Budget Board office staff recommendations on TDMHMR's biennial budget request; the consultant contract pro-

cess; a Medical Advisory Committee recommendation on use of megavitamin therapy; a report of House Select Committee to Investigate TDMHMR; the legislative program concerning an emergency appropriation to pay utilities and report on mental health code revision; response from the MHMR Authority of Harris County regarding board policies on transfer of service responsibilities from TRIMS to MHMRA; citizens comments; and the status of pending or contemplated litigation.

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

Filed: December 8, 1982, 4:22 p.m.
TRD-829274

State Board of Morticians

Thursday, December 16, 1982, 9 a.m. The State Board of Morticians will meet via conference call at 1513 IH 35 South, Austin. According to the agenda summary, the board will discuss possible legislative changes, possible changes in reciprocal procedures, and the 1984-1985 budget.

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

Filed: December 8, 1982, 1:26 p.m.
TRD-829264

State Property Tax Board

Wednesday-Friday, December 8-10, 1982, 1:30 p.m. Wednesday, and 8:30 a.m. daily Thursday and Friday. The State Property Tax Board made an emergency addition to the agenda of a meeting held in the conference room, 9501 IH 35 North, Austin. The addition concerned decisions of appeals panels and hearing of school district appeals of market values. The emergency status was necessary due to changes in the scheduled hearing dates by the appealing school districts.

Contact: Kenneth E. Graeber, 9501 IH 35 North, Austin, Texas 78753, (512) 837-8622.

Filed: December 7, 1982, 4:02 p.m.
TRD-829243

Texas State Board of Public Accountancy

Monday, December 13, 1982, 10 a.m. The Continuing Education Committee of the Texas State Board of Public Accountancy met in emergency session in Suite 500, 3301 Northland Drive, Austin. According to the agenda, the committee discussed reinstatement, credit hours, approval of courses by the board, implementation of mandatory CE, and other miscellaneous items. The emergency status was necessary because attendance of committee members was not verified until December 6, 1982.

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

Filed: December 7, 1982, 1:54 p.m.
TRD-829232

Public Utility Commission of Texas

Friday, December 10, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission conducted a prehearing conference in Docket 4865—application of Kaufman Electric Cooperative, Inc., for authority to change electric rates. The emergency status was necessary to meet implementation of lower residential rates.

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

Filed: December 8, 1982, 2:57 p.m.
TRD-829267

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

Friday, December 17, 1982, 8:30 a.m. A prehearing in Docket 4849—application of Steve Grove Water Systems for a rate increase within Comal County.

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

Filed: December 7, 1982, 2:46 p.m.
TRD-829236

Friday, December 17, 1982, 10 a.m. A joint prehearing conference in Docket 4563—in-

quiry into the legality of rates charged and services rendered by Public Utility Company within Harris County, Docket 4693—application of Public Utility Company for a certificate of convenience and necessity within Harris and Montgomery Counties, Docket 4786— inquiry into the legality of rates charged and services rendered by Suburban Utility Company, Docket 4787— inquiry into the legality of rates charged and services rendered by Community Utility Company, and Docket 4866— inquiry into the operations of Standley Utility Company (water).

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

Filed: December 8, 1982, 2:56 p.m.
TRD-829268

Monday, December 20, 1982, 10 a.m. A prehearing conference in Docket 4862—application of Kerrville South Water Company, Inc., for a \$68,802 rate/tariff change.

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

Filed: December 7, 1982, 2:47 p.m.
TRD-829237

Tuesday, December 21, 1982, 9 a.m. A prehearing conference in Docket 4875—application of Coleman County Electric Cooperative, Inc., for authority to change rates, and a prehearing in Docket 4840—complaint of Harry L. Williams against Texas Power and Light Company.

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

Filed: December 7, 1982, 2:45 p.m.
TRD-829238, 828239

Wednesday, December 29, 1982, 9 a.m. A prehearing in Docket 4816— inquiry into the quality of service rendered by Baumgart Water Supply Corp

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

Filed: December 8, 1982, 10:38 a.m.
TRD-829263

Wednesday, January 5, 1983, 9 a.m. Consideration of comments submitted and vote on proposed amendments to 16 TAC §§23.3, 23.11, 23.23, and 23.36.

Contact: Carolyn E. Shellman, 7800 Shoal

Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 7, 1982, 2:46 p.m.
TRD-829240

Thursday, January 6, 1983, 10 a.m. A hearing in Docket 4581—application of Valley Municipal District No. 2 for a certificate of convenience and necessity for water and sewer service within Cameron County.

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

Filed: December 7, 1982, 10:32 a.m.
TRD-829214

Thursday, January 13, 1983, 9 a.m. A prehearing conference in Docket 4803—petition of Dow Chemical Company regarding Houston Lighting and Power Company's interruptible power rate for cogenerators.

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

Filed: December 7, 1982, 10:33 a.m.
TRD-829215

Monday, February 7, 1983, 9 a.m. A hearing on the merits in Docket 4862—application of Kerrville South Water Company, Inc., for a \$68,802 rate/tariff change.

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

Filed: December 7, 1982, 2:47 p.m.
TRD-829241

Thursday, February 24, 1983, 9 a.m. A hearing in Docket 4675—application of Hill Country Water Supply Corp. for a certificate of convenience and necessity within Travis and Hays Counties.

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

Filed: December 7, 1982, 10:33 a.m.
TRD-829216

Sunset Advisory Commission

Wednesday, December 15, 1982, 9 a.m. The Sunset Advisory Commission will meet in emergency session in the Senate Chamber, State Capitol. Items on the agenda include approval of minutes, review of legislation on Group III, IV, and V agencies, discus-

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sion on a final report to the 68th Legislature, and other business. The emergency status was necessary because of the need for contacting interested parties prior to setting the meeting date.

Contact: Cindy Unsell, 305 John H. Reagan Building, Austin, Texas, (512) 475-1718.

Filed: December 8, 1982, 9:53 a.m.
TRD-829255

Thursday and Friday, December 16 and 17, 1982, 9 a.m. daily. The Sunset Advisory Commission will meet in the Senate Chamber, State Capitol. Items on the agenda include review of legislation of Group III, IV, and V agencies, discussion of a final report to the 68th Legislature, and other business.

Contact: Cindy Unsell, 305 Reagan Building, Austin, Texas, (512) 475-1718.

Filed: December 8, 1982, 9:22 a.m.
TRD-829250

Texas Tourist Development Agency

Friday, January 7, 1983, 10:30 a.m. The Board of the Texas Tourist Development Agency will meet in Room 1033, Stephen F. Austin Building, Austin. Items on the agenda include status of the fiscal year 1983 budget and the budget request for the 1984-1985 biennium; prospective legislative strategy; status of the fiscal year 1983 marketing program and the 1982 origin study/selection of contractor for 1983 study; proposal for agency involvement in a theatrical production; status of the Governor's Task Force on Industrial and Tourist Development and Texas' participation in the 1984 New Orleans World's Fair; and review of the 1982 Texas conference on tourist development.

Contact: Margaret Younger, Stephen F. Austin Building, Room 1032, Austin, Texas, (512) 475-4326.

Filed: December 7, 1982, 10:33 a.m.
TRD-829217

Texas Water Commission

Monday, December 13, 1982, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a

meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned adoption of emergency amendments to 31 TAÇ §269.1 after public hearing before an examiner. The emergency status was necessary because the commission's procedural rules needed to be consistent with permit processing rules before they are adopted by the Texas Water Development Board on December 15, 1982.

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

Filed: December 7, 1982, 3:17 p.m.
TRD-829242

Wednesday, December 22, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of the City of Orange, P.O. Box 520, Orange, Texas 77630, for a temporary order to authorize the discharge of approximately 100,000 gallons of water well acidizing wastewater from its municipal water supply well. The city plans to inject an acid to remove materials clogging the well screen openings to permit full operating capacity.

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

Filed: December 9, 1982, 8:49 a.m.
TRD-829278

Friday, January 14, 1983, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The commission will conduct hearings on the following.

Certified Filing 383 of M Half Circle Ranch Company for an amendment to increase the amount of water authorized for use in any one year to 12,000 acre-feet, to increase the maximum authorized diversion rate to 80 cubic feet per second and to clarify priority dates pertaining to diversion rates. The water is to be diverted from Taylor Bayou, tributary of the Intracoastal Waterway in the Neches-Trinity Coastal Basin, and would be used for irrigation of 3,000 acres of land in Jefferson County.

Application 4271 of the heirs and successors of J. E. Broussard for a permit to divert 3,000 acre-feet of water per year directly from Mayhaw Bayou, tributary of South Fork Taylor Bayou, tributary of Taylor Bayou, tributary of the Intracoastal Waterway, in the Neches-Trinity Coastal Basin,

to irrigate 993 acres of land in Jefferson County.

Application 4272 of James L. Broussard and Loretha A. Broussard for a permit to divert 1,800 acre-feet of water per year directly from South Fork Taylor Bayou, tributary of Taylor Bayou, tributary of the Intracoastal Canal in the Neches-Trinity Coastal Basin, for irrigation of 450 acres of land in Jefferson County.

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

Filed: December 7, 1982, 11:36 a.m.
TRD-829219-829221

Friday, January 21, 1983, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The commission will conduct hearings on the following.

Application 4273 of Elsie Richter Krenek for a permit to divert 212 acre-feet of water per year directly from West Mustang Creek, tributary of Mustang Creek, Tributary of the Navidad River, tributary of the Lavaca River, Lavaca River Basin, for irrigation purposes in Colorado County.

Application 4274 of Elsie Richter Krenek for a permit to divert 627 acre-feet of water per year directly from West Mustang Creek, tributary of Mustang Creek, tributary of the Navidad River, tributary of the Lavaca River in the Lavaca River Basin, for irrigation purposes in Jackson County.

Application 4275 of Edwin Korenek and wife, Annie B. Korenek, for a permit to divert 280 acre-feet of water per year directly from West Mustang Creek, tributary of Mustang Creek, tributary of the Navidad River, tributary of the Lavaca River in the Lavaca River Basin, for irrigation purposes in Wharton County.

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

Filed: December 7, 1982, 11:37 a.m.
TRD-829222-829224

Monday, January 24, 1983, 2 p.m. The Texas Water Commission rescheduled hearings to be held in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The hearings were originally scheduled for December 21, 1982. The applications are as follows.

Application 4259 of the City of Arlington seeking a permit to maintain an existing dam and reservoir on an unnamed tributary of Village Creek, tributary of West Fork

Trinity River, tributary of Trinity River, Trinity River Basin, and to use the water for recreational purposes in Tarrant County.

Application 4260 of the City of Arlington for a permit to maintain an existing dam and six acre-foot reservoir on an unnamed tributary of Rush Creek, tributary of Village Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, and to use for recreational purposes in Tarrant County.

Application 4261 of the City of Arlington for a permit to maintain four existing dams and reservoirs on unnamed tributaries of Village Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, and use the water for recreational purposes in Tarrant County.

Application 4262 of the City of Arlington seeking a permit to maintain two existing dams and reservoirs on unnamed tributaries of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, and to impound the water for recreational purposes in Tarrant County.

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

Filed: December 7, 1982, 11:39 a.m.
TRD-829225-829228

Tuesday, January 25, 1983, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The commission will conduct hearings on the following.

Application 4277 of John E. Chamberlain and W. G. Young for a permit to close the ports on an existing reservoir designated as SCS Dam 14, Lakeview Watershed Project on Oaks Creek, tributary of Prairie Dog Town Fork of Red River, tributary of Red River, Red River Basin, and to use the water for recreational purposes in Hall County.

Application 4276 of Robert L. Macha, et al., for a permit to divert 1,200 acre-feet of water per year directly from the Brazos River in the Brazos River Basin for irrigation of 600 acres of land in Falls County.

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

Filed: December 7, 1982, 11:37 a.m.
TRD-829229, 829230

Wednesday, February 2, 1983, 10 a.m. The Texas Water Commission rescheduled hearings to be held in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The hearings were origi-

nally scheduled for December 22, 1982. The commission will consider the following.

Application 4265 of W. J. Winzer, Jr., for a permit to divert and use 403.4 acre-feet of water per annum from Spindletop Bayou, tributary of Intracoastal Waterway, Neches-Trinity Coastal Basin, for irrigation purposes in Chambers County.

Application 4264 of W. J. Winzer, Jr., Oretta Steenerson, and A. E. Steenerson for a permit to divert and use 1,123.4 acre-feet of water per annum from Spindletop Bayou, tributary Intracoastal Waterway, Neches-Trinity Coastal Basin, for irrigation purposes in Chambers County.

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

Filed: December 8, 1982, 3:17 p.m.
TRD-829269, 829270

Texas Department of Water Resources

Wednesday, December 15, 1982, 1:30 p.m.

The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider approval of minutes; the development fund manager's report; joining in the application of the North Central Texas MWA to amend Permit 1995; extending the expiration date on outstanding loan commitments to Mackenzie MWA, Town of Griffing Park, and City of Friendswood, authorizing the development fund manager to process certain loan commitments prior to January 1, 1983, in order for the board to acquire exempt bearer bonds, financial assistance to the Cities of Lakeside City and Pahrump; an amendment to the joint funding agreement with the National Mapping Division of the U.S. Geological Survey, an amendment to the board's rules for the Construction Grants Program, approval of a draft fiscal year 1983 project priority list for the Construction Grants Program, contracts with the Environmental Protection Agency for remedial activities at the Bio-Ecology Site and the MOI/O site and emergency contracts, annual public hearing concerning the Edwards Aquifer; allocating \$2 million from the water assistance fund to the research and planning fund; and adop-

tion of emergency rules concerning processing various types of permit applications. The board also will meet in executive session to discuss personnel matters.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: December 7, 1982, 11:35 a.m.
TRD-829218

Regional Agencies Meetings Filed December 7

The Angelina and Neches River Authority, Board of Directors, met in emergency session at the Crown Colony Country Club, 900 Crown Colony Drive, Lufkin, on December 8, 1982, at noon. Information may be obtained from Angela Quillin, P.O. Box 387, Lufkin, Texas 75901, (713) 632-7795.

The Houston-Galveston Area Council Health Systems Agency, Area Health Commission, will meet in the transportation library, 3701 West Alabama, Houston, on December 15, 1982, at 10 a.m. Information may be obtained from Aquina Janice, 3701 West Alabama, Houston, Texas 77027, (713) 627-3200, ext. 274.

The Interim Regional Transportation Authority, Special Service Needs Committee, met in emergency session in Room 5CS, Dallas City Hall, on December 7, 1982, at 5 p.m., and the Ad Hoc Committee on Financial Disclosure met at the same location on December 8, 1982, at 5 p.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

TRD-829213

Meetings Filed December 8

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on December 20, 1982, at 5:30 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South

22nd, Temple, on December 16, 1982, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503-0518, (817) 778-4841.

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, will meet at 408 Mulberry Drive, Brownwood, on December 14, 1982, at 4:30 p.m. Information may be obtained from Gloria Willen, P.O. Box 250, Brownwood, Texas 76801, (915) 646-9574, ext. 35.

The Comal County Appraisal District, Board of Review, met at 130 East Mill Street, New Braunfels, on December 13, 1982, at 9 a.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Gonzales County Appraisal District, Board of Review, will meet in Suite 201, Gonzales Bank Building, 508 St. Louis Street, Gonzales, on December 28, 1982, at 6:30 p.m. The Board of Directors will meet at the same location on January 6, 1982, at 8:30 a.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas, (512) 672-2879.

The Grayson County Appraisal District, Board of Directors, will meet in the commissioner's courtroom, Grayson County Courthouse, Sherman, on December 15, 1982, at noon. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

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

Court Street, Seguin, on December 16, 1982, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Hale County Appraisal District, Board of Directors, met in emergency session at 302 West Eighth, Plainview, on December 9, 1982, at 7 p.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Limestone County Appraisal District, Board of Directors, will meet in Room 6, Mexia City Hall, on December 15, 1982, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Box 266, Mexia, Texas 76667, (817) 562-5385, ext. 35.

The Middle Rio Grande Development Council, Regional Manpower Advisory Committee, will meet in the auditorium, Texas A&M Research and Extension Center, Uvalde, on December 22, 1982, at 11 a.m. Information may be obtained from Emilio Hernandez, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at 1501 East Marshall Avenue, Longview, on December 16, 1982, at noon. Information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Scurry County Appraisal District, Board of Directors, will meet at 2612 College Avenue, Snyder, on December 14,

1982, at 7 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Wood County Appraisal District, Board of Directors, will meet in the conference room, 217 North Main, Quitman, on December 16, 1982, at 1:30 p.m. Information may be obtained from W. Carson Wages, 217 North Main, Quitman, Texas 75783, (214) 763-4946.

TRD-829248

Meetings Filed December 9

The Region X Education Service Center, Board of Directors, will meet in the board room, 400 East Spring Valley Road, Richardson, on December 17, 1982, at 9 a.m. Information may be obtained from H. W. Goodgion, 400 East Spring Valley Road, Richardson, Texas 75080, (214) 231-6301.

The Hansford County Appraisal District, Board of Directors, met in emergency session at 13 West Kenneth Avenue, Spearman, on December 9, 1982, at 2 p.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

TRD-8289279

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

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

In Addition

Texas Commission on Alcoholism Request for Proposals

The Texas Commission on Alcoholism (TCA), under the authority of Texas Civil Statutes, Article 5561c, §18, is soliciting proposals for the development of children of alcoholics programs in Texas. A total of \$183,492 in state funds is available for the development of either school-based or agency-based children of alcoholics programs. Public or private nonprofit organizations, institutions, or agencies in state planning regions one through four, six through 10, and 22 may apply.

The minimum amount for which any applicant may apply is \$40,000; the maximum amount is \$50,000. Grantee cash match will be required at a minimum of 5.0% of the TCA amount requested.

Approved projects will be funded for a 12-month project period beginning March 1, 1983; however, the initial award will be for a six-month period ending August 31, 1983. The award for the remainder of the project year will be contingent on the appropriation of funds to TCA for the state fiscal year beginning September 1, 1983.

The closing date for proposal submission is January 7, 1983.

To obtain a proposal packet or more information, contact the regional alcoholism services director serving your region.

Region 1: H. Wayne Hughes, RASD, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381

Region 2: Karen King, RASD, 1709 26th Street, Lubbock, Texas 79411, (806) 762-8721

Region 3: Marie Finlin, RASD, P.O. Box 5144, Wichita Falls, Texas 76301, (817) 322-5281

Region 4: Kathy Morgan, RASD, P.O. Drawer COG, Arlington, Texas 76011, (817) 640-3300

Region 6: Peggy Benda, RASD, 1101 East Birdsong, Longview, Texas 75602, (214) 753-7633

Region 7: Sue Smith, RASD, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544

Region 8: Tayomi Adeogba, RASD, 2 Civic Center Plaza, El Paso, Texas 79999, (815) 541-4681

Region 9: Cathy Clayton, RASD, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061

Region 10: Gayle Arnn, RASD, P.O. Box 60050, San Angelo, Texas 76900, (915) 944-9666

Region 22: Bobbie Newsom, RASD, 10,000 Grayson Drive, Denison, Texas 75020, (214) 786-2955

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

TRD-829198

Ross Newby
Executive Director
Texas Commission on
Alcoholism

Filed: December 6, 1982

For further information, please call (512) 475-2577.

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

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

On December 7, 1982, the banking commissioner received an application to acquire control of Wellington State Bank, Wellington, by Michael C. Stinson of Fort Worth and O. L. Cooper of Memphis.

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

Issued in Austin, Texas, on December 7, 1982.

TRD-829249 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: December 8, 1982
For further information, please call (512) 475-4451.

a major construction and renovation project involving the addition of 41 medical/surgical beds and seven ICU beds, and the expansion of labor/delivery, emergency room, radiology, laboratory and surgery areas. The certificate holder requests a change in the location of various departments, increase in renovation from 12,616 to 12,851 gross square feet, and an increase in new construction from 22,293 to 26,995 gross square feet.

Issued in Austin, Texas, on December 8, 1982

TRD-829252 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: December 8, 1982
For further information, please call (512) 475-6940.

Texas Health Facilities Commission Application Accepted for Amendment, Declaratory Ruling, and Notice of Intent

Notice is hereby given by the Texas Health Facilities Commission of an application accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to the above-stated application, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to the application must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

St. Joseph Hospital, Bryan
AH81-1231-056A(112482)
CN/AMD—Request for an amendment of Certificate of Need AH81-1231-056 which authorized

Texas Department of Human Resources Amendment to Consultant Proposal Request

The Texas Department of Human Resources amends its request for proposals for consultant services published in the November 2, 1982, issue of the *Texas Register* (7 TexReg 3903). The department is extending the closing date from December 10, 1982, to December 22, 1982.

Issued in Austin, Texas, on December 8, 1982

TRD-829253 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: December 8, 1982
For further information, please call (512) 441-3355, ext. 2037.

Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (TDHR) invites all interested parties to submit proposals to provide consultant and coordination services to this agency and others.

Description of Services. The purpose of the proposed contract is to plan, organize, operate, and evaluate a continuum of care for children in Texas who cannot live in their parent(s)' home (because of behavior problems and handicaps), or who are unwanted by their parents, or who are parentless. The system of care to be addressed must include providers of residential care and treatment for children in Texas, whether under public, private, or religious auspices.

Contract Term. The contract will begin on February 1, 1983, and end on August 31, 1983. Payments under the contract shall not exceed \$15,970.

Procedure for Selecting Consultant. The Executive Committee of the Regional Network for Children, Incorporated, with the advice and consent of TDHR, shall select and award the contract on the basis of demonstrated competence and qualifications, such as, but not limited to, history of similar work, references, and ability to complete the work in the designated time frame.

Contact Person. For additional information or to notify the department of intent to make a proposal, contact Robert Williams, Regional Director of Services for Families and Children, Texas Department of Human Resources, 1300-B East Anderson Lane, Austin, Texas 78752, (512) 835-2350.

Closing Date. All bids must be actually received and date stamped by TDHR not later than 5:00 p.m. January 5, 1983.

Intent to Continue Current Contract Unless Presented a Better Offer. The consulting service desired by TDHR continues a service previously performed by a private contractor. TDHR intends to award the contract for consulting services to the private contractor that previously performed the services unless a better offer is submitted.

Issued in Austin, Texas, on December 8, 1982.

TRD-829254 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: December 8, 1982

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

Texas Legislative Council Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Legislative Council invites offers for consultant services. The consultant would:

(1) consult with the council on redistricting matters and perform related duties assigned by the executive director of the council;

(2) assist the redistricting division of the council and legislative leaders and committees during the redistricting process as directed by the executive director of the council;

(3) participate in the preparation of data and other materials requested by the executive director and attorneys for the state in defense of congressional, senate, and representative districts adopted by the legislature;

(4) provide assistance to the council staff, the lieutenant governor, the speaker of the house, and members of the legislature in the development of such modifications in current congressional and legislative districts as may be required, and

(5) analyze relevant data for purposes of any submissions that may be needed under the Federal Voting Rights Act or because of retained jurisdiction over Texas redistricting plans by the federal courts.

A consultant wishing to submit an offer should contact Ron Patterson, Assistant Director, Texas Legislative Council, P.O. Box 12128, Austin, Texas 78711. The closing date for submission of offers is January 15, 1983.

The council will award one or more contracts pursuant to this offer on the basis of the knowledge, experience, and ability of those who submit offers. If, in the judgment of the council, no qualified consultant makes an offer, no contract will be awarded.

Issued in Austin, Texas, on December 7, 1982.

TRD-829247 Robert I. Kelly
Executive Director
Texas Legislative Council

Filed: December 8, 1982

For further information, please call (512) 475-2736.

North Central Texas Council of Governments Request for Proposals

This request for proposals is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Background. A recently completed study has assessed the adequacy of the Dallas Transit System (DTS) maintenance facilities and has recommended facility expansion and modification to support the current and projected fleet. The purpose of this study will be to review and recommend improvements to the management of the DTS Maintenance Department. These areas are staffing and organization, parts procurement and inventory, and maintenance management information. The study will produce a maintenance management plan that will identify the interrelationships of staffing with parts and inventory control and management information. The work for this project is to be accomplished by a consultant. The contract to be awarded will be for a sum of no more than \$50,000.

The work program for this study has been divided into nine tasks: review existing organization and plans; recommend staffing levels and organization; review current parts procurement, inventory, and distribution practices; recommend parts procurement, inventory, and distribution improvements; identify available maintenance management information; identify maintenance management information needs; recommend maintenance Management Information System (MIS) Plan; synthesize maintenance management plan; and produce final report. Copies of the request for proposal providing detailed information on this project are available on request from the contact person indicated.

Contact Person. For further information, please contact Julie K. P. Dunbar, Transportation Analyst, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011.

Due Date. Proposals should be received by December 30, 1982, at 4 p.m. in the office of M. I. Smith, Assis-

tant General Manager for Operations, Dallas Transit System, 101 North Peak Street, Dallas, Texas 75226.

Contract Award Procedures. The recommendation for the selection of a firm or agency for the Dallas Transit System maintenance management study will be accomplished by a consultant selection committee. The contract award procedures which follow are not totally inclusive or mutually exclusive of other procedures which, in the opinion of the consultant selection committee, require inclusion in order to achieve the best results possible within the scope of services requested. If the recommendation by the consultant selection committee is approved by the Executive Board of the North Central Texas Council of Governments, the Executive Board of NCTCOG will award a contract to the firm or agency which is considered to be best able to perform the work set forth in the said contract.

Evaluation Criteria. Objective measurement of the criteria will be conducted and the methodology for measurement will be determined depending on its suitability and relationship to the scope of services requested: record of performance in related fields, staff experience, ability to meet specific time frames, demonstrated knowledge of work to be performed, project management, firm's Affirmative Action Policy and Plan, written proposal, and oral presentation (if requested).

Evaluation Methodology. Evaluation methodology includes a written proposal evaluated by the consultant selection committee, and an oral presentation (if requested) evaluated by the consultant selection committee.

Contract Award. The contract award procedure includes a review of the consultant selection committee's recommendation by the NCTCOG Executive Board to contract with consultant, and if approved, award of a contract by the NCTCOG Executive Board.

The North Central Texas Council of Governments, in accordance with the Civil Rights Act of 1964, 42 United States Code 2000d-2000d4, Title VI, 78 Statute 252, and 49 Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration of an award.

Respondents must be willing to abide by all the applicable regulations of the Urban Mass Transportation Administration, U.S. Department of Transportation, including inspection and audit.

The ability of the NCTCOG to enter into a contract for performance of the proposed program will be dependent on the timely receipt of funds from the Urban Mass Transportation Administration.

The NCTCOG reserves the right to reject, in total or part, any and/or all proposals should it be advantageous to do so.

Since the maximum amount available for this project is approximately \$50,000, the projected cost will be an item of evaluation. An Office of Management and Budget Optional Form 60 Contract Pricing Proposal will be required for negotiation of reasonable costs. Respondents should indicate proprietary interests where applicable. The contractor will comply with all federal and state laws and regulations applicable to subcontractors, including but not limited to equal employment opportunity, Davis-Bacon Act, and records management. At least 10 copies of the proposal must be received by Dallas Transit System no later than 4 p.m. on December 30, 1982.

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

TRD-829200 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

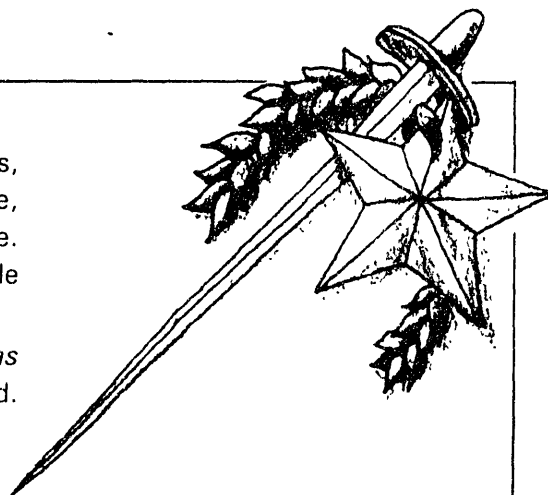
Filed: December 6, 1982

For further information, please call (817) 640-3300

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