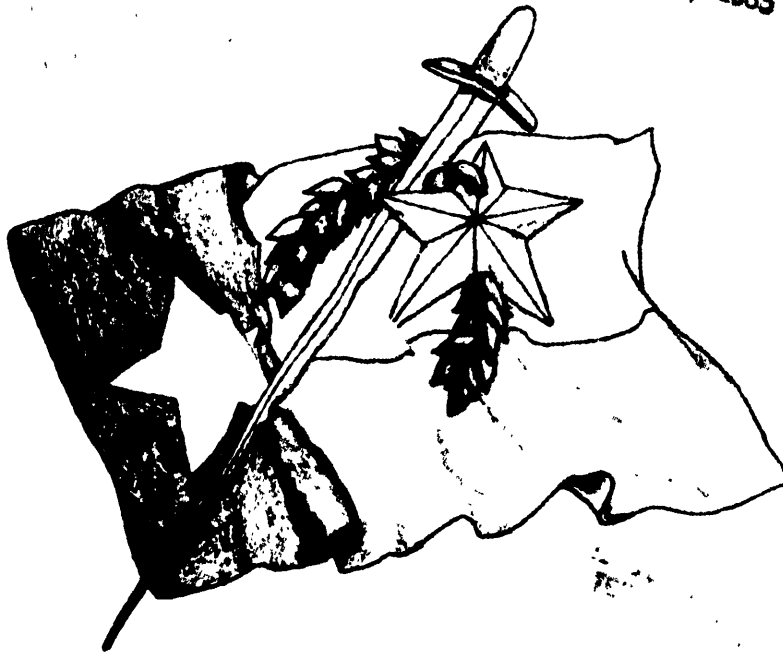


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Texas Register

MAY 24 1983



MAY 24 1983

Highlights

- ★ The Texas Department of Agriculture adopts on an emergency basis amendments to rules concerning herbicide regulations; effective date - May 13..... page 1647
- ★ The Texas Water Commission proposes an amendment to a rule concerning proposals for decision after public hearings; earliest possible date of adoption - June 20..... page 1653
- ★ The Texas Adult Probation Commission proposes an amendment to a rule concerning probation officers; earliest possible date of adoption - June 20..... page 1659

How To Use the Texas Register

Texas Register

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

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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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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: "8 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 8 TexReg 3"

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

Texas Administrative Code

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

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

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

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

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

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The Governor

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

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

Appointments Made May 2

Texas Historical Commission

For terms to expire January 1, 1989:

Maxine E. Flournoy
1813 Clare
Alice, Texas 78332

Ms. Flournoy is replacing Tobin Armstrong of Armstrong, whose appointment was returned to this governor.

Martha Gay K. Ratliff
3509 Hampton Road
Austin, Texas 78705

Ms. Ratliff is replacing Mrs. Argyle A. McAllen of Linn, whose appointment was returned to this governor.

Evangeline L. Whorton
20 Colony Park Circle
Galveston Island, Texas 77557

Ms. Whorton is replacing Roger Windham Wallace of Houston, whose appointment was returned to this governor.

For a term to expire January 1, 1987:

Harry A. Golemon
10303 Olympia
Houston, Texas 77042

Mr. Golemon is replacing Mrs. John B. Connally of Houston, who resigned.

Issued in Austin, Texas, on May 2, 1983.

TRD-833455 Mark White
Governor of Texas

Appointment Made May 3

335th Judicial District

To be judge of the 335th Judicial District, Bastrop, Lee, Burleson, and Washington Counties, until the next general election and until his successor shall be elected and duly qualified:

Harold Robert Towslee
106 South Echols Street
Caldwell, Texas 77836

Mr. Towslee is being appointed to the new district court created by the 68th Legislature, Senate Bill 121.

Issued in Austin, Texas, on May 3, 1983.

TRD-833456 Mark White
Governor of Texas

Appointment Made May 5

Coordinating Board, Texas College and University System

For a term to expire August 31, 1987:

Gary L. Watkins
3710 Blossom Lane
Odessa, Texas 79762

Mr. Watkins is replacing Ernest Angelo of Midland, whose appointment was not confirmed by the senate.

Issued in Austin, Texas, on May 5, 1983.

TRD-833457 Mark White
Governor of Texas

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

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

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

Emergency Rules

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations

4 TAC §11.1, §11.2

The Texas Department of Agriculture adopts on an emergency basis amendments to §11.1 and §11.2. The department is implementing changes to the designated regulations as a result of a commissioners court order promulgated effective January 1, 1983, from each affected county. The Texas Agriculture Code, §75.023, (1981), authorizes each commissioners court to hold hearings to determine whether an order should be issued exempting or not exempting portions of affected counties from the herbicide regulations.

Amendments to §11.1 and §11.2 were proposed for adoption previously and were published in the April 1, 1983, issue of the *Texas Register* (8 TexReg 1046). Those proposed amendments are being withdrawn, and a revised submission is being made to accurately reflect the changes proposed by the commissioners courts. The new proposed amendments are identical to those adopted on an emergency basis and are being submitted simultaneously.

The amendment to §11.1, concerning counties regulated, removes Lynn County and adds Dimmit County to the list of counties being subjected to all of the provisions of the Texas Agriculture Code, Chapter 75, (1981), unless specifically exempt by §11.2, concerning county special provisions.

Specific amendments were made to each enumerated subsection as indicated in §11.2. Subsection (j), King County, is separated from Cottle County, and the restriction prohibiting the application of hormone-type

herbicides between June 10 and October 15 was removed from King County. King County was transferred to subsection (aa) with the prohibition of aerial application of hormone herbicides between June 10 and October 15 of each year being implemented.

In subsection (o), Burleson, restriction is removed prohibiting the application of regulated herbicides unless prior to each use application was made to the commissioner of agriculture to secure approval to use; instead, restrictions modifying the use of 2,4-D formulations shall be applicable which shall be the use of amine formulations with a boom-type sprayer within a designated area as defined in subparagraph (A), which is further delineated with boundary requirements enumerated in the appropriate subparagraph. Further, the use of cluster nozzles is prohibited in the designated area as indicated in subparagraph (B).

In subsection (r), Runnels, minor changes to terminology are made for clarification purposes. The major changes affect the elimination of the prohibition to use high volatile and low volatile ester formulations of regulated herbicides between May 24 and October 1 of each year; instead, the change prohibits the use of regulated herbicides between May 28 and October 1 of each year. In regulated areas, no permit is required from October 1 to May 28 instead of May 24, which was previously allowed. Also, amine and other non-volatile formulation may be used between May 28 and October 1 of each year provided a permit is secured.

In subsection (u), Frio, the aerial application of 2,4,5-T is prohibited except for the months of April, May, and June of each year with all prior restrictions removed as indicated in the appropriate subsection.

In subsection (x), Austin, that portion of the county delineated is brought under control of the Texas Agriculture Code, Chapter 75, (1981).

In subsection (y), Cochran, restriction is placed on the aerial application of hormone herbicides between May 1 to October 15 of each year.

In subsection (z), Dimmit, that portion of the county delineated is brought under control of the Texas Agriculture Code, Chapter 75, (1981), with the aerial application of hormone-type herbicides being prohibited in the designated area.

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

§11.1. Counties Regulated. The following counties shall be subject to all of the provisions of the Texas Agriculture Code, Chapter 75, (1981), unless specifically excepted by the provisions of §11.2 of this title (relating to County Special Provisions): Aransas, Austin, Bell, Bexar, Borden, Brazoria, Brazos, Burleson, Calhoun, Cochran, Collin, Collingsworth, Colorado, Cottle, Culberson, Dallas, Dawson, Delta, Denton, Dickens, Dimmit, Donley, El Paso, Falls, Fannin, Fort Bend, Frio, Gaines, Galveston, Hall, Hardin, Harris, Haskell, Hidalgo, Houston, Hudspeth, Hunt, Jackson, Jefferson, Karnes, Kaufman, King, Knox, Lamar, Lamb, Liberty, Loving, [Lynn,] McLennan, Martin, Matagorda, Midland, Milam, Newton, Orange, Parmer, Rains, Reeves, Refugio, Robertson, Rockwall, Runnels, San Patricio, Travis, Tyler, Van Zandt, Waller, Ward, Washington, Wharton, Williamson, Wilson, and Wood.

§11.2 County Special Provisions.

(a)-(i) (No change.)

(j) [King and] Cottle. The application of hormone-type herbicides is expressly prohibited between June 10 and October 15 of each year.

(k)-(n) (No change.)

(o) Burleson. The following special provisions apply:

(1) (No change.)

(2) [The application of regulated herbicides is expressly prohibited] Between April 1 and September 15 of each year, the following restrictions on the use of 2,4-D formulations shall apply: [in the following area, unless, prior to each use, approval of the commissioner of agriculture or his representative is secured.]

(A) Only amine formulations may be used with a boom-type sprayer in that area beginning at Milam County line; thence south along FM Road 1362 to FM Road 166; thence east to FM Road 2039; thence south to FM 60; thence west on FM 60 to Davidson Creek; thence south along Davidson Creek to Washington County line to Brazos River; thence north along Brazos County line to Milam County line, the place of the beginning.

(B) In the designated area of subparagraph (A), cluster nozzles are prohibited.

(p)-(q) (No change.)

(r) Runnels. That portion of Runnels County beginning on the west county line at the point of intersec-

tion with the Colorado River, east-southeasterly along the Colorado River to its intersection with U.S. Highway 83, thence north along U.S. Highway 83 to its intersection with FM 382, thence northeasterly along FM 382 to its intersection with FM 2647, thence northerly along FM 2647 to [with] its intersection with FM 1770, thence westerly along FM 1770 to the intersection with U.S. Highway 83, thence northerly along U.S. Highway 83 to its intersection with the north county line, thence westerly along the north Runnels County line to the northwest corner of the county, thence southerly along the west county line to the Colorado River, the point of beginning, is regulated by the Texas herbicide law. In regulated areas, no permit is required from October 1 to May 28 [24] of the year following. Use [of high volatile and low volatile ester formulations] of regulated herbicides is prohibited between [the date of] May 28 [24] and October 1 of each year. And further, amine and other nonvolatile formulation may be used in the regulated area between the dates of May 28 [24] and October 1 each year provided that the user obtain a permit as prescribed by the law prior to such use.

(s)-(t) (No change.)

(u) Frio. Aerial application of 2,4,5-T is prohibited except for the months of April, May, and June of each year. [Only amine-type herbicides can be used, and approval from the commissioner or his representative must be obtained before application by aerial or ground equipment. Only boom-type ground equipment can be used, nozzle height not to exceed 24 inches, maximum pressure not to exceed 20 pounds per square inch. Bond or insurance will be required on all spraying over 10 acres. Only amine-type herbicides will be used and will meet the following requirements for ground equipment permits:

[Wind Velocity	Downwind	Upwind
[0-5 mph	within 16 rows	8 rows
[6-10 mph	1/8 mile	8 rows

[Permits for aerial application will be issued on the basis of requirements outlined in §11.6 of this title (relating to General Requirements of These Regulations).]

(v)-(w) (No change.)

(x) Austin. That portion of Austin County lying east and south of the line described in paragraph (1) of this subsection is regulated by the Texas Agriculture Code, Chapter 75.

(1) Beginning at the point where state Highway 36 crosses the north county line, thence southerly along Highway 36 to FM 949; thence westwardly along FM 949 to the San Bernard River.

(2) All other lands in Austin County are exempt from the Texas herbicide law and regulations, Texas Agriculture Code, Chapter 75.

(y) Cochran. The aerial application of hormone herbicides is prohibited between May 1 to October 15 of each year.

(z) Dimmit. That portion of Dimmit County within the area described in paragraph (1) of this subsection is regulated by the Texas Agriculture Code, Chapter 75.

(1) Beginning at the intersection of the centerline of U.S. Highway 83 and the Dimmit-Zavala County line; thence in a southerly direction following the centerline of U.S. Highway 83, through Carrizo Springs, and Asher-

ton, to its intersection with FM Road 190 East; thence in a northeasterly direction following the centerline of FM Road 190 to its intersection with state Highway 85; thence in an easterly direction following the centerline of state Highway 85 to its intersection with FM Road 65; thence following the centerline of FM Road 65 to its intersection with the Dimmit-Zavala County line; thence in a westerly direction following the Dimmit-Zavala County line to the place of beginning.

(2) All other lands in Dimmit County are exempt from the Texas Agriculture Code, Chapter 75.

(3) Aerial application of hormone-type herbicides in the regulated area of Dimmit County is prohibited.

(a) King. Aerial application of hormone herbicides is prohibited between June 10 and October 15 of each year.

Issued in Austin, Texas, on May 13, 1983.

TRD-833495 Jim Hightower
 Commissioner
 Texas Department of Agriculture

Effective date: May 13, 1983

Expiration date: September 10, 1983

For further information, please call (512) 475-6346.



Proposed Rules

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

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations 4 TAC §11.1, §11.2

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

The Texas Department of Agriculture proposes amendments to §11.1 and §11.2, concerning counties regulated and county special provisions. The department is implementing changes to the designated regulations as a result of a commissioner's court order promulgated effective January 1, 1983, from each affected county. The Texas Agriculture Code, §75.023, (1981), authorizes each commissioner's court to hold hearings to determine whether an order should be issued exempting or not exempting portions of affected counties from the herbicide regulations.

Amendments to §11.1 and §11.2 were proposed for adoption previously and were published in the April 1, 1983, issue of the *Texas Register* (8 TexReg 1046). The proposed amendments are identical to those adopted simultaneously on an emergency basis.

The amendment to §11.1, concerning counties regulated, removes Lynn County and adds Dimmit County to the list of counties being subjected to all of the provisions of the Texas Agriculture Code, Chapter 75,

(1981), unless specifically exempt by §11.2, concerning county special provisions.

Specific amendments were made to each enumerated subsection as indicated in §11.2. Subsection (j), King County, is separated from Cottle County, and the restriction prohibiting the application of hormone-type herbicides between June 10 and October 15 was removed from King County. King County was transferred to subsection (aa) with the prohibition of aerial application of hormone herbicides between June 10 and October 15 of each year being implemented. In subsection (o), Burleson, restriction is removed prohibiting the application of regulated herbicides unless prior to each use application was made to the commissioner of agriculture to secure approval to use; instead restrictions modifying the use of 2,4,-D formulations shall be applicable which shall be the use of amine formulations with a boom-type sprayer within a designated area as defined in subparagraph (A) which is further delineated with boundary requirements enumerated in the appropriate subparagraph. Further, the use of cluster nozzles is prohibited in the designated area as indicated in subparagraph (B).

In subsection (r), Runnels, minor changes to terminology are made for clarification purposes. The major changes affect the elimination of the prohibition to use high volatile and low volatile ester formulations of regulated herbicides between May 24 and October 1 of each year; instead the change prohibits the use of regulated herbicides between May 28 and October 1 of each year. In regulated areas, no permit is required from October 1 to May 28 instead of May 24 which was previously allowed. Also, amine and other non-

volatile formulation may be used between May 28 and October 1 of each year provided a permit is secured. In subsection (u), Frio, the aerial application of 2,4,5-T is prohibited except for the months of April, May, and June of each year with all prior restrictions removed as indicated in the appropriate subsection

In subsection (x), Austin, that portion of the county delineated is brought under control of the Texas Agriculture Code, Chapter 75, (1981)

In subsection (y), Cochran, restriction is placed on the aerial application of hormone herbicides between May 1 to October 15 of each year. In subsection (z), Dimmit, that portion of the county delineated is brought under control of the Texas Agriculture Code, Chapter 75, (1981), with the aerial application of hormone-type herbicides being prohibited in the designated area.

By adopting the proposed amendments, the department's regulations displayed in §§11 1-11 10 of this title, relating to herbicide regulations, will reflect changes necessitated by the commissioners court of each affected county and will display current law applicable in each county

William C. Neiser, fiscal services director, has determined that for the first five year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules

David Ivie, Agricultural and Environmental Sciences Division director, has 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 increased public safety occasioned by the regulation of herbicide applications in Austin, Burleson, Cochran, Dimmit, Frio, King, Lynn, and Runnels Counties and reduced likelihood of damage to nontargeted plants, crops, or livestock caused by herbicide applications in Austin, Burleson, Cochran, Dimmit, Frio, King, Lynn, and Runnels Counties. 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 David Ivie, Director, Agriculture and Environmental Sciences Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 475-4457. Comments should either be by telephone or in writing. Written comments must substantially comply with 4 TAC §1.4(b), relating to the submission of comments concerning a proposed rule of the department.

The amendments are proposed under the Texas Agriculture Code, §§75.023(h), 75.018, and 75.019, (1981). The Texas Agriculture Code, §75.023(h), requires the commissioners court to notify the Texas Department of Agriculture of a change in the status of the exemption of a county or a portion of a county which has developed through a public hearing process and implemented county-wise by a commissioners court order. The Texas Agriculture Code, §75.018 and §75.019, (1981), provide the department with the

authority necessary to promulgate rules to enforce the provisions of the Texas Agriculture Code, Chapter 75, (1981)

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

Issued in Austin, Texas, on May 13, 1983.

TRD 833496 Jim Hightower
Commissioner
Texas Department of Agriculture

Earliest possible date of adoption
June 20, 1983

For further information, please call (512) 475-6346.

TITLE 28. INSURANCE

Part I. State Board of Insurance

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

Rating and Policy Forms Fixing Rate of Automobile Insurance 059.05.01.005

The State Board of Insurance proposes amendments to Rule 059.05 01 005, which adopts by reference the rules governing the Insuring of Automobiles and Standard Endorsements II (Texas Automobile Manual).

The State Board of Insurance proposes to amend the manual in the following respects. The language of the entire present Rule 24, concerning consent to rate, is to be deleted and new language inserted. The proposed new language of the rule incorporates the basic portion of the present rule with minor editorial changes. A new administrative rules section has been added to set out in the rule present administrative processing requirements as well as establishing additional requirements designed to better inform applicants about reasons for an excess rate and the amount of that excess rate. The new section also sets out certain requirements designed to make it easier to process excess rate applications.

Thomas M. Jackson, Automobile Unit assistant director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Jackson 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 more consistent proce-

dures for submission and processing of automobile excess rate applications. 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 D E O'Brien, Director, Automobile Office, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendments are proposed under the Texas Insurance Code, Articles 5.01, 5.03, 5.06, and 5.10, which provides the State Board of Insurance with the authority to prescribe rules, rates, and forms applicable to automobile insurance.

005. Insuring of Automobiles and Standard Endorsements II The State Board of Insurance adopts by reference the rules contained in the Insuring of Automobiles and Standard Endorsements II as amended September [April] 1, 1983. This document is published by and available from the Texas Automobile Insurance Service Office, One La Costa, Suite 130, 1016 La Posada Drive, Austin, Texas 78752, or the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

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

Issued in Austin, Texas, on May 6, 1983.

TRD-833488 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
June 20, 1983

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

The State Board of Insurance proposes amendments to Rule 059.05 01 005, which adopts by reference the Rules Governing the Insuring of Automobiles and Standard Endorsements II (Texas Automobile Manual).

The State Board of Insurance proposes to amend the Texas Automobile Manual in the following respects. The present language of Section 11 is to be deleted and replaced by new language. The new language is designed to require submission of gross premium amounts rather than premium net of commission. Additionally, the new language is designed to provide for three premium payment options in lieu of the present full premium submission requirement. The proposed payment options are payment of the full annual premium; a deposit of 25% of the annual premium subject to a minimum of \$40 per vehicle, whichever is greater, and full payment of the balance within 30 days from the date of the premium notice, or a deposit of 25% of the annual premium or \$40, whichever is greater, and a maximum of five monthly installments. The monthly installments would be one-fifth of the premium balance subject to a minimum payment of \$20 plus an installment charge of \$2.00 on each installment.

The fourth sentence of the first paragraph of Section 12, concerning ignition of insurer, is to be editorially amended to refer to the premium as specified in Section 11.

The existing paragraph B(2) of Section 14 is to be redesignated as B(3) and a new paragraph B(2) added. The new paragraph B(2) provides reference to the premium payment options in Section 11 as respects renewal policies. The proposed adoption date for these amendments is August 1, 1983, although the actual proposed implementation date is January 1, 1984.

Thomas M. Jackson, Automobile Unit assistant director, has determined that for the first five year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Jackson 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 ability to select from several premium payment options. 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 D E O'Brien, Director, Automobile Office, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendments are proposed under the Texas Insurance Code, Articles 5.01, 5.06, and 5.10, which provides the State Board of Insurance with the authority to prescribe rules, rates, and forms applicable to automobile insurance.

005. Insuring of Automobiles and Standard Endorsements II The State Board of Insurance adopts by reference the Rules contained in the Insuring of Automobiles and Standard Endorsements II as amended September 15 [April 1], 1983. This document is published by and available from the Texas Automobile Insurance Service Office, One La Costa, Suite 130, 1016 La Posada Drive, Austin, Texas 78752, or the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

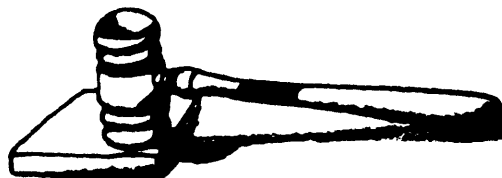
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on May 9, 1983.

TRD 833499 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
June 20, 1983

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



**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

**Part IX. Texas Water Commission
Chapter 269. Procedures after Public
Hearing before an Examiner**

31 TAC §269.1

The Texas Water Commission proposes an amendment to §269.1, concerning the issuance of proposals for decision after public hearings by commission examiners. The amendment would require that the examiner issue a written proposal for decision to the commission within 30 working days after the close of the hearing record, unless extended by the commission.

Mary Ann Hefner, chief clerk of the commission, 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. Hefner 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 expeditious issuance of proposals for decision after completion of public hearings. 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 Mary Ann Hefner, Chief Clerk, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

The amendment is proposed under the authority of the Texas Water Code, §5.262, which provides for the commission to adopt reasonable procedural rules.

§269.1. Action Following Hearing. After closing the hearing [for the receipt of evidence] record, the examiner will submit a written proposal for decision to the commission within 30 working days and will send a copy to each party. If the examiner is unable to submit the proposal within the 30 days, the examiner shall request an extension from the commission. Neither the examiner's failure to request an extension, the commission's failure to grant the requested extension, nor the examiner's failure to submit the proposal within the 30-day period shall in any way affect the validity of the examiner's proposal for decision or the commission's jurisdiction, consideration, or action relative to the proposal.

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

Issued in Austin, Texas, on May 13, 1983.

TRD-833517 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Earliest possible date of adoption:
June 20, 1983

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



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

**Chapter 1. Central Administration
Practice and Procedure**

34 TAC §§1.1-1.42

The Comptroller of Public Accounts proposes amendments to §§ 1.1, 1.2, 1.4, 1.7-1.10, 1.14-1.23, and 1.25-1.42, and new §§ 1.3, 1.5, 1.6, and 1.11-1.13, concerning practice and procedure. Section 1.24 contains no changes but is being reprinted for clarity.

The purpose of these revisions is to expedite the administrative review of disputes between taxpayers and the agency in a manner consistent with the preservation of fairness and due process. Taxpayers requesting redetermination or refund hearings will be expected to provide their statement of grounds explaining their objections to the tax within the period allowed to request a hearing. Extensions of time will be strictly limited to situations where good cause is shown. The deadlines in these rules are intended to be strictly enforced. The rules have also been rewritten for greater clarity and to use gender neutral language.

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

Mr. Hamilton has also determined that for each year of the first five years the rules as proposed are in effect there is no anticipated public benefit or economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Wade Anderson, Associate Deputy for Legal Affairs, P.O. Box 13528, Austin, Texas 78711.

The amendments and new rules are proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Tax Code.

§1.1. Intent and Scope of Rules. The rules of practice and procedure are intended to provide a uniform and understandable process by which disagreements with certain official actions of the comptroller of public accounts of the State of Texas are pursued and to provide for the fair and just disposition of **these** [such] cases. They [shall] govern all contested case proceedings before the comptroller, the administrative law judges, or other [his] designees.

§1.2. Construction of Rules. The rules of practice and procedure **will** [shall] be given their most reasonable meaning taken in their total context and will be construed to secure a just and proper resolution or decision for every controversy. They **may** [shall] not be construed to limit or repeal rights afforded or requirements imposed by law. Unless otherwise expressly provided, the past, present, or future tense [shall] each **includes** [include] the other; the masculine, feminine, or neuter gender [shall] each **includes** [include] the other; and the singular and plural number [shall] each **includes** [include] the other. Definitions of words used in these sections are contained in §1.42 of this title (relating to Definitions).

§1.3. Contested Cases. A dispute involving an amount of tax, penalty, or interest paid to or assessed by the comptroller or permits or licenses granted or denied by the comptroller is a contested case within the meaning of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. These cases are within the jurisdiction of the agency's administrative law judges. When the case is transferred to the Legal Services Division, the case will be numbered and docketed and a hearings attorney assigned at that time.

§1.4 [§1.6]. **Representation and Participation.** In a contested case a taxpayer [party] may represent himself at any stage of proceedings or [a party] may be represented by an [his] authorized representative **such as an attorney or accountant** [at any stage]. Proceedings are not open to the public. Any person desiring to observe or participate at any stage of proceedings who is not a party, not employed by a party, or not called as a witness must obtain the permission of an administrative law judge and the agreement of all parties.

§1.5. Initiation of a Hearing.

(a) **Redetermination of a deficiency or jeopardy determination.** A taxpayer may request a redetermination hearing by sending the agency a written request for redetermination within the time limits provided by the determination. The limit is 30 days for a deficiency determination and 20 days for a jeopardy determination. The request is defined to include a statement of grounds which sets out in detail the reasons the taxpayer does not agree with the determination. If the statement of grounds is not received within the time limit, no hearing will be commenced and the taxpayer will be required to pay the deficiency and request a refund before any objection to the assessment is considered.

(b) **Refund of tax paid.** Within the time limits provided in the Texas Tax Code, §111.104(c), a taxpayer may request a refund of any tax, penalty, or interest paid to the comptroller by sending the agency a written request. The request is defined to include a statement of grounds

which sets out in detail the grounds on which the claim is founded. If no grounds are stated as a basis for the claim, no hearing will be commenced and the claim will be denied.

(c) Hearings involving licenses and permits. The agency will initiate hearings concerning the denial, suspension, or revocation of licenses or permits by sending written notice to the taxpayer including a statement of the matters asserted and procedures to be followed.

§1.6. Extensions of Time. A statutory deadline for requesting redetermination or claiming a refund will not be waived. This includes submission of the statement of grounds. A request for an extension of any nonstatutory deadline established in this subchapter may not be granted unless good cause is established and the need for the extension is not the party's neglect, indifference, or lack of diligence. A request must be made in writing and should be made at least seven days prior to the expiration of the time period. In the event of an emergency, a request may be accepted if it is postmarked not later than the date of the original deadline. Prior to the setting of a hearing, the hearings attorney may approve one extension of not more than 14 days. Any additional extension may be granted, for good cause shown, only by the director of legal services or, in his absence, by the director of hearings. After a hearing is set, a request for an extension should be addressed to the administrative law judges and will be ruled upon by them. (See §1.20 of this subchapter (relating to Continuances).) A copy of the request should be provided to all other parties.

§1.7 [§1.9]. **Content of Statement of Grounds.** The statement of grounds must contain the reasons the taxpayer [petitioner] disagrees with the action of the agency. The taxpayer [petitioner] **must** [shall] list and number the items, individually or by category, with which there is disagreement and list and number the factual and legal grounds why the tax should not be assessed or should be refunded [with regard to each disagreed item or category]. Any documentary evidence to support each ground should be submitted **with the statement of grounds**[,] unless a preliminary conference is **requested** [anticipated] and it is more practical to bring that [such] evidence to the conference. **Taxpayers electing to present evidence at a preliminary conference must state in the statement of grounds that the evidence has been acquired and is available for inspection by representatives of the comptroller's office.** Legal authority should be cited if the taxpayer [petitioner] disagrees with the agency's interpretation of the law. [Any controversy about sufficiency of content of the statement of grounds shall be resolved by appropriate motion filed with the administrative law judges.]

§1.8 [§1.11]. **Preliminary Conference.** If both the hearings attorney and the taxpayer **agree** [petitioner feel that] a preliminary conference would be beneficial, a conference **will** [shall] be scheduled **within 10 days after one is requested** [at a mutually agreeable time]. This will be an informal conference, the purposes of which will be to try to resolve the controversy or to narrow disagreement as to facts and define legal issues involved. **Any additional information to be submitted by the taxpayer is due within 14 days after the informal conference. While a taxpayer may request a conference with the hearings**

attorney at any time during the hearing process, if the taxpayer intends for any information presented at the conference to be considered in the preparation of the position letter, the conference must be requested within 21 days after the taxpayer submits its statement of grounds.

§1.9 [§1.12]. *Position Letter.* Following receipt [the submission] of the taxpayer's [petitioner's] statement of grounds and any additional information requested at a [the] preliminary conference, if one is held, the hearings attorney will [shall] send to the taxpayer [petitioner] a position letter which will number and either accept or reject, in whole or in part, each contention of the taxpayer [petitioner]. The position letter will [shall] set forth what the hearings attorney, after [in] consultation with the tax division, finds is [deems to be] properly subject to or exempt from taxation according to [in accordance with] his or her [their] understanding of the facts and the law. No position will [shall] be taken on the basis of expediency, hazards of litigation, nuisance value, or other form of settlement, compromise, or abatement where not authorized by law. The position letter will [should] be sent to the petitioner within 35 [30] days after the taxpayer's [petitioner's] contentions are fully presented to the hearings attorney and reviewed by the Audit and Tax Divisions.

§1.10 [§1.13]. *Acceptance or Rejection of the Position Letter (Motion to Dismiss Petition or Set for Hearing).* The taxpayer [Petitioner] must accept or reject, in whole or in part, the position letter within 15 days after the day the letter is dated. A form for this purpose will be enclosed with the letter. Acceptance is [shall be] indicated by signing the motion to dismiss portion of the form and mailing it to the administrative law judges; rejection is [shall be] indicated by completing and signing the motion to set portion of the form and [so] mailing it. Expiration of the 15-day period without filing of a motion to set or dismiss [the completed form] by the taxpayer [petitioner] will result in the filing of a motion to dismiss the hearing [petition] and dispose of the case according to [in accordance with] the tax division's position. [It is permissible for the position letter to be supplemented or modified during this time, and the period for acceptance or rejection may be extended by agreement of the parties. Any modifications of the position letter or any extensions of the time period shall be reduced to writing by the hearings attorney and sent to the petitioner. A 15-day period for acceptance or rejection shall begin on the day the last such modification is dated.]

§1.11. *Modification of the Position Letter.* It is permissible for the position letter to be supplemented or modified prior to filing the motion to set/dismiss. Any modification of the position letter will be reduced to writing by the hearings attorney and sent to the taxpayer. A 15-day period for acceptance or rejection begins on the day the last modification is dated.

§1.12. *Motion to Set.* A motion to set offers the taxpayer four options.

(1) The taxpayer may request an oral hearing with additional time to submit a written response to the position letter;

(2) The taxpayer may request an oral hearing and not submit a written response to the position letter;

(3) The taxpayer may waive the oral hearing and request that the administrative law judge make a recommendation based on the written evidence and arguments, including a response to the position letter to be submitted by a date to be set by the administrative law judge; or

(4) The taxpayer may waive the oral hearing and request that the administrative law judge make a recommendation based on the written evidence and arguments already submitted

§1.13. *Request for More Definite or Detailed Basis of Agency Action.* A taxpayer who is unable to determine why action was taken by the agency may request a more definite statement of the basis for the agency action. This request must be in the form of written questions addressed to specific factual or legal issues involved in the audit or other matter in controversy. Failure to comply with this rule constitutes grounds for dismissal of the hearing. A proper request for a more definite statement will be answered by the agency within 10 days.

§1.14. *Notice of Setting.* Upon receipt of a motion to set, the clerk of the administrative law judges will [shall] acknowledge receipt of the motion by sending notice to the parties giving:

(1) the date, time, place, and nature of the oral hearing, if one is requested;

(2) the legal authority and jurisdiction under which the hearing is to be held;

(3) the particular statutes and rules involved;

(4) a short and plain statement of the matters asserted; and

(5) the date any reply to the position letter is due.

§1.15 [§1.17]. *Taxpayer's [Petitioner's] Reply to the Position Letter.* If a taxpayer [petitioner] desires to present additional facts or legal arguments for consideration by the administrative law judge [with respect to an issue], a reply to the position letter should be filed. If the taxpayer [petitioner] wishes to raise new issues, a reply to the position letter must be filed. [Any reply should be in the format of the position letter and must be filed by the date specified in] The notice of setting will specify a due date for this reply. The taxpayer [Petitioner] will have at least 20 days to reply. If any issues are raised or presented for the first time at the hearing, a party may plead surprise and move for a continuance.

§1.16 [§1.18]. *Response of the Tax Division.* If the taxpayer [petitioner] files a reply to the position letter, the hearings attorney must [shall] file any response by the date specified by the administrative law judge but will have at least 20 days to respond. The response will state the legal position of the tax division and any factual disagreement with respect to each new issue or argument raised by the taxpayer [petitioner].

§1.17 [§1.15]. *Administrative Law Judge To Hear Case.* Hearings will be conducted by an administrative law judge who has [shall have] authority to examine witnesses, to rule on motions, and to rule upon the admissibility of evidence. The administrative law judge has [He shall have] the authority to continue or recess any hearing, to control the record, and to propose decisions to the comptroller of public accounts. If for any reason an administrative law judge cannot continue on a con-

tested case, another administrative law judge will become familiar with the record and perform any function remaining to be performed without the necessity of repeating any previous proceedings in the case.

§1.18 [§1.16] Filing of Documents. All documents submitted after the notice of setting in a contested case **has been issued must** [shall] be filed with the clerk of the administrative law judges, with a copy to each party.

§1.19. Inspection of File. Each party to a contested case and any authorized representative of a party **may** [shall be permitted to] inspect and copy, at their own expense and in the offices of the administrative law judges, all documents on file in the case, **subject to the rules of confidentiality contained in the Tax Code.**

§1.20. Continuances (Postponement of Hearing). A **motion** [All motions] for continuance of a contested case set for oral hearing **must** [shall] be in writing and filed with the clerk of the administrative law judges at least seven days prior to the date that the matter is to be heard. **If** [In the event of] an emergency **occurs** [occurring] less than seven days prior to the hearing date, a motion for continuance **may** [will] be filed [accepted]. A [The] motion **must** [shall] show that there is good cause for the continuance and that the need [therefor] is not caused by [the] neglect, indifference, or lack of diligence [of the movant]. A copy of any [such] motion **must** [shall] be served upon all other parties of record at the time of filing. If the tax division increases the amount of tax deficiency at or before the time of hearing, the **taxpayer is** [petitioner shall be] entitled to a continuance [sufficient to allow him] to obtain and produce further evidence applicable to the items upon which the increase is based.

§1.21. Conduct of Hearing. The hearing will be convened by the administrative law judge, appearances will be noted, any motions or preliminary matters will be taken up, and then each party **will** [shall] have opportunity to present its case, generally on an issue-by-issue basis, by calling and examining witnesses and introducing documentary evidence. Each party **will** [shall also] have the opportunity to cross-examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in direct examination. Any objection to testimony or evidentiary offers should be made, and the basis for the objection stated. The administrative law judge may question any party or any witness. **The parties may agree to the order of proceeding or the administrative law judge may** [shall] establish it [the order of proceeding], **but in all cases** [regardless of the order], a **taxpayer** [petitioner] is entitled to conclude in **presenting** [adducing] evidence and in argument. The administrative law judge is responsible for closing the record and may hold it open for stated purposes. Parties may submit proposed findings of fact any time after notice of setting and prior to closing of the record and may request that the record be held open for this purpose.

§1.22. Rules of Evidence. The rules of evidence set forth in the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, [shall] apply in all contested cases. Section 14 of that Act provides, in part:

In contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the District Courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

§1.23. Oral Evidence, Witnesses, and Penalty for False Statements. Any party may request an administrative law judge to subpoena witnesses or require the production of documents related to the subject matter of the hearing, or the administrative law judge may do so **acting independently** [on his own motion]. An administrative law judge may require the parties [in a case] to indicate the persons they expect to call as witnesses. The testimony of witnesses is [shall be] made under oath or affirmation pursuant to authority granted by the Administrative Procedure and Texas Register Act, Article 6252-13a, §14(b), and the making of false statements may subject a person to criminal prosecution under the Texas Penal Code, §37.02 and §37.03. Further, the testimony of a **taxpayer** [petitioner or respondent] **is** [shall be deemed to be] part of **the** [his] claim with the agency within the meaning of the Texas Tax Code, §111.059.

(Editor's note: The text of § 1.24 contains no changes but is being reprinted for clarity.)

§1.24. Documentary Evidence. Documentary evidence or exhibits will be marked for identification. Copies or excerpts of documents are permissible.

§1.25. Evidence by Official Notice. The administrative law judge may take official notice, on request of a party or **acting independently** [upon his own motion], of matters which trial judges can judicially notice and of facts within **the judge's** [his] personal knowledge or within the specialized knowledge of the agency. **The taking of** [Such] official notice must be stated on the record, and the parties must have an opportunity to contest the material noticed. [If] A party **requesting** [requests] the official notice[, he] must give sufficient information to enable the administrative law judge to comply.

§1.26. Transcription of Oral Hearing. All contested cases heard by an administrative law judge will be recorded. A copy of the recording will be furnished to any party to the proceeding upon written request to the administrative law judge and payment of a reasonable fee established by the agency. **Any party desiring** [If one or more parties desire] the hearing transcribed by a court reporter[, they] must make the necessary arrangements with the reporter and bear the cost.

§1.27. Proposed Decision. An administrative law judge will [shall] prepare a proposed decision within 30 days after the record is closed. The proposed decision will [shall] set out each finding of fact and conclusion of law necessary to the decision. The proposed decision will be served on the parties, and any party adversely affected may file exceptions and briefs within 15 days, serving copies on all other parties. If a party [so] files exceptions, the other parties will [shall] have 15 days after the filing to reply. [Hereafter,] The proposed decision will be reviewed in light of the exceptions, briefs, and replies.

§1.28. Comptroller's Decision. The proposed decision of an administrative law judge must be approved [rendered] by the comptroller of public accounts before it is given any effect. The comptroller's decision will be sent to the taxpayer and any authorized representative by certified mail and is final 15 days from the date issued [rendered], unless a motion for rehearing is filed on or before midnight of the 15th day. If the motion for rehearing is granted, the decision is vacated pending a subsequent decision upon rehearing. If the motion of rehearing is overruled, whether by order or operation of law, the decision is final on the date it is overruled.

§1.29. Motion for Rehearing. A motion for rehearing may be filed by any party, but to be timely, it must be filed with the clerk of the administrative law judges within 15 days from the date the comptroller's decision is issued [rendered to be timely]. The motion must state each specific ground upon which the party believes the comptroller's decision to be erroneous. Any reply to a motion for rehearing must be filed within 25 days after the date the decision is rendered. The motion will be acted on within 45 days after the date the decision is rendered. These times may be varied only as provided by [in accordance with] the Administrative Procedure and Texas Register Act, Article 6252-13A, §16, subsections (e) and (f). If a rehearing is granted, a notice will be issued to the parties setting out all pertinent information.

§1.30. Court Suit for Refund. To gain access to the courts of Texas, the total amount of tax, penalty, and interest in question must be paid and suit timely filed for its refund in a district court of Travis County, Texas, under the provisions of the Texas Tax Code, §§112.051-112.053 or §112.151 and §112.152. To properly invoke the court's jurisdiction under §§112.051-112.053, it is not necessary to pursue any administrative remedies with the agency; however, the taxpayer is required to accompany the [his] payment with a protest letter that sets out in detail every ground the taxpayer intends to raise in the [his] lawsuit; the suit must be filed within 90 days from the date of payment [thereafter]; and the comptroller, the state treasurer, and the attorney general must be named as party defendants. To properly invoke the court's jurisdiction under §112.151 and §112.152, the taxpayer is required to timely petition the agency for a refund [(reference should be made to §1.5 of this title (relating to Petition (or Claim) for Refund))] and to timely file a motion for a rehearing of the comptroller's decision denying the [such] refund (reference should be made to §1.29 of this title (relating to Motion for Rehearing)). The motion for rehearing must state in detail every ground the taxpayer intends to raise in the [his] lawsuit, and suit

against the comptroller must be filed within 30 days from the date the motion for rehearing is overruled.

§1.31. Computation of Time. In computing any period of time prescribed or allowed by these sections, by order of an administrative law judge, or by any applicable statute, the period begins [shall begin] on the day after the act, event, or default identified and concludes [shall conclude] on the last day of the [such] computed period, unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. Documents required to be filed or served are filed or served when actually received or are deemed filed or served when deposited with the United States Postal Service, postage paid. The postmark date indicated on a document is [shall be] presumed to be the date of mailing but this is a rebuttable presumption.

§1.32 [§1.33]. Service. When any document is required to be served on other parties, this may be accomplished by personal delivery or by [the] mailing the [of such] document addressed to the party or the [his] authorized representative at the last known address, postage paid. The document should indicate on its face that copies have been served on parties of record.

§1.33 [§1.34]. Discovery.

(a) An administrative law judge, acting independently [upon his own motion] or on motion of any party showing good cause, can:

- (1) (No change)
- (2) commission the taking of an oral deposition in the witness' county of residence or county where the witness [he] does business and require production of certain documents or other tangible items at the time of deposition; and
- (3) order any party to allow entry upon property under the party's [his] control for the purpose of doing any act or making any inspection not protected by privilege and [which is] reasonably calculated to lead to the discovery of evidence material to the contested case.

(b) The Administrative Procedure and Texas Register Act, Article 6252-13a, §14 and §14a, as amended, applies [shall apply] to matters of discovery.

§1.34 [§1.35]. Witness Fees. Any witness who is not a party and who is subpoenaed or otherwise compelled to attend any proceeding is entitled to receive \$.20 a mile for going to and from any place more than 25 miles from the witness' place of residence and a fee of \$30 a day[,] or any part of a day. If two or more witnesses travel in a single automobile, only one may receive mileage reimbursement. At the time the request for a witness' attendance is filed, the requesting party is required to deposit the estimated amount to which the witness will be entitled with the clerk of the administrative law judges. The [Such] deposit is not required when the agency is the requesting party.

§1.35 [§1.36]. Nonbinding Nature of Agreed Facts. By use of the position letter and any [the] reply to it [thereto], or by means of agreed facts or stipulated facts, the parties are encouraged to narrow their disagreements prior to hearing. [Should the testimony or other evidence received prove a fact to be other than as agreed or stipu-

lated, such agreement is not binding on either party. But in such event, the record shall be held open to give all parties an opportunity to present evidence and argument relevant to the factual issue.] Stipulated facts are for purposes of resolution of the contested case before the agency only, and **no** [neither] party is [shall be] bound by them thereafter.

§1.36 [§1.37] Interested Parties. Any person who has a direct pecuniary interest in the resolution of a contested case may be admitted as an interested party upon **filing** a motion to be admitted[, duly filed] with the administrative law judge and **furnishing** proof of service to all other parties. The administrative law judge will decide whether or not to admit the movant as an interested party. If admitted, the interested party's participation will be limited to the extent of **the party's** [his] interest.

§1.37 [§1.38] Joint Hearings. A party may file a written motion to have two or more cases joined for purposes of hearing, whether on written [submission] or oral **submission**; or an administrative law judge, **acting independently**, may[, on his own motion,] join two or more cases. Proceedings involving more than one taxpayer **may** [shall] not be joined if any party objects. A motion for joinder **must** [should] state the basis for joinder.

§1.38 [§1.39] Severance. Where two or more cases have been joined for purposes of a hearing, a party may move to sever. Severance **will** [should] be granted unless the hearing involves an issue which cannot be fully determined in the absence of one or more of the parties.

§1.39 [§1.40] Dismissal of Case. A motion to dismiss may be filed by a **taxpayer** [petitioner] based upon agreement reached among the parties **as reflected in the position letter or any supplement to it**, or upon **the taxpayer's** [his] decision to abandon **the** [his] case, and a decision will be **issued** [rendered] which conforms with the position letter. A tax division, acting through a hearing attorney, may move to dismiss a case based upon agreement reached among the parties or for want of prosecution[, including failure to submit a statement of grounds; but such] **The** motion **must** [shall] be sent to **all** parties and their authorized representatives at their last known address by certified mail. The chief administrative law judge may [on his own motion] move to dismiss a case, notifying the parties by certified mail. If there is no reply from the **taxpayer** [petitioner] within 15 days, a decision will be **issued** **either** [rendered] dismissing the case and fixing the deficiency as the amount determined by the tax division or otherwise disposing of the case according to the position last taken by the tax division.

§1.40 [§1.41] Burden of Proof. If the contested case involves the suspension or revocation of a permit, or the imposition of additional penalty for willful or fraudulent failure to pay tax, the agency **has** [shall have] the burden of **proving** [to prove] by a preponderance of the evidence that **the** [such] action is warranted. In all other cases, unless otherwise provided by law, the **taxpayer has the burden of proving** [burden of proof shall be upon the petitioner or applicant to show] by a preponderance of the evidence that a **particular** [in what respect the] action or proposed action of the agency, as set out in the position letter, is incorrect.

§1.41 [§1.42] Ex Parte Communications. There **may** [shall] be no verbal communications with the administrative law judge regarding any issue of fact or law in a case[,] without notice and opportunity for all parties to participate, and there **may** [shall] be no written communications that are not transmitted at the same time to all parties, except that an individual involved in rendering the decision in a case may communicate *ex parte* with employees of the agency who **did** [have] not **participate** [participated] in **the** [any] hearing in the case for the purpose of utilizing their special skills or knowledge in evaluating the evidence.

§1.42 [§1.43] Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Administrative law judge—An individual licensed to practice law in Texas and appointed by the comptroller to conduct hearings on matters within **the comptroller's** [his] jurisdiction and to prepare proposed decisions to properly resolve such matters. The administrative law judges are organizationally and physically separate from the Legal Services Division and all tax divisions and report directly to the comptroller or **the** [his] chief clerk.

Authorized representative—**An** [The] individual who represents a party in a contested case [unless the party represents himself,] and may be any individual other than the party.

Contested case or case—A proceeding in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing. It includes a request for redetermination or refund, as well as actions initiated by the agency to revoke or suspend [sales tax] permits **or licenses administered by this agency** on grounds other than failure to pay a final sales tax deficiency or failure to file sales tax security. It does not include forfeitures of rights to do business, or certificates of authority, [or] of articles of incorporation, **or requests for or revocation of exemptions from taxation.**

Determination—A written notice from the agency that a person is required to pay to the State of Texas tax, **penalty** [penalties], or interest.

Party—Any person filing a petition with the agency or asked by the agency to respond; the agency, acting through its tax divisions; and [shall include] any other person admitted as a party under §1.37 of this title (relating to Interested Parties).

Petition—A request for official action by the agency regarding the rights, duties, or privileges accorded to the person making the request under the tax laws of this state. If the request is made orally, it must subsequently be reduced to writing. [Petition forms are available.]

Petitioner or taxpayer—Any person who files a petition seeking redetermination of a tax liability, [or seeking] a refund of monies paid, **or determination of rights under any license or permit granted by the agency.**

Pleading—Any document filed by a party concerning **the** [his] position or assertions in a contested case.

Respondent or taxpayer—Any person to whom a notice of a show cause hearing for the suspension or revocation of a license has been issued.

Tax division—That division within the agency responsible for the particular action or actions which are the subject of the contested case. It includes but is not limited to Field Operations Division, Sales [and Tobacco Products] Tax Division, **Miscellaneous Tax Division**, Business Tax Division, Motor Vehicle Sales Tax Division, [Inheritance Tax Division], Fuels Tax Division, and Minerals Tax Division.

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

Issued in Austin, Texas, on May 16, 1983

TRD-833535 Boh Bullock
Comptroller of Public Accounts

Earliest possible date of adoption:
June 20, 1983

For further information, please call (512) 475-7000.

- §1.7. *Hearings Attorney and Request for Statement of Grounds.*
- §1.8. *Request for More Definite or Detailed Basis of Agency Action.*
- §1.10. *Statement of Grounds Due Date.*
- §1.32. *Extension of Time.*

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

Issued in Austin, Texas, on May 16, 1983.

TRD-833536 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption:
June 20, 1983

For further information, please call (512) 475-7000.



34 TAC §§1.3-1.5, 1.7, 1.8, 1.10, 1.32

(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 Comptroller of Public Accounts, Room 806, 111 East 17th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, Austin.)

The Comptroller of Public Accounts proposes the repeal of §§1.3-1.5, 1.7, 1.8, 1.10, and 1.32, concerning practice and procedure. The repeals are proposed so that substantially revised sections may be adopted. The purpose of these revisions is to expedite the administrative review of disputes between taxpayers and the agency in a manner consistent with the preservation of fairness and due process. Taxpayers requesting redetermination or refund hearings will be expected to provide their statement of grounds explaining their objections to the tax within the period allowed to request a hearing. Extensions of time will be strictly limited to situations where good cause is shown. The deadlines in these rules are intended to be strictly enforced.

Billy Hamilton, revenue estimating 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. There is no anticipated economic cost or public benefit for individuals as a result of the repeals.

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

The repeals are proposed under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

- §1.3. *Commencement and Numbering of a Contested Case.*
- §1.4. *Petition for Redetermination.*
- §1.5. *Petition (or Claim) for Refund.*

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS
Part X. Texas Adult Probation
Commission
Chapter 321. Standards**

37 TAC §321.2

The Texas Adult Probation Commission proposes an amendment to §321.2, concerning probation officers.

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

Mr. Peterson 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 equitable distribution of probation expenditures. 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 Virginia Grote, Texas Adult Probation Commission, 812 San Antonio, Suite 400, Austin, Texas 78701.

The amendment is proposed under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.2. Probation Officers.

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

(c) Professional membership. Probation departments should encourage membership in the appropriate professional organizations and maintain a current library of professional journals and publications available to all personnel. **Departments may secure one organizational membership in professional organizations for use by the probation staff. Departments are not permitted to secure individual memberships for employees.**

(d) (No change.)

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

Issued in Austin, Texas, on May 12, 1983.

TRD-833481 Virginia Grote
Secretary
Texas Adult Probation
Commission

Earliest possible date of adoption:
June 20, 1983

For further information, please call (512) 475-1374.

Chapter 323. Fund Distribution

37 TAC §323.1

The Texas Adult Probation Commission (TAPC) proposes amendments to §323.1, concerning per capita funding.

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

Mr. Peterson 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 increased support for the adult probation system. 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 Virginia Grote, Texas Adult Probation Commission, 812 San Antonio, Suite 400, Austin, Texas 78701.

The amendments are proposed under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§323.1. Per Capita Funding.

(a) (No change.)

(b) First quarter. The per capita payments in September will be computed at a per capita per day rate to be determined by the TAPC, [of \$.50,] using the number of adults under direct supervision for a three-month average. The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working days of April, May, and June.

(c) Remaining funds. After making the per capita payments of September, the TAPC will divide the remaining per capita funds into three equal parts for distribution in the second, third, and fourth quarters respectively. For example, the per capita payments in December will be calculated by subtracting the September payment from the total per capita allocation and dividing the result by three. The per capita payments in the second, third, and fourth quarter will not utilize a predetermined per capita per day rate (\$.50 is predetermined for the first quarter payments only). The TAPC will distribute second, third, and fourth quarter funds on a proportion of the total state caseload basis, not to exceed an equivalent per capita per day rate of \$.50.]

(c)(d) Second quarter [payment]. The per capita payments in December will be distributed at a rate determined by the TAPC [on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of \$.50)]. The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working days of July, August, and September.

(d)(e) Third quarter. The per capita payments in March will be distributed at a rate determined by the TAPC [on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of \$.50)]. The caseload will be determined by averaging the number of adults under direct supervision on the last working days of October, November, and December.

(e)(f) Fourth quarter. The per capita payments in June will be distributed at a rate determined by the TAPC [on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of \$.50)]. The caseloads will be determined by averaging the number of adults under direct supervision on the last working days of January, February, and March.

(f)(g) Transfer of surplus funds. If the maximum per capita per day rate determined by the TAPC [of \$.50] is invoked for the second, third, or fourth quarter payments, any resulting quarterly fund surplus may be transferred to the program funding described in §323.2 of this title (relating to Program Funding.)

(g)(h) Qualifying for funds. Judicial districts whose probation departments comply with TAPC standards qualify for per capita funding by submitting to the TAPC in writing the following information:

(1)-(4) (No change.)

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

Issued in Austin, Texas, on May 12, 1983.

TRD-833482 Virginia Grote
Secretary
Texas Adult Probation
Commission

Earliest possible date of adoption:
June 20, 1983

For further information, please call (512) 475-1374.

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

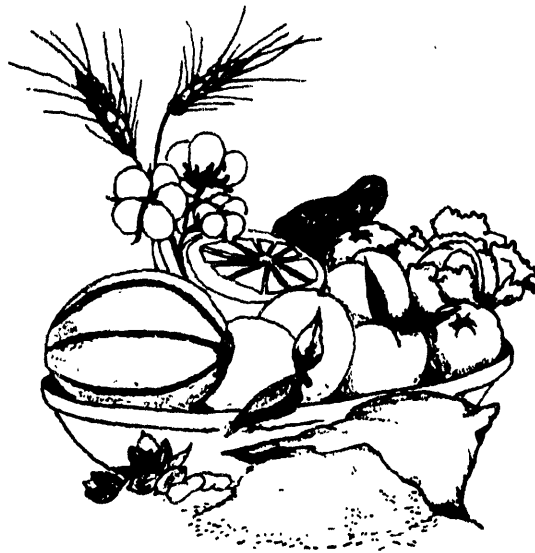
TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations 4 TAC §11.1, §11.2

The Texas Department of Agriculture has withdrawn from consideration for permanent adoption proposed amendments to §11.1 and §11.2, concerning herbicide regulations. The text of the amended sections as proposed appeared in the April 1, 1983, issue of the *Texas Register* (8 TexReg 1046).

Issued in Austin, Texas, on May 13, 1983.

TRD-833497 Macy Ramsey
 Agency Liaison
 Texas Department of Agriculture

Filed: May 13, 1983
For further information, please call (512) 475-6346.



Open Meetings

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

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

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

Texas Department of Agriculture

Friday, May 27, 1983, 10 a.m. The Consumer Services Division, Grain Warehouse Unit of the Texas Department of Agriculture will meet at 5015 College Drive, Vernon. According to the agenda, the division will consider Docket 77-83-GW—whether to suspend or cancel the grain warehouse License 971 of E. C. Holder Grain Company for alleged violation of the Texas Agriculture Code, §14.014 and §14.022, 1981.

Contact: Patrick Redman, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: May 13, 1983, 9:11 a.m.
TRD-833494

Texas County and District Retirement System

Friday, June 3, 1983, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Westin Galleria Hotel, Houston. According to the agenda summary, the board will hear the March 11, 1983, minutes; consider and pass on applications for service retirement benefits and disability retirement benefits; review and act on reports from the actuary, legal

counsel, investment counsel, and director; and set the date of the September meeting.

Contact: J. Robert Brown, 802 Perry-Brooks Building, Austin, Texas 78701, (512) 476-6651.

Filed: May 17, 1983, 8:46 a.m.
TRD-833548

Texas Education Agency

Friday, May 20, 1983, 8:30 a.m. The State Textbook Committee of the Texas Education Agency (TEA) will meet in the Joe Kelly Butler Board Room 101, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will conduct an orientation and organizational meeting.

Contact: Grace Grimes, 201 East 11th Street, Austin, Texas 78701, (512) 475-8691.

Filed: May 12, 1983, 3:57 p.m.
TRD-833489

Texas Employment Commission

Monday, May 16, 1983, 9:30 a.m. The Texas Employment Commission met in

emergency session in Room 644, Texas Employment Commission Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission reviewed information regarding the impact on employers and workers presented by committee substitute to House Bill 896. The emergency status was necessary to make a timely response to a request for information on pending legislation.

Contact: Pat Joiner, Texas Employment Commission Building, 15th Street and Congress Avenue, Room 656, Austin, Texas, (512) 397-4514.

Filed: May 13, 1983, 11:01 a.m.
TRD-833501

Firemen's Pension Commissioner

Tuesday, May 17, 1983, 10 a.m. The Administrative Division of the office of the Firemen's Pension Commissioner met in emergency session in Room 503-F, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the board of trustees for the Senate Bill 411 pension system as prescribed by Texas Civil Statutes, Article 6243e.3, discussed a new pension

system and legislation following the signing of the bill by the governor. The emergency status was necessary because of the signing of Senate Bill 655 into law by Governor Mark White.

Contact: Hal H. Hood, 201 East 14th Street, Sam Houston Building, Room 503-F, Austin, Texas, (512) 475-5879.

Filed: May 16, 1983, 9:08 a.m.
TRD-833529

Good Neighbor Commission

Saturday, May 21, 1983, 8:30 a.m. The Administrative Committee of the Good Neighbor Commission will meet in Room 507, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the committee will evaluate agency activities.

Contact: Bob Watson, P.O. Box 12077, Austin, Texas 78711, (512) 475-3581.

Filed: May 12, 1983, 1:41 p.m.
TRD-833475

Texas Health Facilities Commission

Friday, May 27, 1983, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificates of Need

Charlton Methodist Hospital, Dallas
AH82-1110-171

Presbyterian Hospital of Dallas
AH83-0214-118

Gainesville Memorial Hospital,
Gainesville
AH82-0706-058

The Methodist Hospital, Houston
AH83-0128-098

Angelo Community Hospital,
San Angelo
AH82-1014-099

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

Filed: May 16, 1983, 9:27 a.m.
TRD-833531

State Board of Insurance

Wednesday, May 25, 1983. The Commissioner's Hearing Section of the State Board

of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow

9:30 a.m. Docket 7152—application of Liberty Standard Life Insurance Company of Texas, Cleveland, for original charter

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

Filed: May 16, 1983, 9:54 a.m.
TRD-833537

10 a.m. Docket 7154—application of Pruco Life Insurance Company, Phoenix, Arizona, for authority to issue variable life contracts.

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

Filed: May 15, 1983, 9:54 a.m.
TRD-833538

1:30 p.m. Docket 7155—whether the certificate of authority of Integrity Insurance Company should be canceled or revoked.

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

Filed: May 16, 1983, 9:54 a.m.
TRD-833539

Friday, May 27, 1983, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commission will consider Docket 7170—application of Peoples Life Insurance Company for approval of the re-evaluation of its home office property.

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

Filed: May 16, 1983, 9:55 a.m.
TRD-833540

Texas Board of Irrigators

Wednesday, May 25, 1983, 9:30 a.m. The Texas Board of Irrigators will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider approval of minutes, certification of licensed irrigator and installer exam results, dates for the next exams, a special meeting to revise the study packet, and a change in the standards of conduct; hear reports from the fiscal officer, legal counsel, the chairman, and concerning investigations of complaints; and consider dismissal of its action against Phil Stover, the referral of one mat-

ter to the attorney general, and two to the Texas Water Commission

Contact: Joyce Watson, 1700 North Congress Avenue, Room 431, Austin, Texas, (512) 475-8161

Filed: May 16, 1983, 3:11 p.m.
TRD 833545

Texas Commission on Jail Standards

Wednesday, May 25, 1983, 8:30 a.m. The Texas Commission on Jail Standards will meet in Room 206, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda summary include the March 23, 1983, meeting minutes, the director's report, old business concerning Stephens and Val Verde Counties, 37 IAC §265.16 relating to strip search; new business concerning El Paso staffing, Deaf Smith and Montgomery Counties, and applications for variances for Brewster, Hamilton, Hutchinson, Yoakum, and Webb Counties. The commission will also meet in executive session.

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

Filed: May 13, 1983, 10:28 a.m.
TRD-833500

Midwestern State University

Thursday, May 12, 1983, 3 p.m. The Student Affairs Committee of the Board of Regents of Midwestern State University met in emergency session in the board room, Hardin Administration Building, Midwestern State University, Wichita Falls. According to the agenda, the committee considered room and board rates for 1983-1984 and the contract for food service. The emergency status was necessary because recommendations must be made at the May 20 board meeting. This was the only day a quorum of the committee could meet due to business conflicts.

Contact: Dr. Louis J. Rodriguez, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 4211.

Filed: May 12, 1983, 1 p.m.
TRD-833474

Friday, May 20, 1983, 10 a.m. The Board of Regents of Midwestern State University will meet in the board room, Hardin Building, 3400 Taft Boulevard, Wichita Falls.

Items on the agenda summary include reading and approval of the minutes; financial reports and approval of reports; the Association of Governing Boards annual meeting report; the Art Acquisition Committee report; Executive, Financial, Personnel and Curriculum, Student Affairs, Athletics, and University Affairs Committee items, the president's report, and discussion of upcoming meeting dates and times

Contact: Dr. Louis J. Rodriguez, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 4211

Filed: May 12, 1983, 2:06 p.m.
TRD-833476

North Texas State University

Friday, May 13, 1983, 9 a.m. The Role and Scope Committee of the Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University made an addition to the agenda of a meeting held in the board room, North Texas State University, Denton. The addition concerned the resolution regarding proposed school podiatry. The emergency status was because of legislative necessity

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2000.

Filed: May 12, 1983, 3:37 p.m.
TRD-833483

Friday, May 13, 1983, 11:30 a.m. The Facilities Committee of the Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University made an addition to the agenda of a meeting held in the board room, North Texas State University, Denton. The addition concerned the disposition of university property. The emergency status was necessary because of an offer which needs to be accepted before the August meeting.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2000.

Filed: May 12, 1983, 3:38 p.m.
TRD-833484

Board of Nurse Examiners

Tuesday-Thursday, May 24-26, 1983, 8 a.m. daily. The Board of Nurse Examiners will meet at the Sunrise Motor Hotel, 7622 IH 35 North, Austin. Items on the agenda summary include disciplinary, informal, and reinstatement hearings; an education report concerning survey visits, annual re-

ports, and progress reports; an examination; new business and a report of the executive secretary. The board will also meet in executive session to review the draft of test questions

Contact: Margaret Rowland, 1300 East Anderson Lane, Suite C-225, Austin, Texas 78752, (512) 835-4880

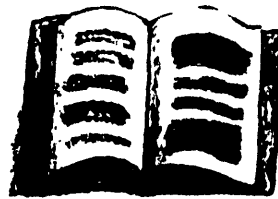
Filed: May 12, 1983, 10:20 a.m.
TRD-833459

Texas Board of Licensure for Nursing Home Administrators

Wednesday, May 25, 1983, 2 p.m. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. According to the agenda summary, the board will approve the February 9, 1983, minutes; hear reports from the Education Committee, the Suitability Committee, the Texas Department of Health, the Texas Department of Human Resources, the legislative appropriation coordinator, the executive director, and the chair; and rule waivers

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

Filed: May 12, 1983, 10:20 a.m.
TRD-833460



Board of Pardons and Paroles

Tuesday-Friday, May 31-June 3, 1983, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

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

Filed: May 16, 1983, 8:43 a.m.
TRD-833525

Public Utility Commission of Texas

Tuesday, May 24, 1983, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas rescheduled a prehearing conference to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider applications to amend certificates of convenience and necessity within Bexar County in Docket 5089--Hill Country Water Works, Inc., and Docket 5148--City Water Board of San Antonio. The prehearing was originally scheduled for May 23, 1983

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

Filed: May 13, 1983, 2:01 p.m.
TRD-833515

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

Wednesday, May 25, 1983, 10 a.m. A prehearing conference in Docket 5141—petition of Southwestern Bell Telephone Company for approval of tariff to allow customers to install and maintain inside premises station wire.

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

Filed: May 16, 1983, 2:39 p.m.
TRD-833541

Wednesday, May 25, 1983, 10:30 a.m. A prehearing in Docket 5148—application of Montague Water Systems for authority to change rates within Montague County.

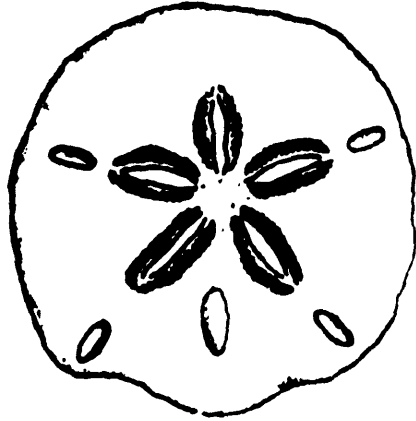
Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 12, 1983, 10:13 a.m.
TRD-833458

Thursday, May 26, 1983, 2 p.m. A prehearing conference in Docket 5024—application of West Lakeview Water Supply Corporation for a certificate of convenience and necessity to provide water utility service within Johnson County.

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

Filed: May 16, 1983, 2:39 p.m.
TRD-833542



Railroad Commission of Texas

Monday, May 23, 1983, 9 a.m. Divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. Divisions, meeting rooms, and agendas follow.

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

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

Filed: May 13, 1983, 12:01 p.m.
TRD-833502

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

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

Filed: May 13, 1983, 11:58 a.m.
TRD-833503

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

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

Filed: May 13, 1983, 11:57 a.m.
TRD-833504

The Gas Utilities Division will meet in Room 107 to consider gas utilities Dockets 3968, 4038, 4046, 3994, and 4047 and the director's report.

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

Filed: May 13, 1983, 12:01 p.m.
TRD-833505

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

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

Filed: May 13, 1983, 11:59 a.m.
TRD-833506

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

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

Filed: May 13, 1983, 12:02 p.m.
TRD-833507

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

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

Filed: May 13, 1983, 11:58 a.m.
TRD-833508

Addition to the above agenda:

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

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

Filed: May 13, 1983, 11:59 a.m.
TRD-833509

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

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

Filed: May 13, 1983, 12:01 p.m.
TRD-833511

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

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

Filed: May 13, 1983, 11:58 a.m.
TRD-833512

The Surface Mining and Reclamation Division will meet in the first floor auditorium to consider the release of surety bonds held by the commission for the surface coal mining operations of the Sabine Mining Company under the permit issued in Docket 13 due to the replacement of these bonds, permit application of the Lower Colorado River Authority for the proposed Powell Bend mine in Docket 16, and to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

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

Filed: May 13, 1983, 12:02 p.m.
TRD-833513

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

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

Filed: May 13, 1983, noon
TRD-833514

Addition to the above agenda:

Consideration of Dockets 020805BAIN, 02813BAIN, 02806BAIN, 02803BAIN, 02810BAIN, 02808BAIN, and 02786BAIN.

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

Filed: May 13, 1983, 4:23 p.m.
TRD-833524

State Securities Board

Friday, May 27, 1983, 9 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will hold a hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by AED-American Energy, Inc.

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

Filed: May 12, 1983, 3:02 p.m.
TRD-833485

Texas State University System

Thursday and Friday, May 19 and 20, 1983, 2 p.m. Thursday and 9 a.m. Friday. The

Texas Register

Board of Regents of the Texas State University System met in the Panhandle Room, Hyatt Regency, Austin. According to the agenda summary, the board conducted a bond sale and reviewed matters of the board and the four universities in the system.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 475-3876.

Filed: May 12, 1983, 3:52 p.m.
TRD-833490

Thursday, May 19, 1983. Committees of the Board of Regents of the Texas State University System met in the Panhandle Room, Hyatt Regency, Austin. Times, committees, and agendas follow.

2:30 p.m. The Building Committee met to review construction projects and documents for the four universities in the system.

3:30 p.m. The Curriculum Committee met to review curriculum needs and requests for the four universities in the system.

4 p.m. The Rules and Regulations Committee met to review proposed amendments to the rules and regulations of the system.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 475-3876.

Filed: May 12, 1983, 3:52 p.m.
TRD-833491-832493

Texas Tech University

Friday, May 13, 1983, 8:30 a.m. The Board of Regents of Texas Tech University submitted an emergency addition to the agenda of a meeting held in the board room, Administration Building, Lubbock. The addition concerned the authorization for the president to demolish and remove the damaged portion of the livestock arena structure for safety purposes. The emergency status was necessary because the structure is unsafe in its present state and needs to be corrected before the next board meeting in August.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 12, 1983, 12:36 p.m.
TRD-833477

Texas Water Commission

Monday, May 16, 1983, 2 p.m. The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building,

1700 North Congress Avenue, Austin. According to the agenda, the commission considered the motion for continuance filed on behalf of Heat Energy Advanced Technology, Inc., concerning the hearing set for May 19, 1983. The emergency status was necessary because the attorneys for the respondents must have out of city and/or out of state witnesses for the hearing, making it necessary for the commission to consider granting or denying motion for continuance prior to May 19, 1983.

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

Filed: May 16, 1983, 8:58 a.m.
TRD-833526

Monday, May 23, 1983, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider water district bond issues, use of surplus funds, and set a hearing date on district creation, discuss water quality proposed permits, amendments and renewals, production area authorization, an application for an order authorizing continuation of construction of treatment facilities, an application for temporary orders authorizing discharge, the examiner's proposals on water use permits, consideration of a motion for rehearing, and the filing and setting of hearing dates.

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

Filed: May 12, 1983, 11:14 a.m.
TRD-833471

Wednesday, June 1, 1983, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the water quality applications by Can-Am Associates, Inc., for proposed water quality Permit 12643-01 to authorize discharge of treated domestic sewage effluent from the Pinewood Place wastewater treatment plant, Harris County, and the application by Harris County Fresh Water Supply District 61 for proposed water quality Permit 12625-01 to authorize discharge of treated wastewater from a proposed wastewater treatment facility in Harris County.

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

Filed: May 13, 1983, 3:15 p.m.
TRD-833518

Wednesday, June 22, 1983, 9 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of Leon E. Parker, Floyd W. Parker, Frankie Glass, and H. C. Duncan III, 1209 Vapor, Pflugerville, Texas 78660, to the Texas Department of Water Resources for proposed Permit 12733-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 450,000 gallons per day. The applicant proposes to construct wastewater treatment facilities in two stages, to provide for the domestic needs of residents of a mobile home park.

Contact: Chester E. Ehret, Jr., P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: May 12, 1983, 11:14 a.m.
TRD-833472

Tuesday, June 28, 1983, 9 a.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of G. Philip Albright, 2100 West Loop South, Suite 1600, Houston, Texas 77027, to the Texas Department of Water Resources for proposed Permit 12706-01 to authorize a discharge of treated domestic wastewater at a volume not to exceed an average flow of 35,000 gallons per day from the proposed Rainstone wastewater treatment plant which the applicant proposes to install to treat the domestic wastewater from a proposed office complex.

Addition to the above agenda:

Application of Grimes County Municipal Utility District 1, c/o Rowe & Young, 2727 Allen Parkway, Suite 1680, Houston, Texas 77019, to the Texas Department of Water Resources for proposed Permit 11437-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 50,000 gallons per day. The applicant proposes to operate an existing sewage treatment plant to serve area residences. The facility operated under Permit 11437, which expired April 22, 1980.

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

Filed: May 12, 1983, 3:12 p.m.
TRD-833486, 833487

Wednesday, June 29, 1983, 9 a.m. The Texas Water Commission will meet in the council chambers, Conroe City Hall, sec-

ond floor, 505 West Davis, Conroe. According to the agenda summary, the commission will consider the application of Leonard Kinsey, 1040 Highway 59 South, New Caney, Texas 77357, to the Texas Department of Water Resources for proposed Permit 12632-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 25,000 gallons per day from the proposed Leisure Living Mobile Home Park sewage treatment plant. The applicant proposes to expand his mobile home park and abandon the absorption field disposal method.

Addition to the above agenda:

Application of COE Utilities, Inc., 31931 FM 149, Pinehurst, Texas 77362, to the Texas Department of Water Resources for proposed Permit 12687-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,500 gallons per day from the proposed Victoria Station wastewater treatment plant. The applicant proposes to build the wastewater treatment plant to serve Decker Prairie Elementary School and Victoria Station Mobile Home Park.

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

Filed: May 13, 1983, 3:15 p.m.
TRD 833519, 833520

Wednesday, July 6, 1983, 9:30 a.m. The Texas Water Commission will meet in the Emergency Medical Service Training Building, 7411 Park Place, Houston. According to the agenda summary, the commission will consider the application of Albert H. Korenek, P.O. Box 45915, Houston, Texas 77245, to the Texas Department of Water Resources for proposed Permit 12680-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 12,000 gallons per day. The applicant proposes to construct the treatment facility to serve a mobile home park.

Addition to the above agenda:

Application of the City of Pasadena, P.O. Box 672, Pasadena, Texas 77051, to the Texas Department of Water Resources for proposed Permit 10053-06 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 300,000 gallons per day from the El Jardin wastewater treatment plant which is to serve the El Jardin subdivision. The subdivision is presently being served by the City of Seabrook, but the city is canceling

its contract with the City of Pasadena on June 1, 1983.

Contact: James Rourke, P.O. Box 13087, Austin, Texas 78711, (512) 475-1339.

Filed: May 13, 1983, 3:16 p.m.
TRD 833521, 833522

Texas Department of Water Resources

The General Counsel of the Texas Department of Water Resources will meet at various locations across the state to conduct public hearings by the executive director to receive comments on the department's draft planning report *Water for Texas: Planning for the Future*, developed pursuant to the Texas Water Code, Chapter 16, §16.051, concerning the State Water Plan. Days, times, and locations are as follows:

Tuesday, June 21, 1983, 7 p.m. Contessa Inn, 717 Highway 259 South, Longview.

Tuesday, June 28, 1983, 2 p.m. Duntex Dallas Hotel, 3800 West Northwest Highway, Dallas.

Thursday, July 7, 1983, 7 p.m. La Posada Motel Hotel, 100 North Main Street, McAllen.

Tuesday, July 12, 1983, 7 p.m. Lubbock Civic Center, 1501 Sixth Street, Lubbock.

Thursday, July 14, 1983, 2 p.m. Kiva Inn, Highway 80 West, 5404 South First Street, Abilene.

Tuesday, July 19, 1983, 7 p.m. Chamber of Commerce, 10 Civic Center Plaza, El Paso.

Thursday, July 21, 1983, 1:30 p.m. Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

Tuesday, July 26, 1983, 2:30 p.m. Baytown Community Building, 2407 Market Street, Baytown.

Contact: Susan Plettman, P.O. Box 13087, Austin, Texas 78711, (512) 475-3821

Filed: May 12, 1983, 10:10 a.m.
TRD-833461-833468

West Texas State University

Monday, May 16, 1983, 10 a.m. The Board of Regents of West Texas State University made an emergency addition to the agenda of a meeting held in Room 211, Activities Center, West Texas State University, Canyon. The addition concerned a utility ease-

ment to Palo Duro Village Cooperative. The emergency status was necessary because a utility easement was needed as soon as possible to avoid delay in construction.

Contact: Texas Smith, P.O. Box 997, Canyon, Texas 79016

Filed: May 13, 1983, 3:50 p.m.
TRD 833523

Texas Youth Commission

Friday, May 13, 1983, 4 p.m. The Board of the Texas Youth Commission met in emergency session via conference call in the executive director's office, 8900 Shoal Creek Boulevard, Austin. According to the agenda, the board will discuss the Morales v. Tutman case. The emergency status was because the time set for the court filing of an agreement in the case presented an urgent public necessity.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766

Filed: May 13, 1983, 1:46 p.m.
TRD 833510

Regional Agencies

Meetings Filed May 12

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in emergency session at 6000 Middle Friskville Road, Austin, on May 14, 1983, at 9 a.m. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 27.

The Central Plains Comprehensive Community Mental Health and Mental Retardation Center, Board of Trustees, met at 2601 Dimmit Road, Plainview, on May 19, 1983, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 296-2726.

The Golden Crescent Regional Planning Commission, Board of Directors, met in the Stephen F. Austin Room, Victoria Bank and Trust Building, 120 South Main, Victoria, on May 18, 1983, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Grayson County Appraisal District, Board of Directors, met in the commissioners courtroom, Grayson County Court-

Texas Register

house, Sherman, on May 18, 1983, at noon. Information may be obtained from Rita Neill, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Jasper County Appraisal District, Appraisal Review Board, will meet at the Jasper County Courthouse annex, 102 North Austin, Jasper, on May 20, 1983, at 10 a.m. and 1:30 p.m. Information may be obtained from David W. Luther, Jasper County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Lower Colorado River Authority, Parks and Lands Committee, met at 3700 Lake Austin Boulevard, Austin, on May 18, 1983, at 8 a.m. The following committees met at the same location on the same day at the following times:

Water and Flood Control Committee—
9 a.m.

Audit Committee—10 a.m.

Personnel, Compensation, Pension
Trust, and Benefit Committee—
11:30 a.m.

Finance and Administration
Committee—1 p.m.

Power and Energy Committee—2 p.m.

The Board of Directors met at the same location on May 19, 1983, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The North Texas Municipal Water District, Board of Directors, will meet in the administrative offices, Wylie, on May 26, 1983, at 4 p.m. Information may be obtained from Carl W. Riehn, Drawer C, Wylie, Texas 75098, (214) 442-5405.

The South Texas Health Systems Agency, Policy Committee, will meet in the board room, Kleberg Memorial Hospital, 1300 East Military Highway, Kingsville, on May 21, 1983, at 10:30 a.m. Information may be obtained from H. Barrett Bock, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

TRD-833470

Meetings Filed May 13

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, met in the board room, 1430 Collier Street, Austin, on May 16, 1983, at noon. Information may be obtained from George Cantu, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, New Braunfels, on May 16, 1983, at 7 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Dallas County Appraisal District, Board of Directors, met at 2601 Live Oak, Dallas, on May 18, 1983, at 7:30 a.m. Information may be obtained from Jerry Yeatts, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

The Region XVIII Education Service Center, Board of Directors, will meet at the education service center, LaForce Boulevard, Midland, on June 2, 1983, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas (915) 563-2380.

The Fannin County Appraisal District, Board of Directors, met in emergency session at 401 North Main, Bonham, on May 13, 1983, at 7 p.m. Information may be obtained from Bettye Manning, 401 North Main, Bonham, Texas 75418, (214) 583-9546.

The Jack County Appraisal District, Board of Directors, met in the district office, Los Creek Office Building, 258 South Main, Jacksboro, on May 17, 1983, at 7 p.m. Information may be obtained from Doris G. Ray, 258 South Main, Jacksboro, Texas, (817) 567-6301.

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main Street, Cleburne, on May 25, 1983, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986.

The Kendall County Appraisal District, Board of Directors, met at 207 East San Antonio Street, Boerne, on May 19, 1983, at 8 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Limestone County Appraisal District, Board of Directors, met in Room 6, Mexia City Hall, Mexia, on May 18, 1983, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Box 266, Mexia, Texas 76667, (817) 729-5385, ext. 35.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met at the First United Methodist Church, 204 East Pearl, Granbury, on May 18, 1983,

at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Scurry County Appraisal District, Board of Directors, will meet at The Shack, 1005 25th, Snyder, on May 20, 1983, at noon. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Tarrant County Appraisal District, Appraisal Review Board, met in Suite 300, 1701 River Run, Fort Worth, on May 18, 1983, at 8:30 a.m. Information may be obtained from Linda Freeman, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151 or (817) 429-2947.

TRD-833498

Meetings Filed May 16

The Deep East Texas Council of Governments, Criminal Justice Advisory Board, met in emergency session at the Lufkin Civic Center, 601 North Second Street, Lufkin, on May 19, 1983, at 11 a.m. Information may be obtained from Ronald J. Willis, P.O. Drawer 1170, Jasper, Texas 75951, (409) 384-5704.

The Eastland County Appraisal District, Appraisal Review Board, will meet in the commissioners court room, Eastland County Courthouse, Eastland, on May 26, 1983, at 9:30 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The East Texas CETA Consortium, Board of Directors, met in emergency session at the Stoneridge Office Plaza Building, 3800 Stone Road, Kilgore, on May 17, 1983, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Region XII Education Service Center, Board of Directors, will meet at 401 Franklin, Waco, on May 26, 1983, at 7:30 p.m. Information may be obtained from Dr. Jack M. Ross, P.O. Box 1249, Waco, Texas 76703.

The Ellis County Tax Appraisal District met at 406 Sycamore Street, Waxahachie, on May 19, 1983, at 7 p.m. Information may be obtained from Gray Chamberlain, 406 Sycamore Street, Waxahachie, Texas 75165, (214) 937-3552.

The Houston-Galveston Area Council Health Systems Agency, Area Health Com-

mission, will meet in the large conference room, 3701 West Alabama, Houston, on May 25, 1983, at 10 a.m. Information may be obtained from Aquina Janice, 3701 West Alabama, Houston, Texas 77027, (713) 627-3200, ext. 274.

The Middle Rio Grande Development Council, A-95 Project Review Committee, will meet at the Civic Center, 1915 Avenue F, Del Rio, on May 25, 1983, at 11 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank, Room 307, Del Rio, Texas 78840, (512) 774-4949.

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on May 23, 1983, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The Rusk County Appraisal District, Appraisal Review Board, will meet in the administrative offices, 107 North Van Buren, Henderson, on May 24, 1983, at 7 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

The Tyler County Tax Appraisal District, Review Board, will meet at 1004 West Bluff, Woodville, on June 7, 1983, at 7 p.m. Information may be obtained from Leslie J. Silva, P.O. Box 9, Woodville, Texas 75979, (409) 283-3736.

The West Texas Council of Governments will hold its annual meeting at the Holiday Inn, Van Horn, on May 20, 1983, at 1 p.m. The Board of Directors will also meet at the same location on the same day at 2 p.m. Information may be obtained from Bernie

Guy, Two Civic Center Plaza, El Paso, Texas 79999, (915) 541-4689.
TRD-833532

Meetings Filed May 17

The Gray County Appraisal District, Board of Directors, met in emergency session in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on May 19, 1983, at 5:30 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Jack County Appraisal District, Appraisal Board, made an emergency addition to the agenda of a meeting held at the Lost Creek Office Building, Jacksboro, on May 17, 1983, at 7 p.m. Information may be obtained from Doris G. Ray, Lost Creek Office Building, Jacksboro, Texas 76056, (817) 567-6301.

TRD-833549

The Legislature

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

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

Bills Submitted to the Governor

May 12

HB 1020 Relating to nomination for and election to the office of county school trustee in certain counties.

Sponsors: Polumbo, *et al*

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

Sponsor: Schlueter

HB 1406 Relating to the possession and display of certain documents relating to the origin and status of red-fish and speckled sea trout.

Sponsor: Wright

May 13

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

Sponsor: Caperton

SB 367 Relating to local government compensation for required removal of outdoor advertising.

Sponsor: Sharp

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

Sponsor: Traeger

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

Sponsor: Brooks

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

Sponsor: Mauzy

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

Sponsor: Traeger

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

Sponsor: Brooks

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

Sponsor: Williams

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

Sponsor: Brooks

May 16

HB 593 Relating to the administration, powers, duties, and continuation of the Railroad Commission of Texas, including regulation of transportation, oil, gas, surface mining, gas utilities; establishing the Office of Public Utility Counsel.

Sponsors: Messer, *et al*

SB 98 Relating to the composition, powers, and duties of the Texas Board of Health, the commissioner of health, and the Texas Department of Health and the authority of the county commissioners court to expend money for its county's public health.

Sponsor: Traeger

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

Sponsor: Kothmann

SB 384 Relating to the guarantee of certain school district bonds; prescribing certain powers and duties of the State Board of Education, the commissioner of education, and the state auditor; providing for enforcement proceedings.

Sponsors: Jones, Grant

SB 623 Relating to cemetery perpetual care trust funds.

Sponsor: Harris, O.H.

SB 682 Relating to the microfilm preservation of records made or received by local governments, to the preservation and retention of historical resources in a depository, and to the force and effect of such microfilm records.

Sponsor: Montford

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

Sponsor: Sharp

Bill Vetoed by the Governor

May 16

SB 454 Relating to the powers and duties of the Fort Bend County Drainage District, to certain elections, to certain duties of the commissioners court, to notice, hearing, and application procedures, and to injunctive relief.



In Addition

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.

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

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

On April 27, 1983, the banking commissioner received an application to acquire control of Lexington State Bank, Lexington, by W. B. Harris of Columbus.

On May 10, 1983, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on May 10, 1983.

TRD-833478 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: May 12, 1983
For further information, please call (512) 475-4451.

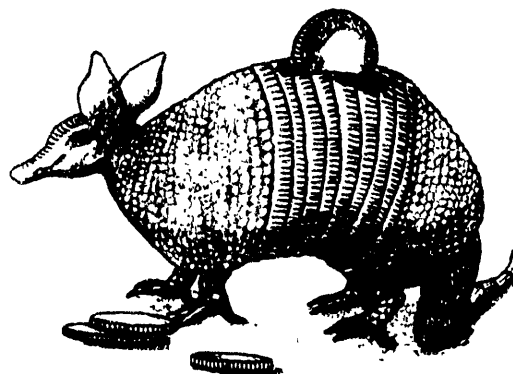
On May 11, 1983, the banking commissioner received an application to acquire control of Security Bancshares, Inc./City State Bank in Wellington, by Don Donaldson of Bartlesville, Oklahoma.

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

Issued in Austin, Texas, on May 11, 1983.

TRD-833479 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: May 12, 1983
For further information, please call (512) 475-4451.



Office of Consumer Credit Commissioner Rate Ceilings

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

Effective Period ⁽¹⁾	Type of Transaction	
	Commercial ⁽³⁾ Consumer ⁽²⁾ /thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated Rate		
Weekly Rate Ceiling 05/23/83-05/29/83	18.00%	18.00%
Monthly Rate Ceiling (Variable Commercial Only) 05/01/83-05/31/83	18.00%	18.00%
Quarterly Rate Ceiling 04/01/83-06/30/83	18.00%	18.00%
Annual ⁽⁵⁾ Rate Ceiling 04/01/83-06/30/83	20.48%	20.48%

- (1) Dates set out above are inclusive
- (2) Credit for personal, family, or household use
- (3) Credit for business, commercial, investment, or other similar purpose
- (4) Same as (3) above, except excluding credit for agricultural use
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1 01(f)

Issued in Austin, Texas, on May 16, 1983.

TRD-833527 Sam Kelly
Consumer Credit Commissioner

Filed: May 16, 1983
For further information, please call (512) 475-2111.

Texas Education Agency Consultant Proposal Request

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

In the April 1, 1983, issue of the *Texas Register* (8 Tex-Reg 1090), the Texas Education Agency published a consultant proposal request for vocational education program improvement projects as provided for by Public Law 94-482, the Education Amendments of 1976. Public educational institutions were designated as the only eligible applicants.

The consultant proposal request was suspended in the April 29, 1983, issue of the *Texas Register* (8 TexReg 1430), pending agency reconsideration of the specifications for eligible applicants. After such reconsideration, the agency has changed the specifications for eligible applicants.

Proposals submitted in response to the April 1, 1983, request will be processed and considered. Applicants will be informed if there are any additional steps necessary to have their proposals considered under the new request for proposals. The request is re-issued as follows.

Description. The Texas Education Agency is requesting proposals for vocational education program improvement projects as provided for by the Education Amendments of 1976, Public Law 94-482. Proposals are requested in the areas of research, exemplary and innovative curriculum development, personnel training, and activities to overcome sex bias and sex stereotyping.

Due Date. Proposals must be received by the Texas Education Agency no later than 5 p.m. on June 3, 1983. The right to reject any or all proposals is reserved.

Eligible Applicants. The following agencies, institutions, and organizations are eligible recipients for these funds: local education agencies, regional education service centers, community/junior colleges, technical institutes, senior colleges, universities, and contingent upon the passage of appropriate state law by the due date of this request for proposals, accountable 501(c)(3) nonprofit organizations.

Procedure for Selecting Contractors. Respondents deemed by a review panel to be best qualified by knowledge, experience, and education in the specialties required for the projects, by capacity to complete the projects well and on time, and by reputation for excellence of performance will be selected for cost and contract negotiations.

Contact. Further information and copies of the standard application for preparation and submission of proposals for discretionary funding of vocational program improvement activities (including specific requests for preproposals) may be obtained by writing or calling Dr. R. D. Bristow, Research Coordinating Unit, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4165.

Issued in Austin, Texas, on May 16, 1983

TRD-833533 Raymon L Bynum
Commissioner of Education

Filed: May 16, 1983
For further information, please call (512) 475-7077.

Texas Energy and Natural Resources Advisory Council Award of Contract

The Texas Energy and Natural Resources Advisory Council (TENRAC) furnishes this notice of contract award. The contract award does not come under Texas Civil Statutes, Article 6252-11c, but is published for public information.

This contract (Project 82-P-U-1) is for the contractor to establish a detailed, end-use residential energy consumption data base for Texas. This data base will be prepared for the years 1970 and 1980 and will be constructed for the following: housing type: single-family, multi-family, mobile home; fuel type: electricity, natural gas, fuel use, other; and end-use: space heating, space cooling, water heating, refrigerating, freezing, lighting, and cooking. The contractor will develop data on the saturation of appliances for the existing housing stock and for housing constructed in 1970 and 1980, and will develop data on the amount of energy use per household by fuel type. The contractor will also integrate these data with the Oak Ridge National Laboratory Residential Energy Model and will provide the TENRAC with an operational version of the Oak Ridge National Laboratory Residential Energy Model containing national, regional, and Texas-specific data.

The contractor is the Center for Energy Studies, the University of Texas at Austin. The total value of the contract is \$22,435. The beginning date of the contract is May 4, 1983, and the ending date of the contract is August 31, 1983.

Progress reports will be submitted on July 1, 1983, and August 1, 1983. A draft final report will be submitted on August 31, 1983, with the final report due on October 31, 1983.

Issued in Austin, Texas, on May 11, 1983.

TRD-833516 Bill Carter
Acting Executive Director
Texas Energy and Natural
Resources Advisory Council

Filed: May 13, 1983
For further information, please call (512) 475-0414.

Office of the Governor Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Governor's Office of Management and Budget furnishes this consultant contract award. The consultant proposal request appeared in the February 18, 1983, issue of the *Texas Register* (8 TexReg 509).

Description of Work.

- (1) Conduct a thorough study and review of the unemployment compensation (UC) trust fund.
- (2) Conduct a thorough search for and investigation of practical and feasible means by which tax credits or other incentives could be offered to businesses to hire unemployed workers of Texas
- (3) Identify and investigate methods by which new industry may be attracted to Texas, which will create jobs through a strengthened business climate.
- (4) Identify and investigate methods by which the higher education system in Texas can insure that its graduates are prepared to support a high-technology economy and as to how this state's research programs may keep our industry in the forefront of their fields.
- (5) Review and analyze the functions and assess the effectiveness of those state agencies which affect, directly or indirectly, the foregoing areas of concern.

Name of Contractor. The contractor is Texas Research League, P.O. Box 12456, Austin, Texas 78711.

Amount and Term of Contract. The total value of the contract is \$100,000. The beginning date of the contract is March 24, 1983, and the ending date of the contract is June 14, 1983.

Due Dates for Reports. There are no due dates for progress reports. The final report is due June 14, 1983.

Contact. Further information may be obtained from Dennis Thomas, Director, Governor's Office of Management and Budget, P.O. Box 13561, Austin, Texas 78711, (512) 475-8491.

Issued in Austin, Texas, on April 29, 1983

TRD-833530 Ed Grisham
Deputy Executive Assistant for
Programs
Office of the Governor

Filed: May 16, 1983
For further information, please call (512) 475-4444.

Texas Department of Health Availability of 1982 Block Grant Annual Reports

Under authority of the Omnibus Budget Reconciliation Act of 1981, the Texas Department of Health has prepared 1982 annual reports on the maternal and child health services and preventive health and health services block grants. Included in the annual reports are needs and priorities, goals and objectives, types of services, state activities, financial summary, and legislative proposals.

The purpose of this notice is to notify the public of the availability of these annual reports for inspection and comment. The 1982 block grant annual reports may be viewed at the Texas Department of Health, 1100 West 49th Street, Austin, and the following regional offices.

Public Health Region 1
Old Health Center
Building
300 Victory Drive
Canyon, Texas 79016
(806) 655-7151

Public Health Region 2
4709 66th Street
Lubbock, Texas 79414
(806) 797-4331

Public Health Region 3
2300 East Yandell
El Paso, Texas 79903
(915) 533-4972

Public Health Region 4
301 Oak Street, Second
Floor
Old Courthouse
Abilene, Texas 79602
(915) 673-5231

Public Health Region 5
701 Directors Drive
Arlington, Texas 76011
(817) 460-3032

Public Health Region 6
2408 South 37th Street
Temple, Texas 76503
(817) 778-6744

Public Health Region 7
1517 West Front Street
Tyler, Texas 75710
(214) 595-3585

Public Health Region 8
1401 South Rangerville
Road
Harlingen, Texas 78550
(512) 423-0130

Public Health Region 9
Old Memorial Hospital
Garner Field Road
Uvalde, Texas 78801
(512) 278-7173

Public Health Region 10
1517 West Front Street
Tyler, Texas 75710
(214) 595-3585

Public Health Region 11
1110 Avenue G
Rosenberg, Texas 77471
(713) 342-8685

Public Health Region 12
4709 66th Street
Lubbock, Texas 79414
(806) 797-4331

In addition, the reports may be viewed at the following local health departments.

Corpus Christi-Nueces
County Health
Department
1702 Horne Road
Corpus Christi, Texas 78416
(512) 855-4051

Denison-Sherman-Grayson
County Health
Department
521 West Houston
Sherman, Texas 75090
(214) 893-0131

Laredo-Webb County Health
Department
2600 Cedar Street
Laredo, Texas 78041
(512) 723-2051

San Angelo-Tom Green
County Health
Department
City Hall
San Angelo, Texas 76902
(915) 655-9121

San Antonio Metropolitan
Health District
332 West Commerce Street
San Antonio, Texas 78285
(512) 299-8780

Texarkana-Bowie County
Family Health Center
902 West 12th Street
Texarkana, Texas 75502
(214) 792-8211

Victoria County Health
Department
107 West River Street
Victoria, Texas 77901
(512) 578-6281

Wichita Falls-Wichita Falls
County Health
Department
1700 Third Street
Wichita Falls, Texas 76301
(817) 322-9702

Comments on the maternal and child health services block grant 1982 annual report may be sent to Walter P. Peter, Jr., M.D., Chief, Bureau of Maternal and Child Health; comments on the preventive health and health services block grant 1982 annual report may be sent to P. Clift Price, M.D., Associate Commissioner, Personal Health

Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756.

Issued in Austin, Texas, on May 13, 1983.

TRD-833528 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 16, 1983
For further information, please call (512) 458-7236.



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 infor-

mation in the correct form may result in a defective request to become a party.

Medical 21 Corporation for Center for Out-Patient Surgery (C.O.P.S.), Houston
AS82-1206-251

DR—Request for a declaratory ruling that a certificate of need is not required for Medical 21 Corporation for Center for Out-Patient Surgery (C.O.P.S.) to renovate an existing 6,419 square foot ambulatory surgical facility. The facility will seek Medicare certification as an ambulatory surgical center for reimbursement purposes. The total project cost is \$565,429.

Issued in Austin, Texas, on May 16, 1983.

TRD-833534 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: May 16, 1983
For further information, please call (512) 475-6940.

Texas Department of Human Resources Correction of Error

The preamble of an adoption by the Texas Department of Human Resources contained an error as submitted in the April 1, 1983, issue of the *Texas Register* (8 TexReg 1073). The preamble for §§3.5101-3.5124 should not have listed the Lubbock League of Women Voters as a group commenting on proposed rules, since the group was not commenting on the rules about employment initiative.

State Board of Insurance Company Licensing

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

- (1) Application for incorporation of Pet Insurance of America, Inc., to be a domestic casualty insurance company. The home office is proposed to be in Dallas.
- (2) Application for incorporation of Southern Sun Life Insurance Company to be a domestic life insurance company. The home office is proposed to be in Helotes.
- (3) Application for incorporation of John Deere Lloyd's of Texas to be a domestic Lloyds insurance company. The home office is proposed to be in Dallas.
- (4) Application for admission to do business in Texas of Wellington Life Insurance Company, a foreign life insurance company. The home office is in Phoenix, Arizona.
- (5) Application for incorporation of Mercantile Life Insurance Company to be a domestic life insurance company. The home office is proposed to be in Dallas.
- (6) Application for admission to do business in Texas of American Savings Life Insurance Company, a foreign

life insurance company. The home office is in Shreveport, Louisiana.

(7) Application for a name change by Fort Sam Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is Republic Bank Life Insurance Company.

(8) Application for incorporation of First Southwest Insurance Company to be a domestic fire and casualty insurance company. The home office is proposed to be in Austin.

Issued in Austin, Texas, on May 10, 1983.

TRD-833469 James W. Norman
 Chief Clerk
 State Board of Insurance

Filed: May 12, 1983
For further information, please call (512) 475-2950.

Railroad Commission of Texas Correction of Error

The open meetings submitted by the Railroad Commission of Texas contained an error as published in the May 6, 1983, issue of the *Texas Register* (8 TexReg 1506). The

date of the meeting should read Monday, May 9, 1983, 9 a.m.

Texas State Treasury Department Consultant Contract Award

Under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas State Treasury Department announces an award of a contract for consulting services. The consultant proposal request appeared in the *Texas Register* (8 TexReg 421). The consultant will be assisting the treasury in developing a five-year information systems plan.

The consultant is Arthur Anderson & Company, 221 West Sixth Street, Suite 2000, Austin, Texas 78701. The total value of the contract is \$45,000. The beginning date is May 2, 1983, and the ending date is August 5, 1983. The due date for the final system plan report is August 5, 1983.

Issued in Austin, Texas, on May 10, 1983.

TRD-833480 Jorge Gutierrez
 General Counsel
 Texas State Treasury
 Department

Filed: May 12, 1983
For further information, please call (512) 475-2591.

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