

TEXAS REGISTER

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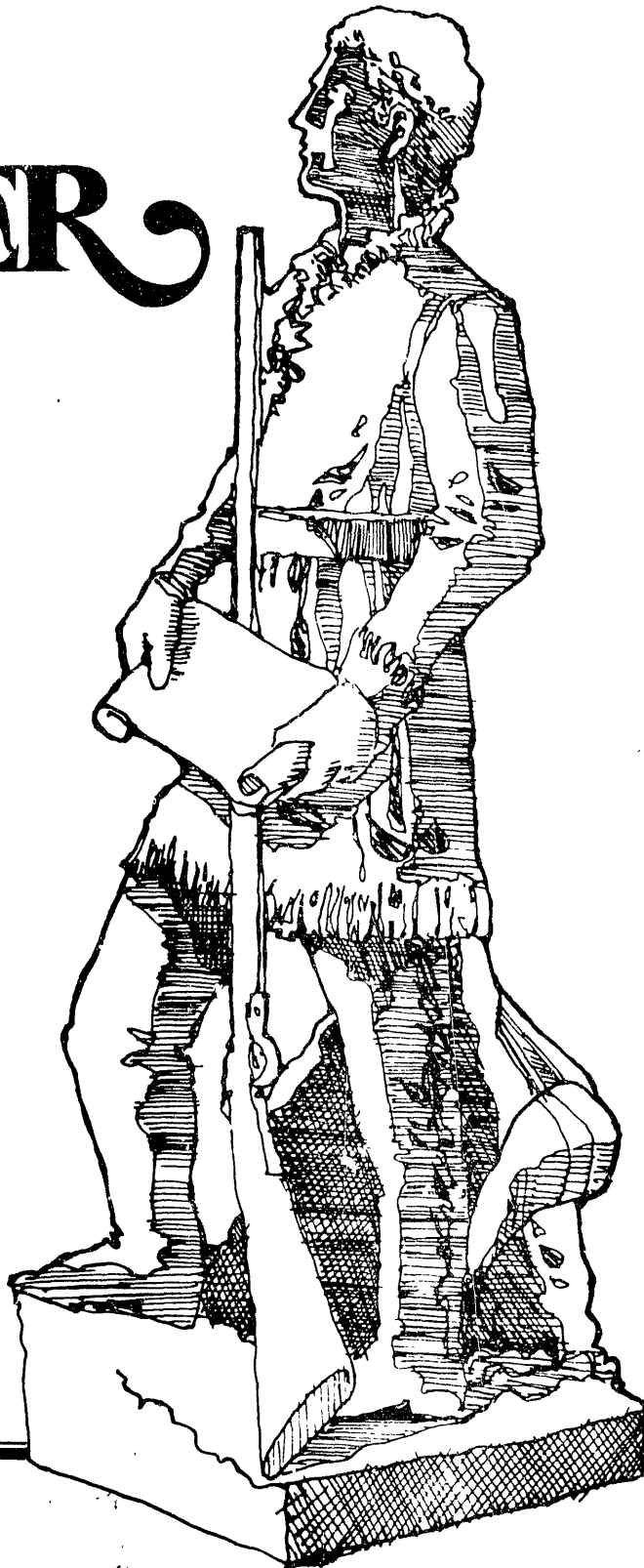
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TEXAS DOCUMENTS

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 22, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 4, Jan. 81

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 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.

TEXAS REGISTER

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George W. Strake, Jr.
Secretary of State

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Office of the Secretary of State

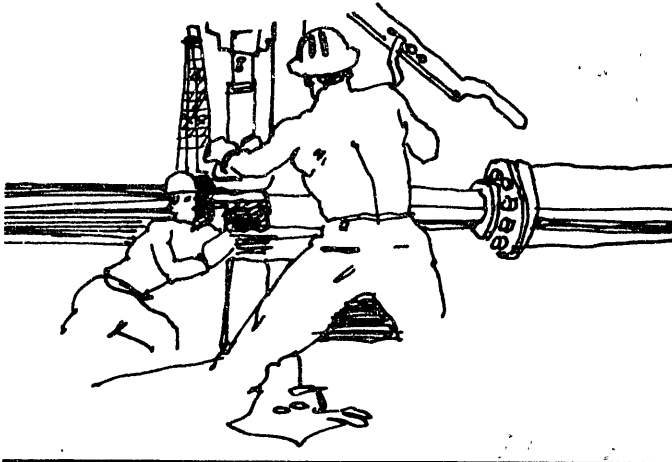
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Appointments

Lower Colorado River Authority

To be a member of the Board of Directors for a six-year term to expire January 1, 1987:

Milton Jay Anderson
Route 1, Box 62
East Bernard, Texas 77435

Mr. Anderson is replacing Sam K. Seymour, Jr., of Columbus, Colorado County, whose term expired.

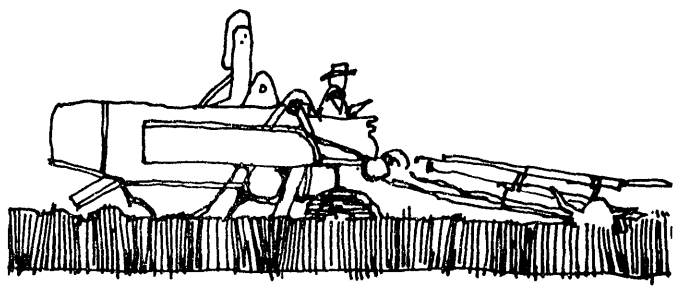
Issued in Austin, Texas, on February 12, 1981.

Doc. No. 811107 William P. Clements, Jr.
Governor of Texas

For further information, please call (512) 475-3021.

Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.



Requests for Opinions

Summary of Request for Opinion RQ-535

Request from Archie P. Clayton III, general counsel, Banking Department of Texas, Austin.

Summary of Request: May the Banking Department approve, pursuant to Section 1a of Article 5486, Vernon's Texas Civil Statutes, the release to the seller of monies held in a trust account by the trust department of a bank that exceed 100% of the amounts paid by purchasers of prepaid funeral benefits to the seller?

Doc. No. 811047

Summary of Request for Opinion RQ-536

Request from Oscar H. Mauzy, chairman, Committee on Jurisprudence, Texas Senate, Austin.

Summary of Request:

(1) Does Section 3e(a) of Article 42.12 of the Code of Criminal Procedure providing for shock probation violate Article I, Sections 3, 3a, 13, and 19 of the Texas Constitution and the 5th and 14th Amendments to the United States Constitution?

(2) Are these constitutional guarantees violated if a judge has discretion to deny a motion for shock probation without a hearing but must hold a hearing before granting a motion for shock probation?

(3) Are these constitutional guarantees violated if the defendant plea bargained for shock probation and the motion was denied without a hearing?

Doc. No. 811069

Summary of Request for Opinion RQ-537

Request from C. Michael Ederer, county attorney, Delta County.

Summary of Request: Does the Salary Grievance Committee established under Article 3912k, Vernon's Texas Civil Statutes, have authority to grant a pay increase above the amount requested by the aggrieved official?

Doc. No. 811100

Summary of Request for Opinion RQ-538

Request from Oscar H. Mauzy, chairman, Committee on Jurisprudence, Texas Senate, Austin.

Summary of Request:

(1) Does a violation of the Alcoholic Beverage Code occur if, in view of the 1979 amendments to Section 62.01(1) of the Code, a brewery sells beer to its full-time employees pursuant to a management-employee contract to do so if the contract is consummated under the auspices of guidelines set out by the United States Department of Labor?

(2) Does the term "beer" as used in this section include containerized beer that would not be sold to holders of distributors' licenses or to the public because of packaging defects (though the product itself is fit for consumption) such as "short-fills" or defectively labeled containers? If not, may such containerized beer be sold to full-time employees as above if state tax is charged?

Doc. No. 811101

Summary of Request for Opinion RQ-539

Request from James S. McGrath, criminal district attorney, Jefferson County.

Summary of Request:

(1) Is the 1977 amendment to the special legislation of Jefferson County Drainage District 7 which specifies that upon the presentation of a petition signed by 20% of the property-owning taxpayers of a district, the method of choosing directors for said district shall be changed from appointment by commissioners court to election, an improper delegation of the legislative function to a class of private citizens?

(2) Should the 1977 amendment to the special legislation creating Jefferson County Drainage District 7 be construed to mean that that election shall be conducted at large? Or should it be construed to mean that the election shall be conducted by place with each place to be a municipality within the district?

(3) If your answer to question 1 herein above is "no" with the result that the election should be conducted, should the electorate be restricted to "property owning taxpayers" of the district?

Doc. No. 811102

Summary of Request for Opinion RQ-540

Request from Bill Presnal, chairman, Committee on Appropriations, Texas House of Representatives, Austin.

Summary of Request:

(1) Article 1269q speaks only to minimum salaries for firemen. Is the City of Victoria required to pay the approved minimum salary of \$1,050 from the time:

- (A) a fireman is first hired by the department;
- (B) he completed his academy training;
- (C) he has been in service for a minimum of one year;

or

(D) he has satisfied some other requirement of a properly constituted employee classification system under Section 2 of Article 1269q?

(2) Is the action of the city officials involved subsequent to the referendum election arguably violative of Section 2 of Article 1269q?

Doc. No. 811103

Summary of Request for Opinion RQ-541

Request from Billy Fred Lacy, county auditor, Potter County.

Summary of Request: Are bills of long distance telephone calls made by the district attorney's office excepted from public disclosure by Section 3(a)(3) of the Open Records Act?

Doc. No. 811104

Summary of Request for Opinion RQ-542

Request from James B. Bond, vice chancellor for legal affairs and general counsel, Texas A&M University System, College Station.

Summary of Request: Are the names of the finalists for the position of president of Texas A&M University as developed by the Presidential Search Committee excepted from public disclosure by Sections 3(a)(1), 3(a)(2), and 3(a)(11) of the Open Records Act?

Doc. No. 811105

Open Records Decisions

Summary of Open Records Decision ORD-264 (RQ-497)

Request from Scott Bounds, city attorney, Huntsville, concerning whether names, addresses, and qualifications of applicants for city director of public safety are available under the Open Records Act.

Summary of Decision: The City of Huntsville was asked to release the names, addresses, and qualifications of applicants for the position of city director of public safety. It was contended that the information was excepted from disclosure by Sections 3(a)(1), 3(a)(2), 3(a)(14), and 3(a)(17) of the Open Records Act. It was determined based on Open Records Decision-257 that the names of applicants for the position of director of public safety were open to the public. In regard to addresses, many of the applicants were serving as peace officers pursuant to Article 2.12 of the Code of Criminal Procedure. As such, Section 3(a)(17) of the Open Records Act specifically excepts their home addresses and home telephone numbers. Any other applicant may prevent disclosure of his own address only by demonstrating the special circumstances outlined in Open Records Decision-169. The qualifications regarding applicants such as formal education, licenses and certificates, employment experience, professional awards and recognition, and membership in professional organizations was held to be open to the public. Disclosure of such information about an applicant's qualifications cannot be deemed to infringe upon his right of constitutional common law or employment-related privacy under Sections 3(a)(1) or 3(a)(2) of the Open Records Act.

Issued in Austin, Texas, on February 10, 12, and 17, 1981

Doc. No. 811108 Susan L. Garrison, Acting Chairwoman
Opinion Committee
Attorney General's Office

For further information, please call (512) 475-5445.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

CODIFIED

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

The State Purchasing and General Services Commission proposes to amend §§113.1-113.3, 113.6, 113.7, and 113.10 (028.12.01.050-.052, .055, .056, and .059) of this title (relating to Purchasing). Changes suggested by these proposed sections are thought to be necessary to bring the law governing state purchasing activities into full effect. Many of these changes were recommended in an operational audit report to the commission from the Operational Audit Committee of the Governor's Budget and Planning Office.

Highlights from these proposals are an inclusion of a code of ethics for commission purchasers and purchasing employees of state agencies acting under delegated authority from the commission, §113.1(b) (.050(b)) of this title (relating to General); redefining purchasing terms such as "award," "competitive bidding," "unnecessarily restrictive specifications," and "vendor," and defining new terms such as, "equivalent product," "interaction," "multiple award contracting," "proprietary," "purchasing functions" and "sole source procurement" §113.2 (.051) of this title (relating to Definitions); rewriting the rule on review of specifications to

comply with the statute and incorporate the new procedure called "interaction," §113.3(b) (.052(b)) of this title (relating to Requisition Processing); and revising the statement on award and establishing the commission's intention to negotiate in certain limited situations involving no possibility of competition, §113.6(b) and (c) (.055(b) and (c)) of this title (relating to Bid Evaluation and Award, Conditions Applicable to Both Open Market and Contract).

Additional changes concern the handling of damages in cases of failure of a vendor to perform, §113.7(d) (.056(d)) of this title (relating to Contract Administration, Conditions Applicable to Both the Open Market and Contract); and the delegation of purchasing authority, §113.10 (.059) of this title (related to Delegated Purchases).

On January 23, 1981, at the latest commission meeting, the commissioners established a nine-member Policy Advisory Committee to review commission purchasing policy and recommend any needed changes in the policy to the commission. These proposed sections, in addition to being published here in the *Texas Register* will be reviewed by this committee before being acted upon by the commission.

Public comment on these proposed sections is invited and may be forwarded in writing to James H. Quick, general counsel, P.O. Box 13047, Austin, Texas 78711. Any comment received will be sent to the Policy Advisory Committee for their information in reviewing the proposed sections.

These changes will have no fiscal impact on local governments. It is not known what impact, if any, these changes will have on overall state expenditures for the acquisition of goods, materials, services, and equipment (source: Purchasing Section, Central Purchasing Division, State Purchasing and General Services Commission).

These amendments are proposed pursuant to the authority of Article 3 of Article 601b, Vernon's Texas Civil Statutes.

§113.1 (028.12.01.050). *General.*

(a) (No change.)

(b) It shall be the policy of the commission to administer the provisions of Section 3.10 of Article 601b, Vernon's Texas Civil Statutes, to secure competitive bidding "whenever possible." *It is a part of this policy that all commission employees involved in the purchasing effort as well as employees of a state agency involved in purchasing under delegated authority, to whatever degree, adhere to and follow the ethical principles set out in the Code of Ethics of the National Institute of Governmental Purchasing (NIGP) which is hereby adopted with changes and set out in part as follows. The commission believes that the following ethical principles should govern conduct of every employee of a governmental buying agency. Such an employee:*

(1) *Does not seek or accept a position as head or employee of a governmental purchasing agency unless fully in accord with the professional principles of governmental purchasing and unless he is confident that he is qualified to serve under these principles to the advantage of the governmental jurisdiction which employs him.*

(2) *Believes in the dignity and worth of the service rendered by government and his own social responsibility as a trusted public servant.*

(3) *Is governed by the highest ideals of honor and integrity in all public and personal relationships in order that he may merit the respect and inspire the confidence of the agency and the public which he serves.*

(4) *Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest.*

(5) *Believes that (he) . . . should at no time or under any circumstances accept, directly or indirectly, gifts or other things of value from vendors.*

(6) *Keeps the governmental jurisdiction which employs him informed through appropriate channels on problems and progress of the agency which he serves, but keeps himself in the background by emphasizing the importance of the facts.*

(7) *Resists encroachment on his control of personnel in order to preserve his integrity as a professional administrator. He handles all personnel matters on a merit basis. Political, religious, and racial considerations carry no weight in personnel administration in the agency which he directs or serves.*

(8) *Does not seek nor dispense personal favors and handles each administrative problem objectively without discrimination on the basis of principle and justice.*

(c)-(d) \ (No change.)

§113.2 (028.12.01.051). *Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Award—*Sometimes referred to as "notice of award," it is the formal written acceptance by the commission of a bid. A contract with the state results when the award or notice of award is presented to the successful bidder or when the successful bidder receives notice of the issuance of such an award. [The presentation of a purchase agreement or contract to a bidder; the acceptance of a bid or proposal.]*

Bidders list—*A list maintained by the commission [purchasing authority] setting out the names and addresses of prequalified companies or individuals from whom bids, proposals, and quotations] can be solicited for either obtaining or disposing of goods or services.*

Competitive bidding—*The commission understands this term to mean what the Texas Supreme Court said it meant in Texas Highway Commission v. Texas Association of Steel Importers, 372 S.W. 2d 525, 527, 533 (Texas Supreme Court, 1963). Competitive bidding requires due advertisement, giving opportunity to bid, and contemplates a bidding . . . upon the same thing. It requires that all bidders be placed upon the same plane of equality and that they each bid upon the same terms and conditions involved in all the items and parts of the contract, and that the proposal specify as to all bids the same or substantially similar specifications. Its purpose is to stimulate competition, prevent favoritism, and secure the best work and materials at the lowest practicable price for the best interests and benefit of the taxpayers and the property owners. There can be no competitive bidding in a legal sense where the terms of the letting of the contract prevent or restrict competition, favor a contractor or material man, or increase the cost of the work or of the*

materials or other items going into the project . . . Essentially it is the process of inviting and obtaining bids [price quotations] from competitive sources in response to competitive specification terms and conditions. While Section 3.09 of the Act is understood by the commission to mean that bids from vendors of only two equivalent products will be sufficient to allow for processing without written justification, and while Section 3.12(b) requires that all open market purchases be based whenever possible upon at least three competitive bids, it is the avowed intention of the commission to conduct open competitive bidding to the maximum degree possible, whenever possible.

Equivalent product—*Such a product is understood by the commission to be truly comparable in performance and/or quality levels to the product specified. It cannot be the same product as that specified but offered by a different vendor nor does it necessarily admit of an essential superposition.*

Interaction—*Describes a procedure for handling requisitions that contain unnecessarily restrictive specifications but which require such requisitions to be processed by the commission without return to the agency and without undue delay. Interaction, where possible, will involve verbal communications between purchasers for the commission and using agency personnel where the commission purchasers may point out the restrictive nature of the specifications, the practical effect of such specifications on competitive bidding and vendors who could otherwise submit bids to the state, and the possible effect on appropriations of the agency due to the anticipated higher costs of the restrictive purchase. Commission purchasers may not insist on interaction where the agency personnel are not receptive to it, but should simply record the attempt in the requisition file.*

Invitation for bids—*A written request which is made to prospective vendors [suppliers] requesting the submission of a bid on commodities or services.*

Late bid—*A bid [or proposal] which is received at the place designated in the invitation for bids after the hour established by the invitation as the time by which all bids [or proposals] must be received.*

Multiple award contracting—*A method of purchasing authorized by Section 3.10 of the Act and implemented by the commission through the competitive bidding process. Such contracting involves the establishing of multiple levels of quality and performance for equivalent products to satisfy the needs of the using agencies with a single award for each level as a result of competitive bidding. Multiple award contracting not generally implemented nor approved by the commission is that which envisions unlimited numbers of vendors being given contracts at each level without the benefit of competitive bidding to supply the same or equivalent product to user agencies at the contract price. This aspect of multiple award contracting emphasizes competition in selling among vendors and does not allow for bidding competition or guarantee of quantities to any contracting party.*

Proprietary—*When used in connection with the phrase "proprietary to one vendor" as found in Section 3.09 of the Act, this term means specifications which are drawn so as to limit an item to the products of one*

vendor. (See commission §113.1(c) (.050(c)) of this title (relating to General.)

Purchasing functions—When used in connection with the authority to delegate found in Section 3.06 of the Act, this phrase refers to development of specifications; receipt and processing of requisitions; review of specifications; advertising for bids; evaluation of bids; award of contracts; and inspection of merchandise received. It does not include auditing or invoice functions or other functions relating to contract administration.

Restrictive specifications—Specifications that unnecessarily limit competition by eliminating items or vendors who would be capable of satisfactorily meeting actual needs.]

Sole source procurement—Shall refer to a procurement of a product available from only one source and for which there is no product or price competition as determined by the purchaser for the commission and so marked by him on the face of the requisition. It does not include the procurement of products which may be sold through wholesalers, jobbers, or retailers where the elements of price competition might exist. A sole source procurement does not require justification by the requesting agency, but the commission purchaser may identify on the face of the requisition his reasons for considering that the purchase was sole source. It is generally agreed that such procurements will include but not be limited to the following types:

(A) replacement parts available only from the manufacturer;

(B) certain published materials available only from a single publisher;

(C) training and educational films available only from the producer;

(D) patented drugs available only from one drug company. Sole source procurements will not include those for which the purchaser knows of the existence of equivalent products that will meet the specifications requested, or that are equivalent to the brand name product specified.

Spot purchase—A purchase of supplies or materials [material] which may be made by state agencies through local purchase procedures, provided the purchase is less than [does not exceed a total of] \$500 and is in compliance with the Act and with commission rules [and regulations].

Unnecessarily restrictive specifications—These are specifications that unnecessarily limit competition by eliminating items that, or vendors who, are capable of satisfactorily meeting specified needs. Determination that a specification is unnecessarily restrictive may give rise to "interaction" under §113.3(b) (1) (.052(b) (1)) of this title (relating to Requisition Processing), but will not authorize the commission to return a requisition or otherwise delay its processing.

Vendor—A supplier whether a manufacturer, wholesaler, retailer, etc., who sells directly to the state and not through some other person or entity.

§113.3 (028.12.01 052). Requisition Processing.

(a) Purchases and rentals of equipment are made by the commission as a result of requisitions received from state agencies duly signed and certifying to the availability of funds for the payment of goods and services received.

(1) (No change.)

(2) Open market requisitions for products [items] which are equivalent [similar] to those under contract may [will] not be accepted unless an explanation as to why the contract product is not satisfactory [complete justification] is furnished with the requisition. [and accepted by the commission. The commission will be the sole authority in determining the acceptability of the justification.]

(3) (No change.)

(4) Texas Standard Specifications have been developed for use by all state agencies and their use to obtain needed supplies, materials, and equipment is encouraged. The commission will make these standards and specifications known to the agencies in an appropriate manner and will otherwise encourage and foster this use. Failure to use an applicable standard specification must be accompanied by an explanation as to why the standard specification is not being used. [No requisition will be accepted with deviations from the specifications without written justification acceptable to the commission. The commission is the sole authority in determining the acceptability of the justification.]

(5) (No change.)

(b) Review of specifications.

(1) When the commission finds specifications which are unnecessarily restrictive but which are not proprietary to one vendor within the meaning of the Act and these sections, it may not return the requisition to the agency for that reason but a commission purchaser may "interact" with the agency and discuss the restrictive nature of the specification and the ultimate economic effect, if any, that the specification may have. Requisitions which contain unnecessarily restrictive specifications may not be returned to the agency absent some specific invalidating reason.

(2) When the commission finds specifications which are proprietary to one vendor and do not include language permitting an equivalent product to be supplied, it shall require written justification of the requested specifications before processing the requisition further. (Since paragraph (c) of Section 3.09 of the Act refers to a "resubmission" of the requisition in case written justification is to be required, the commission may return the requisition to the agency along with the request for justification if it is appropriate or necessary to do.) Such written justification for the use of a proprietary specification shall:

(A) be signed by the agency head or the chairman of the governing body; or in the case of an institution of higher learning, by a person designated by the president or governing body as purchasing officer for the institution;

(B) be furnished upon request from the commission (an agency may submit justification with its requisition, but in such a case, the commission may still ask for additional justification if that submitted with the requisition is not sufficient under the law);

(C) contain the following:

(i) an explanation of the need for the proprietary specifications;

(ii) the reason competing products are not satisfactory (if the purchaser identifies specific competing products which are considered to be equivalent to the product specified, the agency must address each such specified product in its written justification);

(iii) response to any other information requested by the commission.

(3) When justification is received which supplies the information required by Section 3.09(b) of the Act, and this subsection (b) of this section, the requisition shall be processed as requested. If the commission takes exception to the written justification after considering all factors, it shall report the reasons for its exceptions as required by the Act.

(4) Because of the potential for misunderstanding in this area, the commission will not significantly change specifications on the face of a requisition or otherwise appreciably alter any part of the document without specific written approval from the agency concerned. Inadequate or incomplete requisitions may be returned to the agency. The commission may correct typographical errors on the requisition if doing so will not significantly change the requisition as submitted. Any returned requisition shall be accompanied by a return form or letter which clearly identifies the precise reason for the return.

(b) Requisitions containing restrictive specifications.

(1) Section 3.09 of Article 601b, Vernon's Texas Civil Statutes, authorizes the commission to question the propriety of specifications and conditions of purchase; to require written justification for the purpose or use of the requested specifications; and to report to the state auditor its reasons for considering the specifications or conditions to be restrictive.

(2) A specification or condition of purchase shall be considered restrictive, within the meaning of Section 3.09, supra, if it does not appear necessary to the performance of the indicated purpose or use, and would exclude one or more bidders from submitting bids when those bidders could have bid except for the restrictive specification or condition of purchase.

(3) Whenever a requisition is received by the commission containing a restrictive specification or condition of purchase, it may ask the requisitioning agency to submit written justification for the requested specification. Such justification shall attempt to equate the use to which the requested supplies are to be put with the restrictive specification or condition of purchase.]

(c) (No change.)

§113.6 (028.12.01.055). *Bid Evaluation and Award, Conditions Applicable to Both Open Market and Contract.*

(a) (No change.)

(b) Award.

(1) All awards for the purchase of supplies, materials, services, and equipment shall be made to the bidder submitting the lowest and best bid conforming to the specifications required. In determining who is the lowest and best bidder in addition to price, the commission shall consider and evaluate the factors set out in Section 3.11(e) of Article 601b, Vernon's Texas Civil Statutes.

(2)-(5) (No change.)

(c) *Negotiation of contracts.*

(1) *Negotiation is not permitted where either price or product competition is deemed by the purchasing staff to be possible to achieve under the circumstances at the time of the specific transaction in question.*

(2) *Negotiation is permitted in the following cases where price or product competition is deemed by the purchasing staff not to be possible:*

(A) *emergency situations where time does not permit the solicitation of bids;*

(B) *purchases of special unique items available only from a sole source supplier;*

(C) *Section 3.09 acquisitions where a single proprietary vendor alone can supply the needed product; or*

(D) *where advertisement has resulted in only one acceptable bid or no bids being received which meet or exceed the specifications required.*

(3) *Negotiation in cases involving an advertisement of competitive specifications (paragraph (2) (d) of this section) may not involve, or result in, a material change in those specifications.*

§113.7 (028.12.01.056). *Contract Administration, Conditions Applicable to Both Open Market and Contract.*

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

(d) *Damages for failure to perform [Penalties].*

(1) A vendor who fails by virtue of his own actions to perform in accordance with the terms and conditions of a state contract may be liable to the state for actual damages suffered by the state. [subject to an appropriate penalty assessed by the commission.] The amount [and/or type] of such damages [penalty] shall be determined by the commission depending on the circumstances of the transaction.

(2) If any of the merchandise delivered under a contract has been used or consumed by the agency and upon testing is found not to be in compliance with specifications, no payment may be approved by the commission for such consumed merchandise pending a determination of actual damages in accord with paragraph (1) of this section. [the contractor may be assessed an appropriate penalty.]

(3) A vendor who fails to pay the actual damages of the state as determined by the commission [a penalty when due] may not be awarded additional contracts until all damages have [the penalty has] either been paid or the vendor absolved of liability in some legitimate manner.

§113.10 (028.12.01.059). *Delegated Purchases.*

(a) By authority granted under Section 3.06[3] of Article 601b, Vernon's Texas Civil Statutes, the commission has delegated [certain] purchasing functions in the following cases to agencies of the state:

(1) *spot purchases;*

(2) *emergency purchases;*

(3) *purchases of perishable items;*

(4) *acquisition of services;*

(5) *purchases made with federal grant funds.*

(b) [(1)] Spot purchases. As required by Section 3.08 of Article 601b, Vernon's Texas Civil Statutes, using state agencies are delegated the authority to make purchases for amounts less than \$500 [Agencies may obtain competitive bids and purchase or rent needed supplies provided the acquisition does not exceed the \$500 limitation specified by the commission and is made] in accordance with the following conditions:

(1) [(A)] Large purchases may not be broken down into small purchases in order to meet the specified dollar limit.

(2)[(B)] Items purchased under this section may not include scheduled items, contract items (unless purchased in quantities less than minimum ordering quantities shown in contract), prison industries products, or any item, the purchase of which may be required by statute from a particular source.

(3)[(C)] The agency must attempt to obtain a minimum of three competitive bids (which may be taken by telephone) from sources which normally stock the merchandise being purchased.

(4)[(D)] All information required by the commission must be furnished on the approved spot purchase form.

(c)[(2)] **Emergency purchases. Payment for such purchases will be approved by this commission** [State agencies have been delegated the authority to make emergency purchases of needed equipment and supplies] provided an emergency exists and the purchase is made in accordance with the following conditions:

(1)[(A)] If the purchase exceeds \$500, written competitive bids must be obtained, whenever possible. A signed written bid must always be obtained from the source of the purchase.

(2)[(B)] If the purchase exceeds \$1,000] The agency **may** [must immediately] call or wire the commission for advice and assistance in the handling of **emergency** [such] **purchases** [purchase].

(3)[(C)] The emergency purchase file when forwarded to the commission must contain a full written explanation of the emergency along with other documentation required by the commission.

(4)[(D)] Failure to comply with the requirements of this paragraph will result in the file being returned to the agency without commission approval of the invoice submitted for payment.

(5)[(E)] Nothing in here shall affect or limit purchases made in accordance with the Texas Disaster Act of 1975 (Texas Civil Statutes, Article 6889-7).

(d)[(3)] **Perishable purchases.** The commission may delegate the authority to purchase perishable items when it is determined by the commission that the purchase of such perishable items may be more practically and reasonably made at the local level. Purchases made under this authority must be obtained through competitive bids and documentation forwarded to the commission for approval.

(e) **Acquisition of services. The commission has approved a blanket delegation of purchasing functions connected with the acquisition of all services described in Section 3.01(b) of the Act and not excluded therein from commission responsibility.**

(f) **Purchases made with federal grant funds. The commission has approved a blanket delegation of purchasing functions connected with purchases made with federal grant funds and will furnish all concerned agencies with a set of guidelines for the handling of such purchases in accord with these rules.**

(g) **Adherence to ethical standards. Employees of state agencies involved in purchasing under delegated authority shall adhere to the same code of ethics required of commission employees and set out in §113.1(b) (.050(b)) of this title (relating to General). Such agency employees should also be aware of 601b, Vernon's Texas Civil Statutes, relating to conflicts of interest in their purchasing activities under delegated authority.**

(h)[(4)] **Withdrawal of delegated purchase authority.** The commission will make necessary verification to insure compliance with established procedures and will withdraw the delegated purchase privilege from any agency for continued violations after giving adequate warning.

Doc. No. 811068

Chapter 123. Facilities Planning and Construction Division

Building Construction Administration

The State Purchasing and General Services Commission proposes to amend §§123.11, 123.12, and 123.15 (028.17.02.910, .911, and .914) of this title (relating to Building Construction Administration). Changes suggested by these proposed sections will reflect the basis of payment for the services of the commission's Facilities Planning and Construction Division, §123.11(f) (.910(f)) of this title (relating to General Project Responsibility); give the commission additional time in which to complete project analyses before the start of the state's budget process and to avoid conflict with fiscal year-end construction projects, §123.12(c) (.911(c)) of this title (relating to Project Analysis); and to establish a procedure for the commission's selection of an architect/engineer for professional services, §123.15(c) (.914(c)) of this title (relating to Selection of Architect/Engineer for Professional Services).

The changes in the commission's sections on building construction administration will have no fiscal impact on local governments or the departments of state government subject to the provisions of Article 5 of Article 601b, Vernon's Texas Civil Statutes (source: Facilities Planning and Construction Division, State Purchasing and General Services Commission).

Public comment is invited and may be forwarded in writing to Knox Davis, director of the Facilities Planning and Construction Division, P.O. Box 13047, Austin, Texas 78711.

These changes to the commission's sections are proposed pursuant to the authority of Article 5 of Article 601b, Vernon's Texas Civil Statutes.

§123.11 (028.17.02.910). General Project Responsibility.

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

(f) Each construction project administered by the commission shall bear the cost of services rendered thereon including professional staff time, prior project analysis costs, travel expense, **the estimated cost of minor and incidental materials used in pursuit of project, and an amount expressed as a percentage of the cost of professional staff time charged against the project which has been certified by the state auditor as being necessary to cover employee benefits.** [and 15% overhead to cover secretarial expenses, postage, telephone expense, and incidental materials.] At the start of a construction project an estimate of the cost of normal and routine services will be provided to the using agency. This estimate will not be changed except upon the advice of the commission and with the concurrence of the using agency.

(g)-(h) (No change.)

§123.12 (028.17.02.911). Project Analysis.

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

(c) Requests for project analysis shall be made not later than **January 1** [May 1] of even numbered years in order to assure completion in time for submission to budget agencies for study prior to the Regular Session of the legislature.

(d)-(h) (No change.)

§123.15 (028.17.02.914). Selection of Architect/Engineer for Professional Services.

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

(c) **When funds are appropriated for a construction project directly to the State Purchasing and General Services Commission or when the using agency for which project funds are appropriated declines to make recommendations for the A/E selection, the following procedures shall be followed.**

(1) **A Selection Committee will be formed consisting of at least three commission staff architects or engineers who are knowledgeable about the nature, scope, and location of the project.**

(2) **The Selection Committee will determine from the project description a list of the minimum qualifications that a prospective A/E should possess in order to provide professional services on the project.**

(3) **The Selection Committee, where possible, will compile a list of at least 10 firms that meet or exceed the minimum qualifications for further consideration. (The commission feels that 10 is an optimum number of firms that could effectively be considered without causing undue administrative delay in the project. More than 10 firms may actually meet the minimum requirements set out, but those not selected for the list will not be considered further unless the Selection Committee decides it can do so without undue administrative delay in the project.)**

(4) **The list will be drawn from a file of A/E firms which have expressed an interest in work supervised by the commission by having responded to a standard questionnaire or by submitting adequate data on experience and capability in other formats.**

(5) **Firms selected for consideration will be notified and given a brief description of the project and those interested in further consideration will be scheduled for an interview with the Selection Committee.**

(6) **Each firm interviewed will be rated individually by each committee member on a scale of one to 10. The firm receiving the highest total rating from the combined members of the committee will be considered the preferred firm for the project.**

(7) **In case of identical scores for the top two or three firms, additional qualifications of the firms will be considered and rated individually until ties are resolved.**

(8) **The firm rated highest by the committee will then be offered the project and an agreement negotiated for the work included. Should this firm and the commission fail to arrive at a mutually acceptable agreement, the project will then be offered to the firm rated second highest. In the unlikely event that an agreement cannot be reached with the second choice, a similar procedure will be followed with the third highest rated firm.**

(9) **After selection is completed, unsuccessful firms will be advised of the determination.**

(10) **Items of consideration in making the initial selection will include but not necessarily be limited to the following:**

(A) **A/E's experience with projects similar in nature to that for which the firm is being considered.**

(B) **Location of A/E's home office relative to the project site.**

(C) **Compatibility between size of firm and size of project.**

(D) **Quality and amount of previous work done for the commission. (Satisfactory experience is obviously conducive to favorable consideration but in the interest of giving as many eligible and qualified firms as possible a fair chance to obtain commission work a substantial amount of prior state work may be the basis for rejection.)**

(E) **Current work load and capability of proceeding with project at reasonable speed.**

(F) **Experience with control of budget and cooperation with owner.**

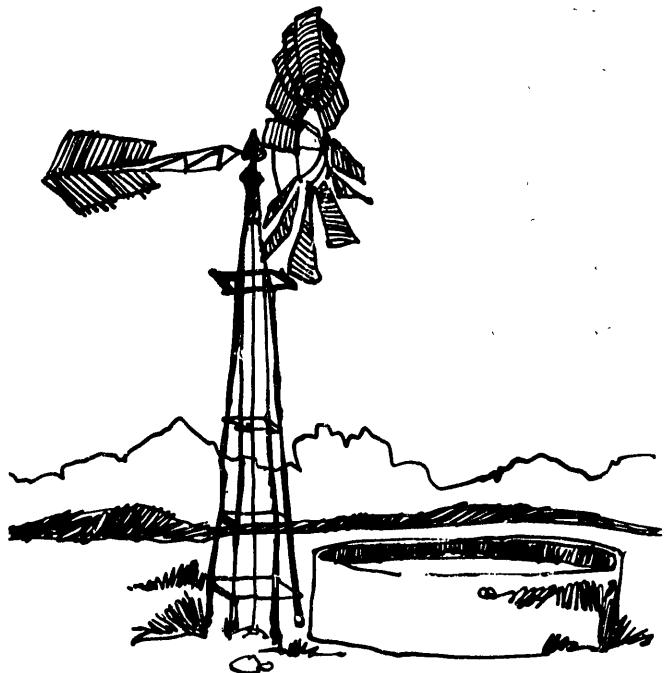
Issued in Austin, Texas, on February 18, 1981.

Doc. No. 811098

Homer A. Foerster
Executive Director
State Purchasing and General Services
Commission

Proposed Date of Adoption: March 27, 1981

For further information, please call (512) 475-5966.



NONCODIFIED

**Texas Department of Human
Resources****Legal Services****Contract Appeals 326.79.17**

The Texas Department of Human Resources proposes to amend Rule 326.79.17.011 concerning the hearing requirements of contract appeals in its legal services rules. The proposed amendments require the appellant in a contract appeal to furnish and pay for the hearing transcript. The amendments also require that the transcript be provided to the Contract Appeals Committee within two weeks of the close of the hearing.

The department has determined that the proposed amendments will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—428, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The following amendments are proposed under the authority of the Human Resources Code, Title II.

.011. *General Requirements for Hearings.* The chairman of the committee is in charge of proceedings. The chairman has authority to administer oaths, examine witnesses, and to rule on admissibility of evidence and amendments to pleadings. He or she also may establish reasonable time limits for conducting individual hearings, request additional information, and issue intermediate orders.

(1)-(5) (No change.)

(6) A [tape recording or] stenographic record of *each* [the] hearing must be made. The proceedings[, or any part of them,] must be transcribed *and provided to the Contract Appeals Committee for use in its decision within two weeks of the close of the hearing. The appellant shall be responsible for paying for and furnishing the transcript to the committee. The chairman of the committee shall designate the court reporter to record the proceedings.* [on written request of any party. The department may assess the cost of transcribing the record to those parties requesting the transcript.]

(7)-(9) (No change.)

Issued in Austin, Texas, on February 17, 1981.

Doc. No. 811082 Marlin W. Johnston
Acting Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: March 27, 1981
For further information, please call (512) 441-3355.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute, or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

CODIFIED

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter N. Household Goods Carriers

Pursuant to a petition filed by Southwest Warehouse Transfer Association, the Railroad Commission of Texas has promulgated §5.258 (051.03.14.008) of this title (relating to Accessorial Services) concerning motor transportation regulations. The adoption of the new section allows household goods carriers to assess charges for the performance of packing based on the information contained in either the shipment inventory or the statement or certificate for accessorial services.

As required by Section 5 of the Administrative Procedure and Texas Register Act of 1975, Texas Revised Civil Statutes Annotated, Article 6252-13a, (Vernon Supplement 1980-1981), due notice of the institution of this proceeding was published in the October 24, 1980, issue of the *Texas Register* (5 TexReg 4207).

No public comments were received concerning this regulation, although informal conferences were held with the chief rate auditor of the Transportation Division, Railroad Commission. Allowing household goods carriers to utilize a state-

ment or certificate for accessorial services will eliminate the time-consuming as well as costly inspection and recapitulation of performance of packing service, while at the same time providing a clear and concise full explanation and itemization of all accessorial services including packing performed for the shipper or its agent.

Section 5.258 (.008) of this title (relating to Accessorial Services) authorizes household good movers the optional use of a separate document for enumerating and charging accessorial charges including packing charges when documenting particular movements of commodities, without eliminating preparation of an inventory list. The new section does not eliminate the requirement now contained in §5.255 (.005) of this title (relating to Inventory on Each Shipment) that the shipment inventory must contain specific information regarding whether containers are packed or crated by the carrier, shipper, or owner.

This section is adopted under the authority of Texas Revised Civil Statutes Annotated, Article 911b, Section 4, (Vernon 1964).

§5.258 (051.03.14.008). Accessorial Services.

(a) Accessorial services are defined by lawfully applicable tariffs and include services in addition to the line-haul transportation service. Accessorial services include but are not limited to packing, furnishing of packing material, unpacking, extra labor, hoisting or lowering, waiting time, overtime loading or unloading, reweighing, disassembly and reassembly, piano or organ carry, elevator or stair carry, loading or unloading of heavy or bulky articles, auxiliary services, excessive distance carry, and appliance service.

(b) Carriers operating pursuant to commission authority granted for the transportation of household goods as defined in §5.251 (.001) of this title (relating to Authority) may in addition to providing a shipment inventory as required by §5.255 (.005) of this title (relating to Inventory on Each Shipment) prepare a separate statement or certificate for accessorial services performed by them which are either requested by the shipper or its agent, or are required for the safe and proper handling of the shipment.

(c) The statement or certificate for accessorial services shall fully explain and itemize all accessorial services performed and shall include beginning and ending times on all accessorial services for which hourly charges are assessed. Each such statement or certificate shall bear over the signature of the shipper or its agent words to the effect that such services were requested and/or required for the safe and proper handling of the shipment, and that it is understood that charges for such services will be assessed at the prescribed tariff rates. A completed, legible, and signed copy of the accessorial statement or certificate shall be provided to the shipper or its agent.

Issued in Austin, Texas, on January 26, 1981.

Doc. No. 811030

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

Effective Date: March 6, 1981

Proposal Publication Date: October 24, 1980

For further information, please call (512) 445-1330.

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

General Provisions Relating to the Requirement of Licensure

The Texas Real Estate Commission amends §535.1 (402.03.01.001) of this title (relating to License Required) with no change in the text as proposed.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendments.

§535.1 (402.03.01.001). License Required.

(a)-(d) (No change.)

(e) The Real Estate License Act permits Texas-licensed brokers to cooperate with and share earned commission with persons licensed as brokers by other states, but all negotiations within Texas must be handled by Texas licensees. For the purposes of this section, "states" includes the states, territories, and possessions of the United States and any foreign country or governmental subdivision thereof.

(f)-(h) (No change.)

Issued in Austin, Texas, on February 17, 1981.

Doc. No. 811088 Andy James
 Administrator
 Texas Real Estate Commission

Effective Date: March 11, 1981
Proposal Publication Date: December 16, 1980
For further information, please call (512) 475-6693.

Termination of Salesman's Association with Sponsoring Broker

The Texas Real Estate Commission has withdrawn from consideration for adoption proposed amendments to §535.122 (402.03.13.002) of this title (relating to Reactivation of License). The text of the amended section as proposed was published in the December 16, 1980, issue of the *Texas Register* (5 TexReg 4954).

Issued in Austin, Texas, on February 17, 1981.

Doc. No. 811089 Mark A. Moseley
 Legal Counsel
 Texas Real Estate Commission

Filed: February 18, 1981, 9:44 a.m.
For further information, please call (512) 475-6693.

Nonresidents

The Texas Real Estate Commission amends §535.131 (402.03.14.001) of this title (relating to Unlawful Conduct; Splitting Fees) with no change in the text as proposed.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

§535.131 (402.03.14.001). Unlawful Conduct; Splitting Fees.

(a) (No change.)

(b) The word "state" refers to the states, territories, and possessions of the United States and any foreign country or governmental subdivision thereof.

(c)-(d) (No change.)

Doc. No. 811090

Suspension and Revocation of Licensure

The Texas Real Estate Commission amends §535.147 (402.03.15.011) of this title (relating to Splitting Fee with Unlicensed Person) with no change in the text as proposed.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendments.

§535.147 (402.03.15.011). Splitting Fee with Unlicensed Person.

(a) "Any other state" means the states, territories, and possessions of the United States and any foreign country or governmental subdivision thereof.

(b)-(c) (No change.)

Issued in Austin, Texas, on February 17, 1981.

Doc. No. 811091 Andy James
 Administrator
 Texas Real Estate Commission

Effective Date: March 11, 1981
Proposal Publication Date: December 16, 1981
For further information, please call (512) 475-6693.

Chapter 539. Provisions of the Residential Service Company Act

Annual Report

The Texas Real Estate Commission adopts §539.91 (402.05.10.001) of this title (relating to Annual Report Form RSC 6-0). The form will be used by residential service companies to report information relating to their performance and solvency.

Several changes were made in the proposed form. The primary change was from monthly to quarterly reporting basis for schedules relating to service contracts in force, issued, canceled, and fees collected. Interrogatories were also reduced in number or set up in chart form. Because of comments indicating use of different bookkeeping procedures by service companies, the proposed financial statement and supporting schedules were replaced with an interrogatory requiring submission of a financial statement utilizing generally accepted accounting principles and 10 schedules to be prepared by the companies in response to specific instructions.

This section is promulgated under the authority of Article 6573b, Vernon's Texas Civil Statutes.

§539.91 (402.05.10.001). Annual Report Form RSC 6-0. The Texas Real Estate Commission adopts by reference attached Annual Report Form RSC 6-0 approved by the commission in

February 1981. This document is published by and available from the Texas Real Estate Commission, 4920 North Inter-regional Highway, Austin, Texas.

Issued in Austin, Texas, on February 11, 1981.

Doc. No. 811060 Andy James
 Administrator
 Texas Real Estate Commission

Effective Date: March 6, 1981

Proposal Publication Date: December 12, 1980

For further information, please call (512) 475-6693.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter F. Motor Vehicle Sales and Use Tax Division

Under the authority of Texas Taxation—General Annotated, Article 1.10, the Comptroller of Public Accounts adopts §3.91 (026.02.06.044) of this title (relating to Bad Debts) to read as follows.

§3.91 (026.02.06.044). *Bad Debts.*

(a) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Gross rental receipts—Any amount of money or the value of property received by or due the owner of a motor vehicle as consideration for the rental of the vehicle to another. Gross rental receipts does not include and tax is not due on:

- (A) a separately stated fee or charge for insurance;
- (B) an assessment for damage to the vehicle which occurred during a rental agreement period;
- (C) separately stated receipts for motor fuel sold by the owner of the vehicle;
- (D) discounts;
- (E) any amount of gross rental receipts tax collected by or due the owner of the vehicle.

Owner—The person named in the certificate of title of a motor vehicle as the owner of the vehicle, or a person having exclusive use of a motor vehicle under a rental agreement and who holds the motor vehicle for re-rental.

Rental or renting—An agreement whereby the owner of a motor vehicle gives exclusive use of the vehicle to another for a consideration and for a period of time not to exceed 180 days under any one agreement; or an agreement whereby an original manufacturer of motor vehicles gives exclusive use of a motor vehicle to another for a consideration; or an agreement whereby the owner of a motor vehicle gives exclusive use of the vehicle to another for re-rental purposes, regardless of the period of time covered by the agreement.

Retailer—Any owner of a motor vehicle who is responsible for collecting and reporting motor vehicle gross rental receipts tax pursuant to Texas Taxation—General Annotated, Article 6.04(3).

(b) Tax not due on bad debt.

(1) A retailer may take a deduction for rental receipts that are determined to be uncollectable during the same report period in which the rental was made if:

- (A) the uncollectable amount of gross rental receipts is entered on the retailer's books as a bad debt; and
- (B) the bad debt will be claimed as a deduction for federal income tax purposes.

(2) A retailer who has previously paid motor vehicle gross rental receipts tax may take a deduction or seek a credit for the tax paid on the gross rental receipts that are determined uncollectable if the uncollectable amount is entered on the retailer's books as a bad debt and claimed as a deduction for federal income tax purposes.

(A) The deduction must be taken or credit claimed for the period in which the amount was determined uncollectable.

(B) If the uncollectable amount includes taxable and nontaxable receipts as defined in §3.91(a) (.044(a)) of this title (relating to Bad Debts), a deduction or credit may be claimed for only the amount that represents taxable receipts.

(C) To determine the amount that represents taxable receipts, all payments and credits may be applied proportionally against the fees the customer agreed to pay.

(3) If a retailer subsequently collects all or any part of a taxable amount previously determined uncollectable and charged off for income tax purposes as a bad debt, the taxable amount collected, as defined in subsection (b)(2)(C), must be included in gross rental receipts on the return filed after such collection and the proper amount of tax must be remitted.

(c) Records required. To support a claim for a bad debt deduction or credit, a retailer must maintain complete records which document:

- (1) the vehicle identification number, the year, and the model of the vehicle or vehicles involved;
- (2) the date of the rental for which a deduction or credit is claimed;
- (3) the name and address of the customer;
- (4) the amount the customer agreed to pay;
- (5) any amount on which the retailer has already paid tax;
- (6) any payment or other credit applied to the account;
- (7) evidence that the amount determined to be uncollectable has been legally charged off as a bad debt for federal income tax purposes.

(d) Credit does not qualify as a bad debt. When a retailer extends credit to a customer making a rental, the amount of credit so extended may not be labeled as a bad debt merely for the purpose of delaying the payment of tax.

Issued in Austin, Texas, on February 18, 1981.

Doc. No. 811086 Bob Bullock
 Comptroller of Public Accounts

Effective Date: March 11, 1981

Proposal Publication Date: November 28, 1980

For further information, please call (512) 475-1935.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 17. Commercial Driver Training Schools

Pursuant to the authority of Vernon's Civil Statutes, Article 4413(29c), the Texas Department of Public Safety adopts amendments to §§17.2, 17.16, and 17.29 (201.09.00.029, .043, and .056) of this title (relating to Commercial Driver Training Schools) with no changes from the text as proposed in the January 9, 1981, issue of the *Texas Register* (5 TexReg 30).

§17.2 (201.09.00.029). Schools and Instructors License Categories. Schools and instructors may be licensed in the following categories for vehicles which shall include but not be limited to passenger vehicles, commercial vehicles, and self-propelled two- and three-wheeled vehicles. For each course offered there shall be approved and on file an instructional outline, course of study, syllabus, or teaching guide showing scope and sequence of subject matter. Department personnel may monitor all courses offered at any time.

(1)-(3) (No change.)

(4) Class 4 school and instructor shall provide driver improvement training courses including but not limited to remedial courses for court-referred drivers, defensive drivers courses, and remedial schools. Group training contracts showing lower rates may be negotiated with business, industrial, or governmental agencies. All charges and costs incidental to training must be furnished to student before enrollment. Each student who successfully completes a driver training course shall be furnished a certificate evidencing completion of course and the type of training received.

(A) (No change.)

(B) Minimum course content. Courses of a Class 4 school providing approved defensive, driver improvement, or remedial training shall treat but not be limited to the following topic matter:

Topic	Minimum Course Content	
	Recommended	Minimum Time
Course introduction	15 minutes	
Factors influencing driver behavior, attitudes, and feelings	50 minutes	
Traffic laws	50 minutes	
Driver improvement	30 minutes	
Physical forces affecting vehicle	30 minutes	
Good seeing habits	70 minutes	
Defensive driving habits	100 minutes	
Mental preparation and driver impairments	30 minutes	
Course summation	15 minutes	

Topic titles of subject matter are not required to be the same as mentioned above but topic content should address subject matter shown above. Class 4 school shall complete curriculum plan appended to these sections, indicating how its course meets minimum course content. (Plan must be state-approved by department.)

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

(E) The Department of Public Safety will make the decision as to whether a driver training course is being conducted for consideration or tuition for such services. This decision will be based upon actual documented expenses incurred in presenting the course. The receipt, directly or indirectly, of any form of compensation by any person engaged in or connected with the training will be evaluated as being a consideration or tuition. The purchase of or the payment of any fee for any material thing not used directly and solely for the training of students will also be evaluated as a consideration or tuition. However, expenses that may be claimed under the nonprofit status and will include but may not necessarily be limited to the following:

(i) Actual vehicle operation and maintenance expense necessary to conduct the training.

(ii) Personal expenses incurred in traveling to and from the training site such as meals, lodging when justified, and personal vehicle expense not to exceed the mileage rate established by law for state employees.

(iii) Insurance premiums necessary to cover participants enrolled in the training program.

(iv) Actual cost of forms and instructional material necessary to conduct the training.

§17.16 (201.09.00.043). Contracts—Students.

(a) Contracts. No person shall be instructed, either theoretically or practically, or both, to operate or drive motor vehicles unless and until a written legal contract has been executed. All contracts must comply with Vernon's Texas Civil Statutes, Article 4413(29c), Section 4, and the format must be approved by the department.

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

(3) A Class 4 school instructing students referred by the courts under Vernon's Texas Civil Statutes, Article 6701d, Section 143a, may enter into contracts with a county or municipality and omit individual student contracts provided that the school execute a bond in the sum of \$10,000 that designates the students as third-party beneficiaries. This bond may be incorporated with the bond required in Vernon's Texas Civil Statutes, Article 4413(29c), Section 4(a)(1) and (2).

(b)-(e) (No change.)

§17.29 (201.09.00.056). Driver Education for Minors.

(a) (No change.)

(b) Commercial driver training schools teaching 15- to 18-year-old students must meet the requirements promulgated in the Curriculum Guide for Driver Education approved by the Governor's Office, Texas Education Agency, and the Texas Department of Public Safety. Motorcycle instructors must meet only the standards for the motorcycle operator training course approved by the Texas Department of Public Safety.

(c) Commercial driver training schools who desire to instruct persons between the ages of 15 and 18 years in an approved course of driver education and who satisfy all requirements outlined in the Standards for an Approved Course in Driver Education for Commercial Driver Training Schools or the motorcycle operator training course approved by the Texas Department of Public Safety must make written application to the department for authority to conduct such instruction.

(d) If, after an investigation by the department, the applicant for school authority to train 15- to 18-year-old students satisfies all requirements, the department will issue a

letter of approval to the school authorizing such training. Only those commercial schools who are so authorized may instruct 15- to 18-year-old students in a driver education course. The department's letter of approval shall be framed and displayed in the immediate vicinity of licenses issued by the department to the commercial school and its instructors.

(e) (No change.)

(f) Any person, group, or organization claiming non-profit status, as provided in §17.2(E) (.029(E)) of this title (relating to Schools and Instructors License Categories) of these sections, that desires to conduct a driver training course for persons 15 to 18 years of age and certify same to the department for driver licensing purposes, must apply to and receive written approval from the department prior to beginning any such training course. The application must include each instructor's qualifications, location of training site, a detailed list of anticipated expenses, and each student's expected prorated share of those expenses. Such training course must conform to the Texas Education Agency standards for driver education courses, Rule 226.32.95.020-100, and/or the Department of Public Safety motorcycle operator training course, §§31.1-31.6 of this title (relating to Standards for an Approved Motorcycle Operator Training Course). The department may at any time request additional information, investigate, or inspect such courses or instructors for the purpose of assuring compliance with course standards.

Issued in Austin, Texas, on February 11, 1981.

Doc. No. 911049 James B. Adams
Director
Texas Department of Public Safety

Effective Date: March 6, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 465-2000.

NONCODIFIED

Governor's Committee on Aging Support Documents

Statutes and Regulations 348.01.01.001

The Governor's Committee on Aging adopts by reference the Older Americans Act of 1965, as amended, 42 United States Code Section 3001, et seq. The Older Americans Act was enacted by Congress in 1965 to coordinate programs for the elderly. Title I of the Act is the declaration of objectives and definitions; Title II establishes and defines the functions of the Administration on Aging; Title III contains the provisions for grants for state and community programs; Title V establishes community service employment for older Americans; and Title VI is grants for Indian tribes. The most recent amendments to the Act in 1978 consolidated three activities under Title III—social services, nutrition services, and multipurpose senior centers. Emphasis is placed on the development of comprehensive and coordinated delivery

systems for services to the elderly. The requirements which must be met by the Governor's Committee on Aging as the state agency on aging in Texas are specified, as is the role of area agencies on aging.

This rule is adopted under the authority of Chapter 101, Human Resources Code.

.001. *Older Americans Act.* The Governor's Committee on Aging adopts by reference the Older Americans Act, 42 U.S. Code Section 3001, et seq. Copies are available at the Governor's Committee on Aging at 210 Barton Springs Road, Austin, Texas.

Doc. No. 811092

348.01.01.002, .003

The Governor's Committee on Aging adopts by reference the federal regulations applicable to grants for state and community programs on aging contained in 45 Code of Federal Regulations Part 1321. The regulations, which appear in *Federal Register* Document 80-9635, have a federally mandated effective date of March 31, 1980. The regulations implement Title III of the Older Americans Act of 1965, as amended. Title III authorizes formula grants to state agencies on aging to assist states and local communities in the development of comprehensive and coordinated systems for the delivery of services to older persons.

The Governor's Committee on Aging also adopts by reference the federal regulations that govern the administration of U.S. Department of Health and Human Services grants and principles for determining costs applicable to activities assisted by grants contained in 45 Code of Federal Regulations Part 74.

These rules are adopted under the authority of Chapter 101, Human Resources Code.

.002. *Grants for State and Community Programs on Aging.* The Governor's Committee on Aging adopts by reference the regulations applicable to grants for state and community programs contained in *Federal Register* Document 80-9635, Volume 45, Number 63, pages 21126-21166, which amends 45 Code of Federal Regulations Parts 1320, 1321, 1324, 1326. The regulations are available from the Governor's Committee on Aging, 210 Barton Springs Road, Austin, Texas.

.003. *Administration of Grants.* The Governor's Committee on Aging adopts by reference the regulations governing the administration of grants contained in 45 Code of Federal Regulations Part 74. Copies of the regulations are available from the Governor's Committee on Aging, 210 Barton Springs Road, Austin, Texas.

Doc. No. 811093

Aging Planning

State Aging Plan 348.03.01

The Governor's Committee on Aging adopts by reference the document entitled The State Plan on Aging under Title III of the Older Americans Act for Texas. The state plan is the document submitted by the Governor's Committee on Aging

to the Administration on Aging, Office of Human Development Services, Department of Health and Human Services, in order to receive grants for the development of comprehensive and coordinated systems for the delivery of services to older persons. The state plan is for the period October 1, 1980, through September 30, 1983. The state plan was developed in consultation with the 28 area agencies on aging in the state. The content includes assurances, administrative structure, a list of area agencies on aging, the program plan, systems development plan, financial plan, and the intrastate funding formula.

On July 15, 1980, a statewide news release was issued regarding 10 public hearings on the state plan to be conducted throughout the state. Notice of the hearings was published in the *Texas Register*. On July 24 and 25, 1980, the 10 public hearings were conducted in the following locations: Fort Worth, Houston, Austin, Corpus Christi, El Paso, Wichita Falls, San Angelo, Tyler, Amarillo, and Pharr. More than 1,200 persons attended the hearings, and more than 20 hours of tape-recorded comments were received concerning the state plan. On July 29, 1980, the State Advisory Committee of the Governor's Committee on Aging met to evaluate the comments received in the public hearings. Recommendations were made for final approval by the Governor's Committee on Aging. On August 8 and 26, 1980, the board of the Governor's Committee on Aging met and approved the state plan. The state plan was reviewed and signed by the governor and approved by the Administration on Aging effective October 1, 1980.

This rule is adopted under the authority of Chapter 101, Human Resources Code.

.001. *State Plan on Aging for Texas.* The Governor's Committee on Aging adopts by reference the document entitled *The State Plan on Aging* under Title III of the Older Americans Act for Texas. This document is available from the Governor's Committee on Aging, 210 Barton Springs Road, Austin, Texas.

Doc. No. 811094

State Delivery Systems

Designation of Area Agencies on Aging 348.05.01

The Governor's Committee on Aging adopts Rule 348.05.01.001 which establishes procedures for designation of area agencies on aging and planning and service areas. Procedures for submitting application and criteria for designation are included. Withdrawal of area agency designation is also explained.

This rule is adopted under authority of the Human Resources Code, Chapter 101.

.001. Definitions.

(a) *Act*—Is the Older Americans Act (42 United States Code Section 3001, et seq.).

(b) *Area agency*—Is the agency designated by committee in a planning and service area to develop and administer the area plan for a comprehensive and coordinated system of services for older persons.

(c) *Area plan*—Is the document submitted by an area agency to committee in order to receive grants or contracts from committee.

(d) *Committee*—Is the Governor's Committee on Aging, the single state agency designated to develop and administer the state plan and be the focal point on aging in the State of Texas.

(e) *Greatest economic need*—Means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census.

(f) *Greatest social need*—Means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status (for example, Black, Hispanic, American Indian, and Asian American), which restrict an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.

(g) *Indian tribal organization*—Means the recognized governing body of any Indian tribe or any legally established organization of Indians which is controlled, sanctioned, or chartered by the governing body.

(h) *Indian tribe*—Means any tribe, band, nation, or other organized group or community of Indians (including any Alaska native village or regional village corporation as defined in or established under the Alaska Native Claims Settlement Act, Public Law 92-203, 85 Statute 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or is located on, or in proximity to a federal or state reservation or rancheria.

(i) *Planning and service area*—Means a geographic area of a state that is designated for purposes of planning, development, delivery, and overall administration of services under an area plan.

(j) *Reservation*—Means any federally or state recognized Indian tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaskan native regions established pursuant to the Alaska Native Claims Settlement Act (85 Statute 688), and Indian allotments.

(k) *State plan*—Is the document submitted by a state in order to receive grants from its allotments under this part.

(l) *State regional planning area*—Is a political subdivision of the state, the general purpose of which is to make studies and plans to guide the unified, far-reaching development of the area, to eliminate duplication, and to promote economy and efficiency in the coordinated development of the area.

Doc. No. 811095

Planning and Service Area Designation 348.05.02

The Governor's Committee on Aging adopts Rules 348.05.02.001-.003, which establish procedures for application by any unit of general purpose local government or Indian reservation(s) to be designated as a planning and service area. Procedures for submitting an application and the criteria for designation are included. Withdrawal of designation is also explained. Current planning and service areas are listed.

These rules are adopted under authority of the Human Resources Code, Chapter 101.

.001. Application for Designation.

(a) Committee will provide an opportunity to apply to be designated as a PSA to any unit of general purpose local government, or Indian reservation(s).

(b) Applicants for PSA designation shall submit a written application to committee no later than October 1 of the year preceding development of the three-year state plan.

(c) The application shall include:

(1) The distribution of persons age 60 and older within the proposed PSA in relation to those other counties within the state regional planning area involved delineating those persons age 60 and older with the greatest economic need and greatest social need.

(2) A narrative and statistical description of the incidence of need for services supported by Title III of the Act in the proposed PSA.

(3) A list of agencies providing services supported by Title III of the Act in the proposed PSA.

(4) Written evidence of approval by resolution of 75% of the general purpose local governmental unit; and/or other pictorial information depicting, at a minimum, the state delineated regional planning areas, Indian reservations, existing economic development district boundaries and areas, boundaries of the state delineated health services area, and the Department of Human Resources district area.

(5) If the proposed PSA's boundaries are not contiguous with an existing designated state regional planning area, but is either a subdivision of or a combination of such areas, a narrative and statistical description shall address, as well, the basis of need for a PSA other than the regional planning areas involved.

(d) Any applicant submitting an application for an interstate PSA shall include the following:

(1) written indication of local interstate governmental agency support;

(2) information as required in subsection (c) of this rule, for the area involved in each state;

(3) a list and description of those agencies providing aging services within the interstate area involved; and

(4) a description of particular local conditions that may affect the written conditions agreed upon by each state as required by 45 Code of Federal Regulations Section 1321.57(b).

(e) Applications for PSA designation shall be submitted to local and state clearing-houses for review and comment pursuant to federal OMB Circular A-95 and Article 1011m, Texas Revised Civil Statutes. Existing area agencies in PSAs which would potentially be affected by the approval of applicant PSA designation shall be given an opportunity to review and comment on said application prior to committee consideration.

.002. Designation of PSA.

(a) A proposed PSA shall either be contiguous with or a subdivision of state planning regions as delineated by the governor and authorized by Article 1011m, Texas Revised Civil Statutes.

(b) Existing PSAs shall continue to be designated unless there is:

(1) demonstrated evidence that designation of an existing PSA is manifestly inconsistent with the purpose of the rules and regulations issued pursuant to the Act; or

(2) the designation of another PSA is necessary for the assurance of the efficient and effective administration of

the programs authorized by Title III of the Act and operating in the state.

(c) Committee will document the basis for its designation of each PSA.

(d) Committee will designate PSAs no later than December 1 of the year preceding the development of the three-year state plan.

.003. Designated PSAs. Designated PSAs are:

(1) 1—Armstrong, Briscoe, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties.

(2) 2—Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lubbock, Lynn, Motley, Terry, and Yoakum Counties.

(3) 3—Archer, Baylor, Childress, Clay, Cottle, Foard, Hardeman, Jack, Montague, Wichita, Wilbarger, and Young Counties.

(4) 4a—Collin, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, and Wise Counties.

(5) 4b—Dallas County.

(6) 4c—Tarrant County.

(7) 5—Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, and Titus Counties.

(8) 6—Anderson, Camp, Cherokee, Gregg, Harrison, Henderson, Marion, Panola, Rains, Rusk, Smith, Upshur, Van Zandt, and Wood Counties.

(9) 7—Brown, Callahan, Coleman, Comanche, Eastland, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Runnels, Scurry, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton Counties.

(10) 8—Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio Counties.

(11) 9—Andrews, Borden, Crane, Dawson, Ector, Gaines, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward, and Winkler Counties.

(12) 10—Coke, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Reagan, Schleicher, Sterling, Sutton, and Tom Green Counties.

(13) 11—Bosque, Falls, Freestone, Hill, Limestone, and McLennan Counties.

(14) 12—Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson Counties.

(15) 13—Brazos, Burleson, Grimes, Leon, Madison, Robertson, and Washington Counties.

(16) 14—Angelina, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, and Tyler Counties.

(17) 15—Hardin, Jefferson, and Orange Counties.

(18) 16a—Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton Counties.

(19) 16b—Harris County.

(20) 17—Calhoun, DeWitt, Goliad, Gonzales, Jackson, Lavaca, and Victoria Counties.

(21) 18a—Atascosa, Bandera, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson Counties.

(22) 18b—Bexar County.

(23) 19—Jim Hogg, Starr, Webb, and Zapata Counties.

(24) 20—Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, McMullen, Nueces, Refugio, and San Patricio Counties.

(25) 21—Cameron, Hidalgo, and Willacy Counties.

(26) 22—Cooke, Fannin, and Grayson Counties.

(27) 23—Bell, Coryell, Hamilton, Lampasas, Milam, Mills, and San Saba Counties.

(28) 24—Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, Val Verde, and Zavala Counties.

Doc. No. 811096

Area Agency Designation 348.05.04

The Governor's Committee on Aging adopts Rules 348.05.04.001-.004, which establish procedures for application by an established office on aging; any office or agency of a unit of general purpose local government; combination of units of general purpose local government; or any other public or nonprofit agency, for designation as an area agency on aging. Procedures for submitting application and criteria for designation are included. Current designated area agencies are listed. Withdrawal of designation is explained.

These rules are adopted under authority of the Human Resources Code, Chapter 101.

.001. Application for Designation.

(a) Committee will provide an opportunity to apply to be designated as an area agency the following types of agencies:

(1) an established office on aging which operates within the PSA;

(2) any office or agency of a unit of general purpose local government that is proposed by the chief elected official of the unit;

(3) any office or agency proposed by the chief elected officials of a combination of units of general purpose local government; or

(4) any other public or private nonprofit agency, except any regional or local agency of the state.

(b) Applicants for area agency designation shall submit a written application to committee no later than February 1 of the year of development of the three-year state plan.

(c) The application shall include:

(1) a description of the legal basis upon which the agency is organized;

(2) an organizational description and chart of the agency;

(3) a list of members serving on the governing board of the agency and the agencies they represent;

(4) job descriptions of those positions which the agency intends to staff;

(5) a copy of the most current agency audit;

(6) a copy of the agency's current approved financial plan; and

(7) a narrative description of the agency's past relationship with aging service providing agencies.

(d) Any application for area agency designation which, if approved, would result in the replacement of an existing area agency or substantially impact upon the aging network within the PSA involved, shall include:

(1) written indication by resolution of 75% of the governing bodies of city and counties within the PSA involved;

(2) documentation that existing services can be substantially improved through the proposed change in designation; and

(3) assurance that no staff or board member of the agency has served on the staff or board of the existing area agency within the affected PSA, committee, or the Administration on Aging for a period of not less than two years prior to the date of notification of application.

(e) The local agency being considered for area agency designation shall provide an opportunity for on-site review and assessment by committee to insure that said agency has the capacity to perform the functions of an area agency.

(f) The on-site assessment shall include but not be limited to:

(1) a review of the agency's administrative and fiscal management capability to conform with Title 45 of the Code of Federal Regulations, including Part 74-80, Part 81, Part 84, Part 90, and Title 5 of the Code of Federal Regulations Part 900, Subpart F;

(2) a review of the agency's capability, through employment and retention of appropriate staff, to develop and administer an area plan for a comprehensive and coordinated system of services;

(3) a review of the agency's capability to serve as the advocate and focal point for older Americans in the designated planning and service area involved; and

(4) a review of the agency's capability to furnish local financial resources and support as required by state and federal law.

(g) Applications for area agency designation shall be submitted to local and state clearing-houses for review and comment pursuant to federal OMB Circular A-95 and Article 1011m, Texas Revised Civil Statutes. Existing area agencies which would potentially be affected by the approval of applicant designation shall be given an opportunity to review and comment on said application prior to committee consideration.

.002. Designation of Area Agency.

(a) Committee will designate an area agency in each PSA in which the committee decides to allocate funds under Title III of the Act.

(b) In reviewing applications for area agency designation, committee shall give preference to established area agencies, and shall take into consideration the historical experience applicant agencies have had in coordinating, planning, and delivering services to the elderly.

(c) Committee will designate area agencies for each of the PSAs no later than March 31 of the year involved in the development of the three-year state plan.

.003. Designated Area Agencies Designated area agencies are:

(1) Panhandle Area Agency on Aging;

(2) South Plains Area Agency on Aging;

(3) North Texas Area Agency on Aging;

(4) North Central Texas Area Agency on Aging;

(5) Dallas County Area Agency on Aging;

(6) Tarrant County Area Agency on Aging;

(7) Ark-Tex Area Agency on Aging;

(8) East Texas Area Agency on Aging;

- (9) West Central Texas Area Agency on Aging;
- (10) West Texas Area Agency on Aging;
- (11) Permian Basin Area Agency on Aging;
- (12) Concho Valley Area Agency on Aging;
- (13) Heart of Texas Area Agency on Aging;
- (14) Capital Area Agency on Aging;
- (15) Brazos Valley Area Agency on Aging;
- (16) Deep East Texas Area Agency on Aging;
- (17) South East Texas Area Agency on Aging;
- (18) Houston-Galveston Area Agency on Aging;
- (19) Harris County Area Agency on Aging;
- (20) Golden Crescent Area Agency on Aging;
- (21) Alamo Area Agency on Aging;
- (22) Bexar County Area Agency on Aging;
- (23) South Texas Area Agency on Aging;
- (24) Coastal Bend Area Agency on Aging;
- (25) Lower Rio Grande Valley Area Agency on Aging;
- (26) Texoma Area Agency on Aging;
- (27) Central Texas Area Agency on Aging;
- (28) Middle Rio Grande Area Agency on Aging.

.004. Withdrawal of Area Agency Designation and Continuity of Services. Withdrawal of area agency designation:

(1) Committee may withdraw an area agency designation whenever committee, after reasonable notice and opportunity for a hearing as provided in Rule .002, finds that:

- (A) the area agency does not meet the requirements of 45 Code of Federal Regulations Part 1321;
- (B) the plan or plan amendment is not approved; or
- (C) there is substantial failure in the provisions or administration of an approved area plan to comply with the requirements of 45 Code of Federal Regulations Part 1321.

(2) If the committee withdraws an area agency's designation, committee shall:

- (A) notify the commissioner of aging, Administration on Aging, Department of Health and Human Services in writing of its action;
- (B) provide a plan for the continuity of services in the affected planning and service area; and
- (C) designate a new area agency in the planning and service area in a timely manner.

(3) If necessary to ensure continuity of services in a planning and service area, the committee may, for a period up to 180 days after its final decision to withdraw designation of an area agency:

- (A) perform the area agency responsibilities; or
- (B) assign the responsibilities of the area agency to another agency in the planning and service area.

(4) The committee may request from the commissioner an extension of the 180-day limit. The commissioner may extend the period an additional 180 days if the need for the extension is satisfactorily demonstrated.

Issued in Austin, Texas, on February 17, 1981.

Doc. No. 811097 Chris Kyker
 Coordinator of Aging
 Governor's Committee on Aging

Effective Date: March 11, 1981

Proposal Publication Date: January 16, 1981

For further information, please call (512) 475-2717.

Texas Department of Health Controlled Substances

Controlled Substances Therapeutic Research Program 301.39.02

The Texas Department of Health has adopted the subject rules which were proposed in the November 14, 1980, issue of the *Texas Register* (5 TexReg 4544). No public comments were received and no changes were made to the proposed version.

These rules are adopted under authority of Articles 4418a, 4476-15, and 6252-13a, Texas Revised Civil Statutes.

.001. Definitions.

(a) Board—The Controlled Substance Therapeutic Research Review Board as defined in the Texas Controlled Substances Act, Article 4476-15, Vernon's Civil Statutes.

(b) Medical school researcher—A licensed professional or other qualified investigator approved by the board who has received approval of an independent protocol in accordance with the requirements of the Texas Controlled Substances Act and applicable federal regulations.

(c) Research program participant—

- (1) the patient who is the ultimate user and who is approved by the board; or
 - (2) any physician approved by the board; or
 - (3) any hospital pharmacy approved to participate in a program under the sponsorship of a federal agency.
- (d) DEA—The U.S. Drug Enforcement Agency.
- (e) NCI—The National Cancer Institute.

.002. Special Instructions. Information and forms necessary to comply with these rules will be furnished upon request by writing to Amelia M. Menchetti, director, Cancer and Heart Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

.003. NCI Delta-9-THC Program Participation Requirements. Persons and eligible institutions interested in participating in the NCI research program must comply with all NCI procedures as set forth in the "Mechanism of Drug Distribution for Delta-9-Tetrahydrocannabinol" (adopted by reference in Rule .006) and must comply with the additional following requirements.

(1) Hospital pharmacies.

(A) Registration procedures. Pharmacies applying to NCI and DEA for registration must file a copy of their letter of application, notice of approval, and DEA Schedule I designation with the board.

(B) Record keeping and reporting. Pharmacies participating in the NCI Program must submit to the board copies of all prescriptions presented, as well as copies of all reports filed with NCI and DEA.

(2) Physicians.

(A) Registration procedures.

(i) Pharmacy will mail a copy of the physician application to the board.

(ii) Pharmacy will notify the board of NCI action on application.

(iii) The board will review application and determine whether or not applicant is qualified and inform the pharmacy.

(iv) The pharmacy will notify the physician of his eligibility status.

(B) Application review procedures.

(i) If a registered pharmacy feels a physician has failed to adhere to established standards of medical practice in the prescribing of controlled substances, the board should be notified in writing. Information rendered will be held in the strictest confidence.

(ii) If the board rejects a physician's application, the board will contact the physician stating the basis for rejection.

(iii) The physician may resubmit his application to the board along with a written statement of rebuttal. This document will be reviewed by the board for final decision.

(C) Record keeping and reporting.

(i) Physicians will report adverse drug reactions immediately to the board.

(ii) Physicians shall submit, if requested, patient participation analyses.

.004. *Patient Application for Registration as a Participant.*

(a) Patient eligibility criteria.

(1) Recommendation to the board by a person in charge of an approved research program or a program-registered physician who certifies that the patient:

(A) has cancer; and

(B) is undergoing chemotherapy and is experiencing severe side effects from treatment; and

(C) has symptoms or side effects from treatment that may be alleviated by medical use of THC or its derivatives; and

(D) is an acceptable subject who meets the criteria of the research program to which application is made.

(b) Patient registration procedures.

(1) Physician must complete a Patient Application Form, which certifies that the proposed patient meets the eligibility criteria, and send the form to the board.

(2) Physician must obtain a signed and witnessed consent from the patient.

(3) Physician will make available upon request the patient's medical history to the board for its review (patient medical history will be held in confidence).

(4) The board will evaluate information to determine the patient's continued eligibility for the program and inform the physician.

(c) Patient eligibility review.

(1) If patient eligibility is discontinued, the board will notify the physician, stating the basis for such action.

(2) A physician may ask for reconsideration and submit a written statement of rebuttal. This document will be reviewed for final decision by the board.

.005. *Termination of THC Participant.* The board may terminate at any time the distribution of THC to a program, program participant, or researcher.

.006. *Mechanism of Drug Distribution for Delta-9-Tetrahydrocannabinol.* The department adopts by reference the NCI publication entitled Mechanism of Drug Distribution for Delta-9-Tetrahydrocannabinol. Copies of this publication may be obtained from Amelia M. Menchetti, director, Cancer and Heart Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on February 11, 1981.

Doc. No. 811019

P. Clift Price, M.D., Deputy
Commissioner
Health Maintenance
Texas Department of Health

Effective Date: March 6, 1981

Proposal Publication Date: November 14, 1980

For further information, please call (512) 458-7265.

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.



Governor's Committee on Aging

Thursday, February 26, 1981, 10 a.m. The Governor's Committee on Aging will meet in the Senior Citizens Activities Center, 29th and North Lamar, Austin. According to the agenda summary, the committee will hold a quarterly business meeting.

Information may be obtained from Chris Kyker, P.O. Box 12786, Austin, Texas, (512) 475-2717.

Filed: February 18, 1981, 11:47 a.m.
Doc. No. 811109

State Board of Canvassers

Tuesday, February 17, 1981, 5 p.m. The State Board of Canvassers held an emergency rescheduled meeting in the secretary of state's office at the State Capitol, to canvass returns for special election for State Senate District 27 (unexpired term). The emergency meeting was held to fulfill statutory deadline requirements.

Information may be obtained from Austin Bray, 915 Sam Houston Building, Austin, Texas 78711, (512) 475-3091.

Filed: February 17, 1981, 2:44 p.m.
Doc. No. 811070

Employees Retirement System of Texas

Thursday, March 5, 1981, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in the fourth floor board room, Employees Retirement System Building, 18th and Brazos, Austin. According to the agenda, the committee will consider the following items: single plan concept; single plan concept with supplemental benefit package; self-insurance; cost containment; and possible rule changes.

Information may be obtained from Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476-6431.

Filed: February 17, 1981, 3:51 p.m.
Doc. No. 811080

Texas Energy and Natural Resources Advisory Council

Wednesday, February 25, 1981, 10 a.m. The Coal and Lignite Advisory Committee of the Texas Energy and Natural Resources Advisory Council will meet in the first floor auditorium, Employees Retirement System Building, 200 East 18th Street, Austin. According to the agenda, the committee will consider Texas Energy and Natural Resources Advisory Council lignite development planning and legislation; review comments on previous committee report and comments on university coal research consortium work plan; hear summation of lignite conference conclusions; discuss proposed initial elements in a comprehensive state lignite development plan and further issues for committee consideration.

Information may be obtained from Roy R. Ray, Jr., 200 East 18th Street, Austin, Texas 78701, (512) 475-5588.

Filed: February 17, 1981, 4:36 p.m.
Doc. No. 811084

Finance Commission of Texas

Tuesday, March 3, 1981, 10 a.m. The Savings and Loan Section of the Finance Commission of Texas will meet in the savings and loan commissioner's office, 1004 Lavaca, Austin. According to the agenda, the section will adopt regulations previously adopted as emergency rules and regulations proposed for adoption; and consider such other matters as may come before the section.

Information may be obtained from L. Alvis Vandygriff, 1004 Lavaca, Austin, Texas, (512) 475-7991.

Filed: February 18, 1981, 11:22 a.m.
Doc. No. 811113

Texas Department of Health

(Editor's note: The following notice of open meeting was inadvertently submitted to the office of the Texas Register Division and published in the February 20 issue under the wrong agency. The notice is for a meeting of the Texas Department of Health rather than the Statewide Health Coordinating Council as was previously published. The corrected notice is published below in its entirety.)

Thursday, February 26, 1981, 9:30 a.m. The Texas Health Data Cooperative of the Texas Department of Health will meet in Room 2-122, Joe C. Thompson Conference Center, 26th and Red River, Austin, to approve minutes of previous meeting; consider Needs/Availability/Confidentiality Committee report; hear Executive Committee Report; and select next meeting date.

Information may be obtained from Mike Ezzell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: February 18, 1981, 2:14 p.m.
Doc. No. 811117

Thursday, March 12, 1981, 10 a.m. The State Health Planning and Resource Development Division of the Texas Department of Health will conduct a public hearing in the Texas Department of Health auditorium, 1100 West 49th Street, Austin. The division will consider the proposed State Administrative Program being developed by the State Health Planning and Resource Development Division of the Texas Department of Health in compliance with the National Health Planning and Resources Development Act of 1974 (Public Law 93-6741). The hearing procedure is as follows: introduction; brief review of program; and public comments.

Information may be obtained from Mike Ezzell, 1100 West 49th Street, Austin, Texas, (512) 458-7261.

Filed: February 18, 1981, 1:02 p.m.
Doc. No. 811114

Texas Health Facilities Commission

Friday, February 27, 1981, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need

McAllen Methodist Hospital, McAllen

AH80-0613-013

Physicians and Surgeons General Hospital, Corpus Christi

AH80-0829-009

Starr County Memorial Hospital, Rio Grande City

AH80-1015-010

Easter Seal Society for Cripples Children and Adults of Hidalgo County, McAllen

AO80-0724-014

Texoma Medical Center, Denison

AH80-1110-035

Hermann Hosp., Houston

AH80-0728-030 and AH80-0918-024

Exemption Certificate

Edinburg General Hospital, Edinburg

AH81-0105-017

William A. and Elizabeth B. Moncrief Radiation Center,

Fort Worth, AO81-0105-031

Texas Children's Hospital, Houston

AH81-0107-011

St. Luke's Episcopal/Texas Children's Hospitals, Houston

AH81-0107-007

Upjohn Health Care Services, Lubbock

AS81-0108-010

Upjohn Health Care Services, El Paso

AS81-0108-008

San Antonio Kidney Disease Center, San Antonio

AS80-1230-006

Harris Hospital-Methodist, Fort Worth

AH80-1231-040

West Texas Medical Center, Abilene

AH81-0108-020

Motions for Reconsideration/Rehearing

Hillside Lodge Nursing Home, Beeville

AN80-0707-019

The University of Texas Health Science Center at Dallas

Ambulatory Care Teaching Center, Dallas

AS79-1220-016

The commission will also consider the following: adoption of new Rule 315.20.04.090 relating to Discovery; adoption of amendment to Rule 315.16.02.245 relating to Increase in Level of Care; and adoption of amendment to Rule 315.17.01.100 relating to Acquisition, Replacement, or Repair of Equipment Not a Modification.

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: February 18, 1981, 9:50 a.m.
Doc. No. 811111

Texas Department of Human Resources

Thursday, February 26, 1981, 10 a.m. The board of the Texas Department of Human Resources will meet in Room 1B, 706 Banister Lane, Austin. According to the agenda summary, the board will consider the following items: purchased health services contract; appeal from audit exceptions involving Colonial Gables Nursing Home and Colonial Manor Nursing Home; community mental health and mental retardation centers' clinic services under Titles XIX and XX; adjustments to fiscal year 1981 operating budget; adjustment of rates for primary home care; rate methodology for intermediate care of the mentally retarded; policy changes in the Aid to Families with Dependent Children Program; policy changes in eligibility criteria for the Nursing Home Program; mid-year review of nursing homes reimbursement; policy on statewide mail issuance of food stamps; drug destruction study; legislative matters; final rules; technical amendments to program policies and procedures; commissioner's report. The board will also meet in executive session to discuss personnel matters, pending and contemplated litigation, and real property.

Information may be obtained from Bill Woods, 706 Banister Lane, Austin, Texas, (512) 441-3355.

Filed: February 17, 1981, 3:57 p.m.
Doc. No. 811079

State Board of Insurance

Wednesday, February 18, 1981, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance conducted an emergency public hearing in Room 350, 1110 San

Jacinto, Austin, in Docket 6160 to consider additional evidence regarding Buffalo Reinsurance Company, Concord, New Hampshire. The application for admission hearing was held November 18, 1980. Said such evidence was filed with a motion for rehearing, dated February 12, 1981. The motion for rehearing was granted by Commissioner's Order 81-0451. The emergency hearing was necessary because of time constraints.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 4:24 p.m.
Doc. No. 811083

Tuesday, February 24, 1981, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct an emergency public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6299—stock purchase of Service Life and Casualty Insurance Company. The emergency hearing is warranted due to unavailability of witnesses to attend the hearing at a later date in February.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:32 a.m.
Doc. No. 811057

Tuesday, February 24, 1981, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct an emergency public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6287—application for admission concerning UNLIC Life Insurance Company, Springfield, Illinois. An emergency exists due to schedules of out-of-state witnesses.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:33 a.m.
Doc. No. 811058

Wednesday, February 25, 1981, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6286—application for admission concerning Mutual Trust Life Insurance Company, Oak Brook, Illinois.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:33 a.m.
Doc. No. 811059

Wednesday, February 25, 1981, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6296—application for admission concerning Unilife Insurance Company, Phoenix, Arizona.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:33 a.m.
Doc. No. 811060

Thursday, February 26, 1981, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6301—application for certificate of authority of Foundation Life Insurance Company, Houston.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 2:58 p.m.
Doc. No. 811073

Thursday, February 26, 1981, 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, Austin, in Docket 6294—application for original incorporation of New Security Life Insurance Company, Houston.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:34 a.m.
Doc. No. 811061

Thursday, February 26, 1981, 1:30 p.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, in Docket 6288—application for original charter of C/F Life Insurance Company, San Antonio.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:34 a.m.
Doc. No. 811062

Thursday, February 26, 1981, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6289—application for charter amendment of Hochheim Prairie Casualty Insurance Company, Yoakum.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:34 a.m.
Doc. No. 811063

Friday, February 27, 1981, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6297—application for admission of United Fire and Casualty Company, Cedar Rapids, Iowa.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1981, 11:34 a.m.
Doc. No. 811064

Texas Board of Irrigators

Wednesday, February 25, 1981, 9:30 a.m. The Texas Board of Irrigators will meet in Room 513 (executive conference room), Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider approval of minutes for its October 3 and October 29, 1980, meetings; certification of February 23 and 24, 1981, licensed irrigator examination results; dates for the next licensed irrigator examination; formulation of new rules; briefing on the current status of various items of interest to the board; whether to request the attorney general to take appropriate legal action against three particular persons; and briefing on the status of pending complaint investigations.

Information may be obtained from Joyce Watson, P.O. Box 12337, Austin, Texas 78711, (512) 475-8161.

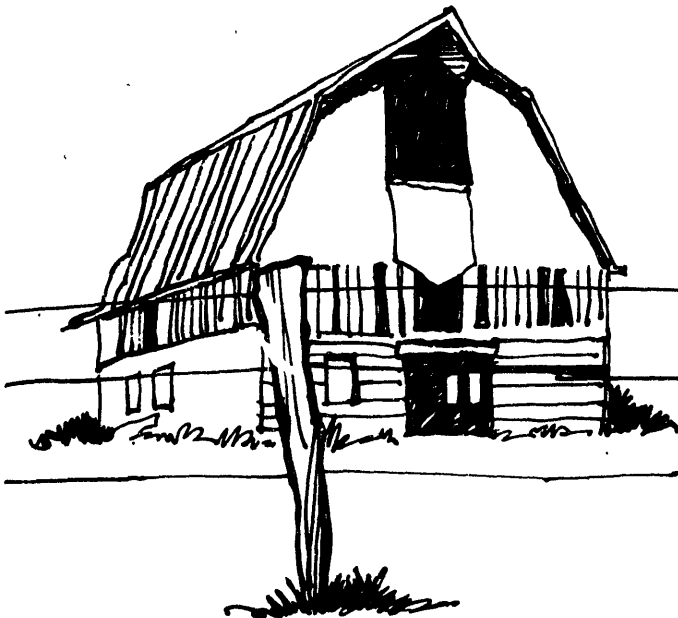
Filed: February 17, 1981, 2:59 p.m.
Doc. No. 811072

Texas Department of Labor and Standards

Tuesday, March 3, 1981, 10 a.m. The Board of Boiler Rules of the Texas Department of Labor and Standards will meet in Room 105 of the E.O. Thompson Building, Austin. According to the summarized agenda, the purpose of the meeting is to discuss pressure vessel legislation and any aspects of the Boiler Inspection Law or rules and regulations that may be presented to the board.

Information may be obtained from Thomas M. Wedemeier, Box 12157, Austin, Texas 78711, (512) 475-4799.

Filed: February 17, 1981, 2:09 p.m.
Doc. No. 811087



Board for Lease of State-Owned Lands

Friday, February 20, 1981, 11 a.m. The Board for Lease of the Texas School for the Blind of the Board for Lease of State-Owned Lands held an emergency meeting in Room 831 of the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board met to consider nominations, terms, conditions, and procedures for the April 7, 1981, oil, gas, and other minerals lease sale. The reason for the emergency meeting was because the booklet listing the tracts of land up for bid had to be published the week of February 23, 1981, to meet the April 7, 1981, deadline.

Information may be obtained from Linda K. Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.

Filed: February 18, 1981, 9:56 a.m.
Doc. No. 811108

Texas Department of Mental Health and Mental Retardation

Friday and Saturday, March 6 and 7, 1981, 9 a.m. daily. The Texas Planning Council for Developmental Disabilities of the Texas Department of Mental Health and Mental Retardation will meet at the Howard Johnson's Motor Lodge, 7800 IH 35 North, Austin. According to the agenda, the council will meet on Friday to consider approval of minutes of October meeting; presentation of goals and objectives (council staff); report from administering agency; and committee meetings. On Saturday, the council will take action on committee reports; elect chairperson; and hear consumer input.

Information may be obtained from Pat Pound, P.O. Box 12668, Austin, Texas 78711, (512) 465-4656.

Filed: February 18, 1981, 4:39 p.m.
Doc. No. 811127

Merit System Council

Friday, February 27, 1981, 9:30 a.m. The Merit System Council will meet in Room 507 of the Brown Building, 8th and Colorado Streets, Austin. According to the agenda, the council will conduct an appeal hearing.

Information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: February 18, 1981, 9:40 a.m.
Doc. No. 811112

North Texas State University

Friday, February 27, 1981. The following committees of the North Texas State University and Texas College of Osteopathic Medicine Board of Regents will meet in the eighth floor board room, Medical Education Building I, Texas College of Osteopathic Medicine, Fort Worth, at the times listed below.

8 a.m. The Facilities Committee will consider the following items: Medical Education Building II; architect selection for science research building; National Energy Conservation Policy Act Program; laser laboratory renovation; selection of engineer for parking lots; energy conservation—art, speech, and drama; project status report; policy on board approval of construction projects.

8:45 a.m. The Student Affairs Committee will discuss an amendment to housing residency requirements.

9 a.m. The Role and Scope Committee will consider a presentation from biochemistry units of North Texas State University and Texas College of Osteopathic Medicine; report from president on reorganization plan; report on regents' scholarship fund and recommendations for administering; appropriate items from the university and college agendas as desired.

9:45 a.m. The Budget and Finance Committee will discuss appropriate items from North Texas State University and Texas College of Osteopathic Medicine agendas.

Information may be obtained from Jan Dobbs, P.O. Box 13108, North Texas Station, Denton, Texas (817) 788-2198.

Filed: February 19, 1981, 9:31 a.m.
Doc. Nos. 811132-811135

Friday, February 27, 1981, 11 a.m. The North Texas State University Board of Regents will meet in the eighth floor board room, Medical Education Building I, Texas College of Osteopathic Medicine, Fort Worth. According to the agenda, the board will meet in executive session (pursuant to Vernon's Civil Statutes, Article 6252-17, Section 2, paragraphs e, legal; f, real estate; and g, personnel). The board will also discuss personnel changes; professor emeritus recommendation; leaves of absence without pay; revised policy for personnel appointments; faculty workload report, fall 1980; transfer of funds to DOE reserve; merit salary increases for employees; improved working conditions for the main business office; housing residency requirement policy; board approval of construction projects.

Information may be obtained from Jan Dobbs, P.O. Box 13108, North Texas Station, Denton, Texas, (817) 788-2198.

Filed: February 19, 1981, 9:32 a.m.
Doc. No. 811136

Friday, February 27, 1981, 11 a.m. The Texas College of Osteopathic Medicine Board of Regents will meet in the eighth floor board room, Medical Education Building I, Texas College of Osteopathic Medicine, Fort Worth. According to the agenda, the board will consider personnel changes; reallocations of state appropriations and budget supplements; appointment to Board of Trustees of Texas College of Osteopathic Medicine Foundation; affiliation agreement; signature authorization; approval of revised personnel handbook; approval of revised fiscal regulations; executive session (pursuant to Vernon's Civil Statutes, Article 6252-17, Section 2, paragraphs e, legal; f, real estate; and g, personnel).

Information may be obtained from Jan Dobbs, P.O. Box 13108, North Texas Station, Denton, Texas, (817) 788-2198.

Filed: February 19, 1981, 9:32 a.m.
Doc. No. 811137

Board of Pardons and Paroles

Tuesday-Friday, March 3-6, 1981, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711 of the 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 this agency; and take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, (512) 475-3363.

Filed: February 17, 1981, 1:38 p.m.
Doc. No. 811065

Wednesday, March 4, 1981, 9 a.m. The Board of Pardons and Paroles will meet in the Diagnostic Unit of the Texas Department of Corrections, Huntsville. According to the agenda, a parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, (512) 475-3363.

Filed: February 17, 1981, 1:38 p.m.
Doc. No. 811066

Texas State Board of Public Accountancy

Thursday and Friday, February 26 and 27, 1981, 8 a.m. daily. The Texas State Board of Public Accountancy will meet in Suite 500, 3301 Northland Drive, Austin. Items on the agenda summary include the following: committee meetings; approval of minutes of January meeting; report of nominating committee and election of officers; applications for registration of partnerships and professional corporations; recommendations of Entry and Re-entry Screening Committee and Examinations Committee; hearings; recommendations of Enforcement Committee and Technical Standards Review Committee; review of communications received by the board; discussion of pending litigation; presentation by Texas Society of CPAs regarding Private Companies Practice Section Program; financial statements; public need for schools of professional accounting; and schedule of future meetings.

Information may be obtained from Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: February 18, 1981, 3:29 p.m.
Doc. No. 811126

Public Utility Commission of Texas

Friday, February 27, 1981, 10 a.m. The Hearing Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3732—petition of Dallas Power and Light Company for review of municipal actions and setting of interim rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1981, 3:52 p.m.
Doc. No. 811075

Monday, March 9, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Dockets 3655, 3714, and 3715—application of Public Utilities Board of the City of Brownsville to amend a certificate of convenience and necessity within Cameron County; complaint of Central Power and Light Company and Magic Valley Electric Cooperative against Public Utilities Board of Brownsville within Cameron County; and complaint of Central Power and Light Company against Public Utilities Board of Brownsville within Cameron County (electric).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 19, 1981, 9:20 a.m.
Doc. No. 811128

Monday, March 9, 1981, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3654—application of Danville Water Supply Corporation to amend a certificate of convenience and necessity within Collin County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1981, 3:52 p.m.
Doc. No. 811076

Wednesday, March 11, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3704—application of Park Water System for a water rate increase and for a certificate of convenience and necessity within Bell County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 18, 1981, 2:14 p.m.
Doc. No. 811118

Friday, March 20, 1981, 8:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3727—complaint of general counsel of the Public Utility Commission of Texas against Central Power and Light Company.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 19, 1981, 9:20 a.m.
Doc. No. 811129

Monday, March 30, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on the merits in Docket 3605—Public Utility Commission inquiry into legality of rates charged and service rendered by Oakland Utility Company within Atascosa and Bexar Counties.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1981, 3:52 p.m.
Doc. No. 811077

Thursday, April 9, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3702—application of Dewitt County Electric Cooperative, Inc., for an electric rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 18, 1981, 2:14 p.m.
Doc. No. 811119

Monday, May 11, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3724—application of Hill Texas Communications, Inc., to amend a certificate of convenience and necessity within Freestone County (RCC).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1981, 3:52 p.m.
Doc. No. 811078

Thursday, May 21, 1981, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on the merits for Docket 3645—petition of Eastex Mobilephone Company to show cause why it should not be ordered to make refunds.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 19, 1981, 9:20 a.m.
Doc. No. 811130

Teacher Retirement System of Texas

Friday, March 6, 1981, 10 a.m. The Investment Advisory Committee of the Teacher Retirement System of Texas will meet in Suite 1600 (offices of Bryant (Tim) Hanley), Two Turtle Creek Village, Dallas. According to the agenda, the committee will consider the following items: approval of minutes; update on investments for preceding quarter and report on forward commitments; proposed changes to approved common stock list; economic outlook and market conditions; and allocation of cash flow for current quarter.

Information may be obtained from Clark Manning, 1001 Trinity, Austin, Texas, (512) 477-9711, ext. 271.

Filed: February 18, 1981, 2:36 p.m.
Doc. No. 811120

Texas Water Commission

Tuesday, March 3, 1981, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider the following: application for fire protection plan; proposed dissolution of levee districts; water quality permit; renewals; transfer and voluntary suspension of water quality permit; voluntary cancellation of water quality permit; applications for final decision; approval of plans and specifications; weather modification permit; and filing and setting of hearing date.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 18, 1981, 3:15 p.m.
Doc. No. 811122

Tuesday, March 10, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on the conversion of Ector Utility District into a municipal utility district.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 18, 1981, 8:19 a.m.
Doc. No. 811087

Wednesday, March 11, 1981, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider an application by North American Funding Corporation for an initial permit (Permit 12199-01) to authorize a discharge of

96,000 gallons per day of treated domestic sewage, Harris County, San Jacinto River Basin.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 18, 1981, 3:15 p.m.
Doc. No. 811123

Monday, March 23, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on the petition of Travis County Water Control and Improvement District 15 for waste disposal powers.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 18, 1981, 3:15 p.m.
Doc. No. 811124

Texas Water Development Board

Thursday, February 26, 1981, 2 p.m. The Texas Water Development Board will meet in the LaVista Room of the Hilton Palacio Del Rio Hotel, San Antonio. According to the agenda summary, the board will consider the following items: approval of minutes; status of development fund; amendment to maturity schedule for City of Round Rock loan; financial assistance to the Cities of Bowie, DeKalb, Alvord and Town of Prosper; status of the study on the Franklin County dam on Lake Cypress Springs; fiscal year 1981 joint funding master agreement for investigation of water resources in Texas; a grant for diagnostic study of Lake Houston; status of the State Hazardous Industrial Waste Management Program; and final adoption of Rule 156.21.01.001-.011 relating to the Texas Surface Water Quality Standards.

Information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas, (512) 475-3187.

Filed: February 18, 1981, 11:10 a.m.
Doc. No. 811110

Regional Agencies

Meetings Filed February 17, 1981

The Deep East Texas Council of Governments, A-95 Application Review Committee, will meet in the Ayers Room, King's Inn, Loop 304 and Crockett Street, Crockett, on February 26, 1981, at 1:30 p.m. The Board of Directors will meet at the same location, on the same day at 2:30 p.m. Information may be obtained from Mae Ballard and Billy D. Langford, respectively, P.O. Drawer 1170, Jasper, Texas 75951, (713) 384-5704.

The West Central Texas Council of Governments, Manpower Advisory Committee, will meet at 1025 East North 10th Street, Abilene, on February 26, 1981, at 10:30 a.m. Information may be obtained from Brad E. Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 811081

Meetings Filed February 18, 1981

The Austin-Travis County MH/MR Center, Board of Trustees, met at 1430 Collier Street, Austin, on February 21, 1981, at 9:30 a.m. Information may be obtained from Becky Howard, 1430 Collier Street, Austin Texas 78704, (512) 447-4141.

The Central Texas MH/MR Center, Board of Trustees, will meet at 308 Lakeway Drive, Brownwood, on February 24, 1981, at 4:30 p.m. Information may be obtained from Janie Clements, P.O. Bbx 250, Brownwood, Texas 76801, (915) 646-9574.

The Education Service Center, Region X, Board of Directors, will meet in the Region X board room, 400 East Spring Valley, Richardson, on February 25, 1981, at 12:30 p.m. Information may be obtained from H. W. Goodgion, 400 East Spring Valley, Richardson, Texas 75080, (214) 231-6301.

The MH/MR Regional Center of East Texas, Board of Trustees, will meet at 2323 West Front Street, Tyler, on February 26, 1981, at 4 p.m. Information may be obtained from Richard J. DeSanton, P.O. Box 4359, Tyler, Texas 75712, (214) 597-1351.

The San Jacinto River Authority, Board of Directors, will meet at the Lake Conroe Office Building, dam site, Highway 105 West, Conroe, on February 24, 1981, at 2 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, (713) 588-1111.

The Tri-Region Health Systems Agency, Plan Development Committee, will meet in the Brackenridge Room, Kiva Inn, 5403 South 1st, Abilene, on February 26, 1981, at 10 a.m. The Implementation Committee and the Executive Committee will meet in the Fluvanna Room of the Kiva Inn, on February 26, 1981, at 10 a.m. and 1:30 p.m., respectively. Information may be obtained from Bob Caras, David Brown, and David Jackson, respectively, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698-9481.

Doc. No. 811085

Meetings Filed February 19, 1981

The Bastrop County Appraisal Board held an emergency meeting in the commissioner's courtroom, county courthouse, Bastrop, on February 2, 1981, at 4 p.m. Information may be obtained from James Archer, 801 Pine Street, Bastrop, Texas 78602, (512) 321-4316.

The Upper Nueces Basin, 208 Water Quality Management Planning Advisory Committee, met at city hall. George West, on February 23, 1981, at 2 p.m. Information may be obtained from Con Mims, P.O. Box 349, Uvalde, Texas 78801, (512) 278-6810.

The West Central Texas Council of Governments, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on February 25, 1981, at 12:45 p.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 811131



State Banking Board Hearing

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, February 24, 1981, at 9 a.m. at 2601 North Lamar, Austin, on the proposed domicile change for Madison Bank, Houston, to move to the intersection of Synott Road and Westheimer (FM Road 1093) in Houston.

Additional information may be obtained from O. A. Cassity, assistant general counsel, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 12, 1981.

Doc. No. 811048 O. A. Cassity
Assistant General Counsel
State Banking Board

Filed: February 13, 1981, 3:50 p.m.
For further information, please call (512) 475-4451.



East Texas Council of Governments Consultant Contract Award

Pursuant to Article 6252-11c, Texas Civil Statutes, the following information regarding the award of a contract for private consultant is being submitted by the East Texas Council of Governments. The consultant proposal request appeared in the October 10, 1980, issue of the *Texas Register* (5 TexReg 4109).

Description of Services. The services to be rendered by the private consultant involve the design and assistance in selection of a suitable automated participant information system for the Comprehensive Employment and Training Act (CETA) Program administered by ETCOG.

Contractor; Total Value; Period of Contract. The contract is awarded to Alexander Grant and Company, located at 1800 One Dallas Center, Dallas, Texas 75201. The total value of the contract is \$15,980. The beginning date is February 12, 1981, and the ending date is May 7, 1981.

Due Dates of Reports. The due dates of documents to be provided are as follows: an evaluation of vendor proposals is due by February 26, 1981; and the final system design description is due by May 7, 1981.

Issued in Kilgore, Texas, on February 12, 1981.

Doc. No. 811071 Glynn J. Knight
Executive Director
East Texas Council of Governments

Filed: February 17, 1981, 9:54 a.m.
For further information, please call (214) 984-8641.

Texas Energy and Natural Resources Advisory Council

Amendment to Consultant Proposal Request

The Texas Energy and Natural Resources Advisory Council amends the consultant proposal requests for SPI 81-P-1, SPI 81-P-2, and SPI 81-P-3, published in the January 23, 1981, issue of the *Texas Register* (6 TexReg 282). The proposal receipt deadline has been changed from February 23, 1981, to March 9, 1981.

Address questions and requests for additional information to Robert Kieschnick, Texas Energy and Natural Resources Advisory Council, 200 East 18th Street, Austin, Texas 78701, (512) 475-5588 or STS 822-5588.

Issued in Austin, Texas, on February 10, 1981.

Doc. No. 811074 Theodore J. Taylor, Director
Policy Analysis Division
Texas Energy and Natural Resources
Advisory Council

Filed: February 17, 1981, 3:19 p.m.
For further information, please call (512) 475-0414.

Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of February 10-17, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of 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 an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved

only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

St. Anthony's Hospital, Amarillo (02/12/81)

AH79-1019-011A (020681)

AMD/CN—Request to amend Certificate of Need AH79-1019-011 by increasing the cost limitation and a partial change in the source and method of financing, as well as extend the deadline for completion of the project (the certificate of need authorized the construction of a professional office building and a new energy center for the hospital)

St. Anthony's Hospital, Amarillo (02/12/81)

AH79-1019-014A (020681)

AMD/CN—Request to amend Certificate of Need AH79-1019-014 by increasing the project cost limitation and a partial change in the source and method of financing the project (the certificate of need authorized the addition of 40 beds, construction of new facilities, and renovation, relocation, and expansion of certain hospital functions and departments)

Brownwood Regional Hospital, Brownwood
(02/17/81)

AH81-0210-012

EC—Request to acquire four mobile telemetry monitoring units and antenna systems

John Knox Village of Lubbock, Inc., Lubbock
(02/17/81)

AN79-0216-015A (021081)

AMD/CN—Request to extend the completion deadline in Certificate of Need AN79-0216-015 which authorized construction of a 45-bed skilled addition to the facility

Arlington Community Hospital, Arlington (02/17/81)

AH81-0210-026

EC—Request to install a central air conditioning system and construct an additional 1,100 square feet of space for mechanical use

Arlington Community Hospital, Arlington (02/17/81)

AH81-0210-024

EC—Request to relocate the 10-bed pediatric unit to the second floor, construction of new space on the second floor, and creation of storage on first floor

Arlington Community Hospital, Arlington (02/17/81)

AH81-0210-020

EC—Request to increase storage space for surgery and create a second substerile area for the operating room

Newton County Memorial Hospital, Newton
(02/13/81)

AH81-0130-026

EC—Request to replace air condition equipment and replace the roof of the main hospital building

Buena Salud Health Systems, Inc., Del Rio
(02/17/81)

AO81-0209-041

EC—Request to relocate the office of Buena Salud Health Systems from 910 South Main in Del Rio to a new location in Del Rio (the new office will be at either 822 South Main or 206 Bowie Street)

Gaston Episcopal Hospital, Dallas (02/17/81)

AH77-0819-001A (020981)

AMD/EC—Request to extend the completion deadline in Exemption Certificate AH77-0819-001, which authorized the construction of a replacement hospital facility

Gaston Episcopal Hospital, Dallas (02/17/81)

AH80-0221-011A (020981)

AMD/EC—Request to extend the completion deadline in Exemption Certificate AH80-0221-011, which authorized the addition of two ICU/CCU beds

The University of Texas Health Science Center at
Dallas—Ambulatory Care Teaching Center,
Dallas (02/17/81)

AO81-0209-009

EC—Request to relocate existing ophthalmological out-patient services from a building currently on the periphery of the health science center campus into space on the 6th level of a building currently under construction and the relocation of the building and collection function of administrative services into space off-campus

Issued in Austin, Texas, on February 18, 1981.

Doc. No. 811099

Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: February 18, 1981, 9:50 a.m.

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

Legislative Information System of Texas

Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 67th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

Office of the Secretary of State

Texas Register

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Notice of Schedule Variation

In view of the observance of Texas Independence Day on Monday, March 2, deadlines for submission of documents for publication in the issue of the *Texas Register* dated March 6, 1981, have been changed. As previously scheduled, deadlines for submission of documents for publication in the March 6 issue are 10 a.m. Friday, February 27 (all copy except notices of open meetings), and 10 a.m. Tuesday, March 3 (open meeting notices). The regular deadline schedule will resume with the issue of the *Register* dated March 10, 1981.

Texas Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of February 9-13, 1981.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the re-

quester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

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

Week Ending February 13, 1981

Wallis-Orchard Independent School District, Wallis; domestic sewage facility; southeast of Wallis in Austin County; 11719-01; renewal

Gulf Holding Corp., Houston; domestic sewage facility; southwest of San Luis Pass in Brazoria County; 11266-01; renewal

Clifford C. Brown, doing business as Marshall Creek Estates, Roanoke; domestic sewage facility; north-north-east of Roanoke in Denton County; 11072-01; renewal

Galveston Oil Terminal, Inc., Houston; fuel oil terminal; southwest of Pelican Island Boulevard in Galveston County; 02466; new permit

U. S. Department of Commerce, National Marine Fisheries Service, Galveston; waste water treatment facility; 4700 Avenue U in Galveston County; 02299; amendment

Sheldon Road Municipal Utility District (Sheldon Woods Plant), Houston; domestic sewage facility; southwest of U.S. Highway 90 and Sheldon Road in Harris County; 10541-01; renewal

City of Houston (WCID 94 Plant); domestic sewage facility; south of Bellaire Boulevard in Harris County; 10495-92; renewal

Arthur E. Bayer, Spring; waste water treatment plant; Lemm Gully south of Spring-Cypress Road in Harris County; 12352; new permit

Vantage Properties, Inc., Houston; domestic waste water plant; northeast quadrant of the intersection of Fry Road in Harris County; 12346; new permit

James Thaxton, doing business as San Jacinto, Ltd., Mobile, Alabama; barge cleaning operation; west of the IH 10 bridge over the San Jacinto River in Harris County; 02468; new permit

City of Premont, Premont; no-discharge sewage disposal system; near the drainage area of the Nueces River in Jim Wells County; 10253; new permit

Matagorda Waste Disposal and Water Supply Corp., Matagorda; domestic sewage facility; on the northwest corner of Matagorda and Barnard Streets in Matagorda County; 10913-01; renewal

Air Products and Chemicals, Inc., Lone Star; air separation plant; east of the intersection of U.S. Highway 259 in Morris County; 01246; new permit

City of Camp Wood; sewage treatment facility; south of Camp Wood in Real County; 12334; new permit

Val D. Hickman, Livingston; domestic sewage facility; east of the intersection of FM Road 356 in Trinity County; 12324; new permit

American Cyanamid Co., Fort Worth; catalyst manufacturing plant; 600 North Jones in the City of Fort Worth in Tarrant County; 02459; new permit

W. L. Gore and Associates, Inc., Austin; domestic sewage facility; southeast of Burleson Road in southeast Travis County; 12347; new permit

Brentwood Development Corp., Victoria; domestic sewage facility; east of Mercado Creek; 10742-01; renewal

Big Three Industries, Inc., Houston; air separation plant; Old Bloomington Road in Victoria County; 02465; new permit

Sheldon Road Municipal Utility District (Rolling Hills Plant), Houston; domestic sewage facility; northwest of the intersection of U.S. Highway 90 in Harris County; 10541-02; renewal

Issued in Austin, Texas, on February 13, 1981.

Doc. No. 811042

Mary Ann Helmer

Chief Clerk

Texas Water Commission

Filed: February 13, 1981, 2:51 p.m.

For further information, please call (512) 475-1311.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission

1 TAC §§113.1-113.3, 113.6, 113.7, 113.10
(028.12.01.050-.052, .055, .056, .059) 717

1 TAC §§123.11, 123.12, 123.15
(028.17.02.910, .911, .914) 721

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.258 (051.03.14.008) 724

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

22 TAC §535.1 (402.03.01.001) 725

22 TAC §535.122 (402.03.13.002) 725

22 TAC §535.131 (402.03.14.001) 725

22 TAC §535.147 (402.03.15.011) 725

22 TAC §539.91 (402.05.10.001) 725

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Noncodified (301.39.02.001-.006) 732

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.91 (026.02.06.044) 726

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

37 TAC §§17.2, 17.16, 17.29
(201.09.00.029, .043, .056) 727

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

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