

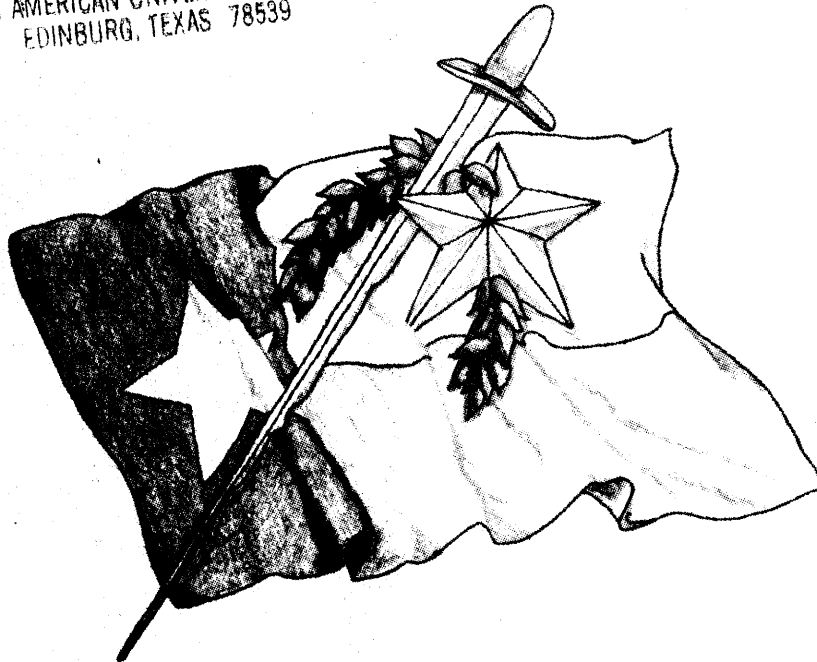
TXD S 500.6 R 263

Texas Register

U.S. GOVERNMENT DOCUMENT
DEPOSITORY LIBRARY NO 610

JUN 29 1982

PAN AMERICAN UNIVERSITY LIBRARY
EDINBURG, TEXAS 78539



Highlights

- ★ The Parks and Wildlife Department adopts on an emergency basis amendments to a section concerning the federally mandated early season migratory game bird regulations; effective date - June 16..... page 2417
- ★ The Office of the Governor, Budget and Planning Office proposes a new section concerning uniform grant and contract management standards for state agencies; proposed date of adoption - July 26..... page 2419
- ★ The State Commission for the Blind adopts a section concerning facilities which provide purchased services; effective date - July 8..... page 2440

How To Use the Texas Register

Texas Register

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

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

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register Division six months after proposal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

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

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

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 8, February 82

Table of TAC Titles

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



Secretary of State
David A. Dean

Texas Register Staff
Charlotte Scroggins, Director

Gail Myrick
Dee Wright
Deborah Swift
Paula Pritchard
Virginia Gregory
Don Hollyfield

Dave Harrell
Sue Bumpous
Donna Peacock
Catherine Turpin
Roberta Knight

Contents

The Secretary of State

Opinion Issued June 17

2416 Election Law Opinion DAD-28

Emergency Rules

Parks and Wildlife Department

2417 Wildlife

Proposed Rules

Office of the Governor

2419 Budget and Planning Office

State Purchasing and General Services
Commission

2428 Executive Administration Division

2430 Central Purchasing Division

Texas Board of Chiropractic Examiners

2434 Rules of Practice

2435 Advertising and Public Communications

Comptroller of Public Accounts

2436 Tax Administration

Texas Department of Public Safety

2436 Organization and Administration

Adopted Rules

Texas Sesquicentennial Commission

2438 Program Guidelines

Comptroller of Public Accounts

2439 Tax Administration

Department of Human Resources

2439 Family Self-Support Services

State Commission for the Blind

2440 Facilities Program

Open Meetings

2442 Texas Adult Probation Commission

2442 State Aircraft Pooling Board

2442 Texas Animal Health Commission

2443 State Bar of Texas

2443 State Board of Barber Examiners

2443 Texas Cosmetology Commission

2443 Texas Employment Commission

2443 Office of the Governor

2443 Texas Department of Health

2444 Texas Health Facilities Commission

2444 Texas Department of Human Resources

2444 State Board of Insurance

2445 Texas Advisory Commission on

Intergovernmental Relations

2445 Texas Commission on Jail Standards

2445 Texas Department of Mental Health and
Mental Retardation

2445 North Texas State University

2445 Pan-American University

2446 Board of Pardons and Paroles

2446 State Board of Plumbing Examiners

2446 Public Utility Commission of Texas

2447 Public Servant Standards of Conduct Advisory
Committee

2447 Railroad Commission of Texas

2448 Boards for Lease of State-Owned Lands

2448 Veterans Affairs Commission

2448 Texas Water Commission

2448 Texas Women's University

2449 Regional Agencies

In Addition

Texas Air Control Board

2451 Applications for Construction Permits

2451 Correction of Error

Office of Consumer Credit Commissioner

2452 Rate Ceilings

Credit Union Department

2452 Consultant Contract Award

Texas Health Facilities Commission

2452 Applications Accepted for Amendment,
Declaratory Ruling, and Notices of Intent

Texas Department of Mental Health and
Mental Retardation

2453 Consultant Proposal Request

The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

These opinions are summarized for publication in the *Register*.

Questions or particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12837, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091

Opinion Issued June 17

Election Law Opinion DAD-28. Request from Val D. Huvar, county clerk, Victoria County, Victoria, concerning the length of term for an individual appointed by the governor to a newly-created district court.

Summary. Article 199a, §6.001, Texas Civil Statutes, allows judges appointed to

newly-created district courts to hold office until their successors are duly elected and qualified. Article 17, Texas Civil Statutes, specifies that district officers commence their terms on January 1 following the November general election.

In the absence of any indication in Article 199a, §6.001, to the contrary, it becomes

necessary to turn to Article 17 to determine when a newly elected district judge becomes qualified to hold office. The appointee to the 267th District Court created under Article 199a holds office until January 1, 1983, when the individual elected at the November general election becomes qualified to enter into the duties of his office.

TRD-824991

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

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

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

Emergency Rules

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Parks and Wildlife

Department

Chapter 65. Wildlife

Subchapter N. Early Season Migratory Game Bird

31 TAC §§65.312-65.315

The Parks and Wildlife Commission in a regularly scheduled public hearing held May 13, 1982, adopted emergency amendments to §§65.312-65.315 of this title which constitute the Early Season Migratory Game Bird Proclamation, to be effective June 16, 1982. The commission found in public hearing that adoption of the emergency amendments was necessary in order to comply with the federally mandated early season migratory game bird regulations framework and to prevent imminent peril through waste to the public's wildlife resources. The commission authorized the executive director to modify these rules as necessary to comply with federal law. Any modification of these rules will be duly published.

The United States Fish and Wildlife Service issues the framework, wherein the State of Texas may select seasons and bag limits, consistent with established wildlife management principles. The framework is based upon the annual population census and is discussed in a public hearing held in Washington, D.C.

It is anticipated that the federal framework may be amended in July so as to permit a 70-day rather than a 60-day season for mourning doves. If this is the case, the executive director has been authorized by the commission to add the 10 additional days as follows: North Zone will be expanded to include a 10-day winter season (January 1-10, 1983); South Zone will be expanded to include 10 additional days

(November 3-12, 1982) at the end of the regular fall season. In South Zone counties having an open season on white-winged doves, the fall season for mourning doves will be extended to end on November 8, 1982.

The emergency amendments are adopted under the authority of Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.312. Means and Methods.

(a) (No change.)

(b) The following means and methods are unlawful in the taking of migratory birds:

(1)-(8) (No change.)

(9) by baiting, or taking on or over baited areas.

However, nothing in this subsection shall prohibit:

(A) the taking of migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked [shucked] on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(B) the taking of migratory game birds, except waterfowl, on or over lands where shelled, shucked, or unshucked corn, wheat, or other grain, salt, or other feed that has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes; provided that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

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

§65.313. Open Seasons.

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public

roads and highways, the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including but not limited to the Nueces and Frio Rivers, and state wildlife preserves and sanctuaries unless an open season is otherwise provided. The open season for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U.S. Fish and Wildlife Service.

(1) Rails. September 1 through November 9, 1982 [1981], from ½ hour before sunrise to sunset.

(2) Mourning doves.

(A) North Zone. Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties, and counties north and west thereof: September 1 through October 30, 1982 [1981], from ½ hour before sunrise to sunset. In counties having days with concurrent white-winged and mourning dove hunting, the legal shooting time for those days is noon to sunset.

(B) South Zone. All counties south and east of the North Zone counties enumerated in subparagraph (A) of this paragraph: September 20 through November 2, 1982 [1981], and January 1-16, 1983 [2-17, 1982], ½ hour before sunrise to sunset. In counties having an open season on white-winged doves, the fall season for mourning doves ends October 29, 1982 [1981]. In counties having days with concurrent white-winged and mourning dove hunting, the legal shooting time for those days in noon to sunset.

(3) White-winged doves. Brewster, Cameron, Culberson, El Paso, Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata Counties: September 4-5 [5-6] and September 11-12, 1982 [12-13, 1981], from noon to sunset.

(4) Gallinules. September 1 through November 9, 1982 [1981], from ½ hour before sunrise to sunset.

(5) Teal duck. All species (blue-winged, green-winged, and cinnamon): September 11 [12] through September 19, 1982 [20, 1981], from sunrise to sunset.

(6)-(7) (No change.)

§65.314. Bag and Possession Limits.

(a) (No change.)

(b) The bag and possession limits for 1982-1983 seasons are as follows.

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

(c)-(h) (No change.)

§65.315. Extended Falconry Season.

(a) (No change.)

(b) It is lawful to take migratory game birds by means of falconry during the following prescribed open seasons.

(1) Rails. September 1 through December 16, 1982 [1981], from ½ hour before sunrise to sunset.

(2) Mourning doves. September 1 through December 16, 1982 [1981], from ½ hour before sunrise to sunset.

(3) White-winged doves. September 1 through December 16, 1982 [1981], from ½ hour before sunrise to sunset.

(4) Gallinules. September 1 through December

16, 1982 [1981], from ½ hour before sunrise to sunset.

(c)-(e) (No change.)

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

TRD-824912

Maurine Ray
Administrative Assistant
Parks and Wildlife Department

Effective date: June 16, 1982

Expiration date: October 14, 1982

For further information, please call (512) 479-4973, or 1-800-792-1112.

Subchapter Q. Furbearers

31 TAC §65.376

The Parks and Wildlife Commission in a public hearing on May 13, 1982, adopted on an emergency basis an amendment to §65.376 of this title concerning furbearers, to be effective June 16, 1982. Sections 65.371-65.389 constitute the Fur-Bearing Animal and Trapping Proclamation. The emergency amendment provides that the department may give written permission to individuals to temporarily possess live fur-bearing animals for the purpose of transporting and releasing into the wild. Thus, live fur-bearing animals that are nuisances may be removed from areas where lethal control methods are not warranted or possible.

Processing of a recent request to transport and release nuisance fur-bearing animals revealed that the Parks and Wildlife Department could not permit possession for such activities under current regulations. Rapid response is necessary to permit efficient handling of nuisance animals.

The amendment is adopted on an emergency basis under the authority of the Texas Parks and Wildlife Code, Chapter 71.

§65.376. General Rules.

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

(c) Except for nutria, fur-bearing animals or pelts, taken under subsection (a) or (b) of this section may not be retained or possessed by anyone at any time except during the open season as provided by this subchapter provided that nuisance live fur-bearing animals taken under subsection (b) of this section may be possessed and transported for release under the provisions of §65.380 (d) of this title (relating to Sale or Purchase of Fur-Bearing Animals or Their Pelts).

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

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

TRD-824911

Maurine Ray
Administrative Assistant
Parks and Wildlife Department

Effective date: June 16, 1982

Expiration date: October 14, 1982

For further information, please call (512) 479-4800, ext. 2713, or 1-800-792-1112.

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

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

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

Proposed Rules

TITLE 1. ADMINISTRATION Part I. Office of the Governor Chapter 5. Budget and Planning Office Uniform Grant and Contract Management Standards for State Agencies

1 TAC §§5.141-5.167

The Governor's Budget and Planning Office proposes new §§5.141-5.167, concerning uniform grant and contract management standards for state agencies.

Jarvis E. Miller, Budget and Planning Office Director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Miller has also determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing the rule as proposed will be to enhance accountability of public expenditures and to improve operational efficiency through the development of consistent procedures and definitions. There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jarvis E. Miller, Director, Budget and Planning Office, P.O. Box 13561, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 4413(32g), which provides the Office of the Governor with the authority to establish uniform grant and administration procedures in order to promote the efficient use of public funds in local governments.

§5.141. *Introduction.* The following Uniform Grant and Contract Management Standards (UGCMS) for state agencies were developed under the directive of the Uniform Grant and Contract Management Act of 1981, Texas Civil Statutes, Article 4413(32g). Adherence to these standards by state agencies when administering grants or contracts with cities, counties, or other political subdivisions of the state is mandated by the Act. The term "other political subdivisions" does not include school districts and other special purpose districts.

§5.142. *Purpose, Applicability, and Scope.*

(a) The purpose of the Act is to establish uniform grant application and administration procedures in order "to promote the efficient use of public funds in local government and in programs requiring cooperation among local, state and federal agencies." Pursuant to Texas Civil Statutes, Article 4413(32g), the following standard financial management conditions and uniform assurances shall be applicable to all grants and contracts executed between state agencies and local governments. These financial management conditions and uniform assurances shall be used by a state agency with respect to the subject matter contained herein, provided that a state agency may require additional financial management conditions or uniform assurances if the agency has complied with Texas Civil Statutes, Article 4413(32g), §6.

(b) Each state agency shall apply such of these financial management conditions and uniform assurances as the agency determines are appropriate to the grant or contract in question, considering such factors as the amount of the grant or contract, the funding source, or the nature of the performance to be rendered under the grant or contract.

§5.143. Effective Date. The effective date of these uniform standards is September 1, 1982. Grants and contracts awarded prior to this date will not be required to adhere to these standards.

§5.144. Adoption by Reference. As directed by the Uniform Grant and Contract Management Act, the Governor's Budget and Planning Office adopts Office of Management and Budget (OMB) Circulars A-87 and A-102 and Health and Human Services (HHS) Guide OASC-10 by reference, with the following exceptions as they appear in §5.150 of this title (relating to Uniform Cost Principles and Cost Allocation Plans); §5.151 of this title (relating to Uniform Administrative, Accounting, Reporting, and Auditing Standards); §5.152 of this title (relating to Attachment A of OMB Circular A-102—Cash Depositories); §5.153 of this title (relating to Attachment B of OMB Circular A-102 Bonding and Insurance); §5.154 of this title (relating to Attachment C of OMB Circular A-102 Retention and Custodial Requirements for Records); §5.156 of this title (relating to Attachment E of OMB Circular A-102—Program Income); §5.157 of this title (relating to Attachment F of OMB Circular A-102—Matching Share); §5.158 of this title (relating to Attachment G of OMB Circular A-102—Standards for Grantee Financial Management Systems); §5.159 of this title (relating to Attachment H of OMB Circular A-102—Financial Reporting Requirements); §5.160 of this title (relating to Attachment I of OMB Circular A-102—Monitoring and Reporting Requirements); §5.162 of this title (relating to Attachment K of OMB Circular A-102—Budget Revision Procedures); §5.163 of this title (relating to Attachment L of OMB Circular A-102—Grant Closeout Procedures); §5.164 of this title (relating to Attachment M of OMB Circular A-102—Standard Forms for Applying Assistance); §5.166 of this title (relating to Attachment O of OMB Circular A-102—Procurement Standards); and §5.167 of this title (relating to Attachment P of OMB Circular A-102—Audit Requirements). Copies of these documents are available for inspection at the Governor's Budget and Planning Office in the Sam Houston Building, 201 East 14th Street, seventh floor, Austin, Texas, and also at the Secretary of State's Office, Texas Register, 503E Sam Houston Building, Austin, Texas.

§5.145. Grants and Contracts. The terms "grant" and "contract" as used in the Uniform Grant and Contract Management Act of 1981 are synonymous. They both are contractual agreements. It is noted that under all provisions of this Act and other authorizing statutes, the essential elements of a contract are present.

§5.146. Standard Assurances. The standard assurances to be used for grants and contracts are found in Chapter II, Attachment M, of OMB Circular A-102.

There are separate lists of assurances for construction programs and for nonconstruction programs.

§5.147. Variance from Standards. State grantor agencies may vary from the standards contained in §§5.141-5.167 of this chapter (relating to Uniform Grant Management Standards for State Agencies) only when required to do so by federal legislation or regulations or by specific state legislation. State grantor agencies with mandated variances are required to publish the variance in the *Texas Register* and notify the Governor's Budget and Planning Office. State grantor agencies rules or regulations of themselves are not sufficient to authorize variance from the provisions contained herein.

§5.148. Obtaining Copies of Standards. The Governor's Budget and Planning Office will supply copies for state agency use. However, it is the responsibility of the state grantor agency to reproduce an adequate number of copies to fulfill grantee requirements. State grantor agencies may incorporate these uniform grant and contract management standards into their manuals either directly or by reference.

§5.149. Recommendation for Change. State grantor agencies and recipients of funds are requested to submit any recommended changes, or to note inconsistencies or conflicts, in writing to the Governor's Budget and Planning Office, P.O. Box 13561, Austin, Texas 78711.

§5.150. Uniform Cost Principles and Cost Allocation Plans.

(a) This section discusses the basic cost principles applicable to all grants administered by a state agency which are awarded to cities, counties, or other political subdivisions of the state. This chapter specifically includes, therefore, all federal categorical grants, federal block grants, and state grants.

(b) The basis of this chapter is OMB Circular A-87, formerly designated as FMC 74-4. OMB Circular A-87 designates the Department of Health and Human Resources as the federal agency responsible for issuing instructions for use by grantees in the preparation of cost allocation plans. HHS Guide OASC-10, *Cost Principles and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts With the Federal Government*, will therefore also serve as a basis for this section. The introduction to each section of A-87 and OASC-10 sets out the modifications which must be made to facilitate their transition from federal to state use.

(c) Cities, counties, and other political subdivisions of the state seeking to establish a cost allocation plan and indirect cost rate should contact OMB for the assignment of a cognizant federal agency to review and approve the plan. Cities, counties, and other political subdivisions of the state which are funded solely by block grant funds or state funds should contact their assigned cognizant state audit agency. It should be noted that cognizant state audit agencies are assigned only after a request from the local entity for single audit coordinations.

(d) OMB Circular A-87 is adopted by reference in §5.144 of this title (relating to Adoption by Reference) with the following modification: all references to "federal

or federally" should be expanded to read "federal, federally, or state," as applicable.

(e) Paragraph (F)(2)(b) in Attachment A of OMB Circular A-87, is modified by adding "When negotiated lump sum for overhead is allowed, state grantor agencies are encouraged to use the amounts in Table 1, Indirect Cost Computation Table. This recommendation should not be construed to imply that state grantor agencies are required to negotiate an overhead rate. It is merely provided as a guide if grantor agencies voluntarily elect to provide a lump sum overhead amount. However, when a grantee or contractor has a cost allocation plan on file or has obtained approval of such plan by the appropriate cognizant agency, the previously approved indirect cost and rate computation shall be accepted by subsequent state grantor agencies, and the Table 1 amounts disregarded."

See Table 1, page 2425

(f) Paragraph 10b in Attachment B of OMB Circular A-87, "Time and attendance or equivalent records," Form 391-1 as follows, is recommended in those cases where grantees or contractors do not have an established method to document time and attendance, in order to meet the minimum documentation requirements.

See Time and Attendance Report, page 2427

(g) Paragraph 28 in Attachment B of OMB Circular A-87, "Travel," is amended by adding the following: In those instances where grantees or contractors do not have an established organization-wide written travel policy approved by the governing board of the local jurisdiction, the state travel regulation will prevail.

(h) Paragraph 10 is added to Attachment B, of OMB Circular A-87, as follows: Lobbying—Grant funds can not be used to support political activity either directly or indirectly. This prohibition is not to be construed as limiting expenses for the purpose of testimony before legislative bodies.

(i) HHS Guide OASC-10 adopted by reference in §5.144 of this title (relating to Adoption by Reference) is with the following modification: All references to "federal or federally" should be expanded to read "federal, federally, or state," as applicable.

§5.151. Uniform Administrative, Accounting, Reporting, and Auditing Standards.

(a) This section and §5.152 of this title (relating to Attachment A of OMB Circular A-102—Cash Depositories); §5.153 of this title (relating to Attachment B of OMB Circular A-102—Bonding and Insurance); §5.154 of this title (relating to Attachment C of OMB Circular A-102—Retention and Custodial Requirements for Records); §5.156 of this title (relating to Attachment E of OMB Circular A-102—Program Income); §5.157 of this title (relating to Attachment F of OMB Circular A-102—Matching Share); §5.158 of this title (relating to Attachment G of OMB Circular A-102—Standards for Grantee Financial Management Systems); §5.159 of this title (relating to Attachment H of OMB Circular A-102—Financial Reporting Requirements); §5.160 of this title (relating to Attachment I of OMB Circular A-102—Monitoring and Reporting Requirements); §5.162 of this title (relating to Attachment K of OMB Circular

A-102—Budget Revision Procedures); §5.163 of this title (relating to Attachment L of OMB Circular A-102—Grant Closeout Procedures); §5.164 of this title (relating to Attachment M of OMB Circular A-102—Standard Forms for Applying Assistance); §5.166 of this title (relating to Attachment O of OMB Circular A-102—Procurement Standards); §5.167 of this title (relating to Attachment P of OMB Circular A-102—Audit Requirements), promulgate standards for establishing consistency and uniformity among state agencies in the administration of grants and contracts to cities, counties, and other political subdivisions of the state.

(b) The basis of this section and the sections listed in subsection (a) of this section is OMB Circular A-102 which has been adopted by reference in §5.144 of this title (relating to Adoption by Reference), all references in the circulars' introduction to "federal" should be expanded to read "federal or state," as applicable. The introduction to each attachment sets out the modifications which must be made to the attachment to facilitate the transition from federal to state use. Interpretations of, or deviations from, the attachments will be referenced and stated immediately following the attachment.

§5.152. Attachment A.—Cash Depositories.

(a) Attachment A of OMB Circular A-102 is adopted by reference in §5.144 of this title (relating to Adoption by Reference) into the Uniform Grant and Contract Management Standards (UGCMS) for state agencies without modification.

(b) In reference to paragraph 3, it should be noted that the state financial mechanism does not authorize the use of a letter of credit agreement for state funds (Refer to Attachment J for payment process.)

§5.153. Attachment B.—Bonding and Insurance.

(a) Attachment B of OMB Circular A-102 is incorporated into the Uniform Grant and Contract Management Standards with the modification and additions noted in subsection (b) of this section.

(b) In the first sentence of paragraph 2, "own requirements" is construed to mean "state policies and requirements" which are defined below.

(1) For construction contracts relating to buildings or other public work projects in excess of \$25,000, local governments are directed by Texas Civil Statutes, Article 5160, to require a performance bond and a payment bond from the contractor. These bonds shall be executed by corporate surety authorized to do business in the State of Texas. (Administrative state agencies may obtain a list of companies authorized to do business in Texas from the State Board of Insurance.)

(2) A bid bond is not statutorily required for programs supported completely by state funds; however, a bid bond should be obtained by local governments as a matter of standard policy and good practice to protect both local and state interests by assuring that the bidder will, upon bid acceptance, execute all required contractual documents within the time period specified.

§5.154. Attachment C.—Retention and Custodial Requirements for Records.

(a) Attachment C of OMB Circular A-102 is incorporated into the Uniform Grant and Contract Management Standards for state agencies with the following

modifications: All references to "federal grantor agency(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds" shall be expanded to read "federal grant funds or state grant funds," and all references to the "federal government" shall be expanded to read "federal or state government," as applicable.

(b) Paragraph 6 is amended by adding "and the Texas State Auditor" after "Comptroller General of the United States."

(c) Certain additional standards for retention of public records in Texas have been provided by Texas Civil Statutes, Article 5439, et seq. The Texas State Library, through the Records Preservation Advisory Committee, has established recommended retention periods longer than three years for many types of public documents whether in original hard copy or microfilm forms. State grantor agencies may obtain a copy of the recommended retention schedule by contacting the Director and Librarian, Texas State Library and Archives Commission, Lorenzo de Zavala State Archives and Library Building, Box 12927, Austin, Texas 78711.

§5.155. Attachment D.—Waiver of "Single" State Agency Requirements. Attachment D is not used when a state agency is administering federal or state funds.

§5.156. Attachment E.—Program Income.

(a) Attachment E of OMB Circular A-102 is adopted by reference in §5.144 of this title (relating to Adoption by Reference) into the Uniform Grant and Contract Management Standards for state agencies with the following modifications: All references to "federal grantor agency(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds" shall be expanded to read "federal grant funds or state grant funds," and all references to the "federal government" shall be expanded to read "federal or state government," as applicable.

(b) In reference to paragraph 1, "gross income earned" is defined as "income received or generated from projects which are wholly or partially funded with grant funds in which case the payee or donor receives a direct benefit." An example of a direct benefit is when a program participant makes a donation for a meal.

(c) In reference to paragraph 5(a) "eligible program objective" is construed to mean any of the overall objectives defined in the program legislation. Thus, the use of program income would not be limited solely to those objectives budgeted in the grant application. It should be noted that the use of these funds for unbudgeted objectives would constitute a change in scope and would require a budget revision.

§5.157. Attachment F.—Matching Share. Attachment F of OMB Circular A-102 is adopted by reference in §5.144 of this title (relating to Adoption by Reference) into the Uniform Grant and Contract Management Standards for state agencies with the following modifications: All references to "federal grantor agency(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds" shall be expanded to read "federal grant funds or state grant funds," and all references to the "federal government" shall be ex-

panded to read "federal or state government," as applicable.

(b) In reference to paragraphs 3(a)(2) and 3(b)(5) it should be noted that provisions of these paragraphs that require that the source of matching funds be from nonfederal sources will not apply to state-financed grant programs that require a matching contribution.

(c) In reference to paragraph 6(a), in order to meet the minimum documentation requirements, it is recommended Form 391-1 be utilized in cases where the grantees or contractors do not have an established method to document employee time and attendance. (Form 391-1 is shown under Chapter I, Attachment B, Paragraph 10b.)

§5.158. Attachment G.—Standards for Grantee Financial Management Systems.

(a) Attachment G of OMB Circular A-102 is adopted by reference in §5.144 of this title (relating to Adoption by Reference) into the Uniform Grant and Contract Management Standards for state agencies with the following modifications: All references to "federal grantor agency(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds" shall be expanded to read "federal grant funds or state grant funds," all references to "federal awards" shall be expanded to read "federal awards or state awards," and all references to the "federal government" shall be expanded to read "federal or state government," as applicable.

(b) In reference to paragraph 2(e), it should be noted that the state financial mechanism does not authorize the use of a letter of credit agreement for state funds. (See Attachment J.)

§5.159. Attachment H.—Financial Reporting Requirements.

(a) Attachment H of OMB Circular A-102—is incorporated in the Uniform Grant and Contract Management Standards for state agencies with the following modifications: All references to "federal agencies, federal funds and federal government" shall be expanded to read "federal or state agencies, federal or state funds, and federal or state governments."

(b) In reference to paragraph 1, state agencies shall use the forms in this attachment for reporting unless specific federal or state law requires different reporting methods. Substitution and supplemental reporting forms are explained in other footnotes.

(c) In reference to paragraph 3(a)(1), it should be noted that state agencies may require grantees to complete the Financial Status Report Supplemental Form 269a which displays a breakdown of total outlays by budget categories when the Financial Status Report Form 269 is completed.

(d) In reference to paragraph 3(a)(1), it should be noted that state agencies may use the Advance or Reimbursement Form 270 instead of the Financial Status Report Form 269 if desired. In such case, the state supplemental Form 269a may be required along with the Form 270. However, the Form 269a may not be required more frequently than quarterly.

(e) In reference to paragraph 3(b) (Exhibit 2, it should be noted that state administering agency may use the cash transactions report on an optional basis.

(f) In reference to paragraph 5(b), state agencies requiring additional financial information due to federal or state law shall publish notice in the *Texas Register* and notify the Budget and Planning Office. When a state agency determines that a grantee's accounting system does not meet standards identified in Attachment G, the state agency may require additional financial reports after notifying the Budget and Planning Office about the situation.

(g) In reference to paragraph 9, standard reporting forms can be obtained from state grantor agencies.

(h) In reference to paragraph 3(a) (Exhibit 1), 3(b) (Exhibit 2), 4(a) (Exhibit 3), 4(b) (Exhibit 4) in the block for federal employer identification number/employer identification number the state vendor identification number (14 digits) assigned by the Texas Comptroller of Public Accounts will be recorded.

See Financial Status Report—State Supplemental Form 269a, page 2426

§5.160. Attachment I.—Monitoring and Reporting Requirements.

(a) Attachment I of OMB Circular A-102 is incorporated in the Uniform Grant and Contract Management Standards for state agencies with the following modifications: all references to "federal agency(ies)" and "federal grants," shall be expanded to read "federal or state agency(ies)" and "federal or state grants," as applicable.

(b) In reference to paragraph 8, formats for technical and performance reports shall be designed by the state administering agency. No approval is necessary but the concept of simplification should be used as much as possible.

§5.161. Attachment J.—Grant Payment Requirements. Attachment J is not used when a state agency is administering federal or state funds. The grant payment procedures will be outlined by the state grantor agency and the comptroller of public accounts. Payment procedures and forms must be obtained from the state grantor agency.

§5.162. Attachment K.—Budget Revision Procedures.

(a) Attachment K of OMB Circular A-102—is adopted by reference in §5.144 of this title (relating to Adoption by Reference) into the Uniform Grant and Contract Management Standards for state agencies with the following modifications: All references to "federal grantor agency(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds" shall be expanded to read "federal grant funds or state grant funds," and all references to the "federal government" shall be expanded to read "federal or state government," as applicable.

(b) In reference to paragraph 4, for nonconstruction grants of \$100,000 or less, the state grantor agency may also, at its option, require prior approval of transfers of funds among direct cost categories when the amount transferred exceeds 5.0% of the total budget.

§5.163. Attachment L.—Grant Closeout Procedures. Attachment L of OMB Circular A-102—is incorporated into the Uniform Grant and Contract Management Standards for state agencies with the following modifications: All references to "federal grantor agen-

cy(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds" shall be expanded to read "federal grant funds or state grant funds," and all references to the "federal government" shall be expanded to read "federal or state government," as applicable.

§5.164. Attachment M.—Standard Forms for Applying for Assistance.

(a) Attachment M of OMB Circular A-102—is incorporated into the Uniform Grant and Contract Management Standards for state agencies with the following modifications: All references to "federal grantor agency(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds" shall be expanded to read "federal grant funds or state grant funds," and all references to the "federal government" shall be expanded to read "federal or state government," as applicable.

(b) State agencies are prescribed to use the standard federal forms. Variations from the use of these standard forms (such as adoption of a shortened or simplified state application form for programs supported entirely by state funds) must be established as prescribed by §6 of the Uniform Grant and Contract Management Act of 1981.

(c) Standard Form 424 of OMB Circular A-102 is incorporated into the Uniform Grant and Contract Management Standards for state agencies with the following modifications.

(1) Caption for Block 22(b) is revised to read: "If required by OMB Circular A-95 or by Texas Civil Statutes, Articles 1011m, 4419h, or 4413(32a), this application was submitted pursuant to relevant instructions, to appropriate clearinghouses and all responses are attached."

(2) Caption for Block 5 is revised to read: "Federal Employer Identification No./State Vendor Identification No." The state vendor identification number is assigned by the Texas comptroller's office.

(3) Block 14 may be left blank for applications under programs supported entirely by state funds or block grants.

(4) Part V—Standard Assurances is amended by adding the following.

(A) "It will comply with Texas Civil Statutes, Article 5996a, by insuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree."

(B) "It will insure that all information collected, assembled or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Texas Civil

Statutes, Article 6252-17a, unless otherwise expressly provided by law."

(C) "It will comply with Texas Civil Statutes, Article 6252-17, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution."

(d) When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local grantees shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See Attachment O, §14 and §15, for additional guidance on contract provisions.)

(e) The legal instrument for awarding grant funds, whether a contract or grant agreement, should be consistent with the standards prescribed herein; however these standard conditions or assurances may be incorporated into contracts or grant agreements by reference rather than being reproduced in their entirety.

(f) The preapplication forms and procedures described in this attachment provide a consistent method for state grantor agencies to use in seeking requests for proposals (RFP) from cities, counties, and political subdivisions of the state.

§5.165. Attachment N.—Property Management Standards.

(a) Attachment N of OMB Circular A-102 is incorporated into the Uniform Grant and Contract Management Standards for state agencies without modification.

(b) All local governments shall develop and use their own property management system which conforms with A-102 and reflects all other applicable federal, state, and local laws, rules, and regulations. If an adequate system for accounting for real and personal property owned by the local government is not in place, the Property Accounting System Manual of Instruction, which is issued by the Texas State Purchasing and General Services Commission, should be consulted and used as a guide. It is the responsibility of grantor agencies to reproduce sufficient copies of this manual of instructions to fulfill grantee requirements.

§5.166. Attachment O.—Procurement Standards.

(a) Attachment O of OMB Circular A-102 is adopted by reference in §5.144 of this title (relating to Adoption by Reference) into the Uniform Grant and Contract Management Standards with the following modifications: All references to federal grantor agency(ies)," shall be expanded to read "federal or state grantor agency(ies)." All references to "federal grant funds," or "federal assistance" shall be expanded to read "federal and state assistance;" "federal law" shall be expanded to read "federal or state law;" and all references to the "federal government" shall be expanded to read "federal or state government," as applicable.

(b) In reference to paragraph 1(c), it should be noted that all references to approvals by or compliance with the Office of Federal Procurement Policy (OFPP) are applicable only to federal funds administered by federal agencies.

(c) In reference to paragraph 6(a), it should be

noted that in certain instances, state or local laws impose more stringent requirements on purchases or contracts made by a local government. In those instances, the state or local laws shall take precedence.

(d) In reference to paragraph 14, it should be noted that the state grantor agency shall be responsible for informing the grantee which of the contract provisions are required by the particular grant program.

§5.167. Attachment P.—Audit Requirements.

(a) Attachment P of the Office of Management and Budget Circular A-102 is incorporated into the Uniform Grant and Contract Management Standards for state agencies with the following modifications: when the word "federal" is used it shall be expanded to read "federal or state."

(b) The concept of single audit under the Uniform Grant and Contract Management Act is to provide local governments and political subdivisions of the state an opportunity for a coordinated single audit covering funds received directly from federal agencies as well as those federal or state funds received through state agencies. Under this concept, a federal cognizant agency will coordinate the state funding agencies' requirements. In all cases, the Uniform Grant and Contract Management Standards are meant to simplify the audit procedures. It should be thoroughly understood that the single audit process will not take the place of state agency program monitoring and review of recipient's compliance with contractual terms and conditions.

(c) In reference to paragraph 1, state agencies administering state funds to local grantees are responsible for preparing audit compliance requirements in accordance with state law. Audit compliance features for state grant programs will be issued as a supplement to these guidelines.

(d) In reference to paragraph 1(e), additional audit requirements of state agencies administering federal or state funds must be specifically required by state or federal law. Additional requirements must be posted in the *Texas Register* and filed with the Governor's Budget and Planning Office.

(e) In reference to paragraph 2, at the state level, the "cognizant agency" will be referred to as the state cognizant agency, designated by the Governor's Budget and Planning Office, which is responsible for coordinating the single audit effort among state agencies.

(f) In reference to paragraph 2, for state purposes, recipient organization is a local government which is defined by the Act to be "a city, county, or other political subdivision of the state, but does not include a school district or other special purpose district." State agencies may adopt the single audit concept on other types of recipient organizations for wholly state funded grants.

(g) In reference to paragraph 3, the local government shall notify the state cognizant agency that the scope of the audit is being formulated. The state cognizant agency shall have an opportunity to review the scope of the audit and participate in the engagement conference with the auditor.

(h) In reference to paragraph 13, the Governor's Budget and Planning Office will designate the state agency to assume the cognizant agency role within 30 days after receipt of a request from a local government for a single

audit. This designation will be made after consultation with the state auditor and the nominated state agency. The following criteria will be used in selecting the appropriate state cognizant agency:

- (1) state agency request to be cognizant audit agency;
- (2) state agency capability;
- (3) amount and source of funds awarded to the grantee;
- (4) state agency workload;
- (5) grantee request.

(i) In reference to paragraph 14(b), the state cognizant agency will be responsible for the review of the audit report and the coordination of the distribution of audit reports among state agencies and to cooperate with the federal cognizant agency throughout the audit process.

(j) In reference to paragraph 14(c), the state cognizant agency will work with local governments, independent auditor, state funding agencies, and federal cognizant

audit agency. The federal cognizant agency will be responsible for the coordination at the federal level.

(k) In reference to paragraph 14(f), the state cognizant agency shall be responsible for notifying the recipient as well as other state grantor agencies concerning audit exceptions. It is the responsibility of each state grantor agency to insure that all audit exceptions that relate to the agencies grant program are resolved.

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

Issued in Austin, Texas, on June 18, 1982.

TRD-824995 Jarvis E. Miller
Director
Budget and Planning Office

Proposed date of adoption: July 26, 1982
For further information, please call (512) 475-3021.

Table 1

Indirect Cost Computation Table

(1) Total Project Cost (Round to nearest amount on schedule)

(2) Maximum indirect cost allowable—State grantor agency funds

(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
\$	\$	\$	\$	\$	\$	\$	\$
1,000	50	31,000	1,285	61,000	2,252	91,000	2,995
2,000	100	32,000	1,320	62,000	2,280	92,000	3,015
3,000	150	33,000	1,355	63,000	2,307	93,000	3,035
4,000	200	34,000	1,390	64,000	2,335	94,000	3,055
5,000	250	35,000	1,425	65,000	2,362	95,000	3,075
6,000	295	36,000	1,460	66,000	2,390	96,000	3,095
7,000	340	37,000	1,495	67,000	2,417	97,000	3,115
8,000	385	38,000	1,530	68,000	2,445	98,000	3,135
9,000	430	39,000	1,565	69,000	2,472	99,000	3,155
10,000	475	40,000	1,600	70,000	2,500	100,000	3,175
11,000	505	41,000	1,632	71,000	2,525	110,000	3,350
12,000	555	42,000	1,665	72,000	2,550	120,000	3,525
13,000	595	43,000	1,697	73,000	2,575	130,000	3,675
14,000	635	44,000	1,730	74,000	2,600	140,000	3,825
15,000	675	45,000	1,762	75,000	2,625	150,000	3,950
16,000	715	46,000	1,795	76,000	2,650	160,000	4,075
17,000	755	47,000	1,827	77,000	2,675	170,000	4,175
18,000	795	48,000	1,860	78,000	2,700	180,000	4,275
19,000	835	49,000	1,892	79,000	2,725	190,000	4,350
20,000	875	50,000	1,925	80,000	2,750	200,000	4,425
21,000	912	51,000	1,955	81,000	2,772	210,000	4,475
22,000	950	52,000	1,985	82,000	2,795	220,000	4,525
23,000	987	53,000	2,015	83,000	2,817	230,000	4,575
24,000	1,025	54,000	2,045	84,000	2,840	240,000	4,625
25,000	1,082	55,000	2,075	85,000	2,862	250,000	4,675
26,000	1,100	56,000	2,105	86,000	2,885	260,000	4,725
27,000	1,137	57,000	2,135	87,000	2,907	270,000	4,775
28,000	1,175	58,000	2,165	88,000	2,930	280,000	4,825
29,000	1,212	59,000	2,195	89,000	2,952	290,000	4,875
30,000	1,250	60,000	2,225	90,000	2,975	300,000	4,955

(Above 300,000 equals 4,925 ± .50% of excess above 3,000)

Form 391-1

TIME AND ATTENDANCE REPORT

Name _____ Title _____ Period Ending _____
 SOCIAL SECURITY NUMBER _____

DATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Project Name and Number	X															
Sub-Total Chargeable Time																
Released Time	X															
Sick Leave																
Vacation																
Holiday																
Other (Describe)																
Sub-Total Released Time																
Total Chargeable and Released Time																

This is true and correct to the best of my knowledge.

Employee signature

Project director or supervisor

**Financial Status Report
State Supplemental Form 269a**

1. State Agency Organizational Element To Which Report is Submitted					
2. Grant Title		7. Basis <input type="checkbox"/> Cash <input type="checkbox"/> Accrual			
3. Employer Identification Number		5. Recipient Account Number c. Identifying Number		6. Final Report <input type="checkbox"/> Yes <input type="checkbox"/> No	
4. Recipient Organization <i>(Name and complete address, including ZIP code)</i>		8. Project/Grant Period (See instructions)			
		<i>From (Month, day, year)</i>		<i>To (Month, day, year)</i>	
		Period Covered by this Report			
		<i>From (Month, day, year)</i>		<i>To (Month, day, year)</i>	
10. Budget Categories	(a) Approved Budget	(b) Project Cost This Report	(c) Cumulative Project Cost	(d) Balance	
a. Personnel (as of date)					
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Other					
h. Total Direct (Sum of Lines (a)-(g))					
i. Indirect Charges					
j. Total (Sum of lines (h) and (i))					
13. Certification I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.	Signature of Authorized Certifying Official		Date Report Submitted		
	Typed or Printed Name and Title		Telephone (Area code, number, and ext.)		



**Part V. State Purchasing and
General Services Commission
Chapter 111. Executive
Administration Division
Administration**

1 TAC §§111.2-111.4

The State Purchasing and General Services Commission proposes new §§111.2-111.4, concerning commission meetings, hearing appeals/resolving disputes, and breach of ethical standards.

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

Mr. Foerster has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to outline procedures for

establishing commission agendas, hearing appeals and resolving disputes, and defining ethical standards and establishing criteria for determining a breach of such standards. There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 2, and §3.19 of Article 601b, which provides the commission with the authority to hold meetings, make decisions, hire an executive director, etc., and to provide for ethical standards and establish criteria for determining a breach of such standards.

§111.2. Commission Meetings.

(a) Regular meetings of the three-member commission shall be held at least monthly on a date set by the commissioners. The chairman may call for meetings of the commission at other times.

(b) Matters to be considered by the commissioners at these meetings shall be set out in the agenda and proper notice given as required by law.

(c) The executive director shall prepare the agenda and see to its publication in the *Texas Register*.

(1) Emergency additions may not be included on the agenda for a particular meeting unless the executive director secures the approval of the chairman to add them.

(2) To facilitate preparation of the agenda, all matters to be considered for action or discussion by the commission should be presented to the executive director at least 10 days in advance of the commission meeting where the matter is to be considered.

(d) All decisions on agenda items shall be by majority vote of the commissioners present and shall be set out in the formal minutes of the meeting when they were made.

§111.3. Hearing Appeals/Resolving Disputes.

(a) Except as provided in subsection (e) of this section, the commissioners will resolve all disputes arising in the following cases:

(1) where the staff has not been able to achieve agreement between a user agency and a vendor;

(2) where a user agency disagrees with a staff decision;

(3) where there is disagreement between the staff and a vendor; and

(4) where the staff and a using agency and/or a vendor jointly seek the commissioner's determination that a purchasing request is in compliance with the law.

(b) Appeals to the commissioners in any of the matters referred to in subsection (a) of this section shall be presented by the appealing party in writing to the executive director not less than 10 days prior to the commission meeting where the matter will be heard, and notice of the appeal given to the other bidders, the using agency, and other known interested parties. Four copies of the written appeal shall be submitted and shall include at least the following:

(1) a precise statement of the relevant facts;

- (2) the issue, or issues, to be resolved;
- (3) the decision of the staff, if any, on the stated issues; and
- (4) any argument and authorities supporting the appeal.

(c) The staff will present a written response to the appeal within five working days following receipt of the notice of appeal described in subsection (b) of this section. Copies of this response will be sent to the commissioners, the party appealing, the using agency, and any other interested parties.

(d) A duly adopted resolution by the commissioners deciding the appeal shall be set out in the minutes of the meeting and shall be the final administrative action to be taken in the matter in so far as the appeal is concerned.

(e) In the event an appeal as described in the previous subsections in this rule is not filed at least 10 days prior to the commission meeting, and the chairman, after receiving notice of an appeal, does not approve placement of the appeal on the agenda as an emergency matter, the party appealing may be considered to have exhausted all administrative remedies available and may cite this rule for that purpose.

§111.4. Breach of Ethical Standards.

(a) A breach of ethical standards enumerated in subsection (b) of this section shall bar the offending person from receiving a contract which may have been awarded to such person except for the breach. If a contract has already been awarded to the person found guilty of a breach of ethical standards, the commission may decide to cancel the contract, or, where applicable remove the person from commission bidders lists in accord with §113.4 of this title (relating to Bid List; Conditions Applicable to Both Open Market and Contract). An employee who breaches ethical standards as set out in this rule may be either reprimanded, suspended, or dismissed.

(b) A breach of ethical standards may occur in any of the following cases:

- (1) conflict of interest (subsection (d) of this section);
- (2) failure to disclose financial interests (subsection (e) of this section);
- (3) gratuities and kickbacks (subsection (f) of this section);
- (4) contingent fees (subsection (g) of this section);
- (5) restrictions on employment of commission employees (subsection (h) of this section);
- (6) contemporaneous employment prohibited (subsection (i) of this section);
- (7) use of confidential information (subsection (j) of this section).

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

(1) Confidential information—Information which is available only because of one's status as a state employee.

(2) Direct or indirect participation—Involvement through decision, approval, disapproval, recommendations, preparation of any contract, or of any part of a procurement process, influencing the content of any specification or procurement standard, rendering of ad-

vice, investigation, auditing, or in any other advisory capacity.

(3) Employee—Shall broadly include members, officers, and employees of the commission, as well as members, officers, and employees of other state agencies acting pursuant to delegated authority from the commission, or in connection with any matter involving that agency with the commission.

(4) Financial interest—A personal receipt of or the right to receive, money or other valuable property or benefits under the actual or proposed contract.

(5) Immediate family—Shall include spouses, parents, brothers and sisters, and sons and daughters of the employee.

(6) Person—An individual or a business entity.

(7) Substantial interest—An individual has a "substantial interest" in a business entity if he or she:

- (A) has a controlling interest in the business entity;
- (B) has ownership in excess of 10% of the voting interest in the business or in excess of \$25,000 of the fair market value of the business entity;
- (C) has any participating interest, either direct or indirect, by shares, stock, or otherwise, whether or not voting rights are included, in the profits, proceeds, or capital gains of the business entity in excess of 10% of them;
- (D) holds the position of a member of the board of directors or other governing board of the business entity;
- (E) serves as an elected officer of the business entity;
- (F) is an employee of the business entity.

(d) Conflict of interest.

(1) It shall be a breach of ethical standards for any employee to participate directly or indirectly in the procurement of any commission contract when the employee knows that:

- (A) the employee or any member of the employee's immediate family has had a financial interest pertaining to the procurement;
- (B) the employee or any member of the employee's immediate family has a substantial interest in a business or organization submitting a bid for that contract;
- (C) any other person with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(2) Employee participation in blind trusts, or retirement programs of business entities, submitting bids to the commission shall not be a breach of ethical standards provided disclosure of such participation is made to the commission, and no other conflict is shown.

(e) Failure to disclose financial interests in business entities.

(1) It shall be a breach of ethical standards for an employee to fail to report a financial interest in, or a substantial interest in a business entity submitting a bid in response to, a procurement.

(2) The employee must make disclosure of particular interests prior to receipt of bids in order to avoid violation of this section.

(f) Gratuities and kickbacks.

(1) Gratuities. It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee, or for any employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

(2) Kickbacks. It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made to an employee by or on behalf of a contractor or subcontractor in connection with the award of a contract.

(g) Prohibition against contingent fees.

(1) Contingent fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a contract from the commission upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purposes of securing business.

(2) Representation of contractor. Every person, before being awarded a contract by the commission, shall represent, in writing, that such person has not retained anyone in violation of paragraph (1) of this subsection. Failure to do so is a breach of ethical standards.

(h) Restrictions on recruitment of employees.

(1) No person shall offer an employee of the commission, or of an agency exercising delegated authority from the commission, employment with the offeror, if that employee is involved significantly in the handling of a procurement in which the offeror is interested.

(2) A former employee may not appear before the commission on behalf of any person having business before the commission, if the former employee is paid for such appearance, and the appearance involves a specific transaction the former employee was significantly involved with while an employee. Other than such a situation there are no restrictions on former employees in making appearances before the commission.

(3) It shall be a breach of ethical standards for a business in which an employee has a substantial interest knowingly to act as a principal, or as an agent for anyone other than the State of Texas, in connection with any:

(A) judicial or other proceeding, application, request for a ruling, or other determination;

(B) contract;

(C) claim; or

(d) charge or controversy in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the State of Texas is a party or has a direct and substantial interest.

(i) Contemporaneous employment prohibited. It shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement or contracting process to become or be, while such an employee, the employee of any person contracting with the State of Texas.

(j) Use of confidential information. It shall be a breach of ethical standards for any employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

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

Issued in Austin, Texas, on June 21, 1982.

TRD-824989

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

Proposed date of adoption: July 27, 1982

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

Chapter 113. Central Purchasing Division Purchasing

1 TAC 55113.1-113.3, 113.6, 113.7, 113.10

The State Purchasing and General Services Commission proposes amendments to 55113.1-113.3, 113.6, 113.7, and 113.10, concerning general policy statements, definitions, requisition processing, bid evaluation and award, contract administration, and delegated purchases.

C. M. Walton, director for the Central Purchasing Division, has determined that for the first five-year period the amendments will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing or administering the amendments.

Mr. Walton has also determined that for each year of the first five years the amendments as proposed are in effect, the public benefit anticipated as a result of enforcing the amendments as proposed will be to clarify purchasing definitions, restate requisition processing criteria, establish circumstances permitting negotiation of purchasing contracts, restate a vendor's liability for damages for failure to perform contracts, and establish a more definitive statement for delegated purchases. There is no economic cost to individuals who are required to comply with the amendments as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 3 or Article 601b, which provides the commission with the authority to establish and operate a centralized purchasing system.

§113.1. General.

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

(c) [In furtherance of this policy, and in accordance with the provisions of §3.09(a), the commission staff shall review the specifications and conditions of purchase of any supplies, materials, equipment, or services submitted by a using agency. If the commission staff finds that specifications and conditions of purchase of a purchase request are drawn so as to limit an item to the products of one vendor and no other vendor could offer an equivalent product which meets the specifications and conditions of purchase, then the purchase shall be processed under the provisions of §3.09(b)-(f).] The staff shall maintain and present to the commission at regular monthly meetings, records of purchase transactions which:

- (1) permit competition in bidding,
- (2) do not permit competition, but for which acceptable written justification was given, and
- (3) do not permit competition, and where the staff has taken exception to the written justification given.

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

Award—The official act of the commission which results in a contract with the state and the successful bidder (see §113.6 of this title (relating to Bid Evaluation; Conditions Applicable to Both Open Market and Contract)). It is important to point out in this context that purchaser notations of award on a bid tabulation sheet or other parts of a purchasing file do not constitute 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 vs. 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

§3.09 of the Act is understood by the commission to mean that bids from vendors of two or more equivalent products and/or services will be sufficient to allow for processing without written justification, and while §3.12(b) of the Act 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 quality levels to the product specified. It cannot be the same product as that specified, but offered by a different vendor, nor can it be the same essential product marketed under a different brand name.

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 §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 an award for each level as a result of competitive bidding.

Proprietary—This term includes products and/or services manufactured or offered under exclusive rights derived from a trade name, patent, copyright, or other legally protected right. Products and/or services of one manufacturer will be considered to be proprietary if the product or the terms and conditions of the offer have a distinguishing feature or characteristic, required by the using agency's specifications which is not shared or provided by similar and competing (equivalent) products or services.

Purchasing functions—When used in connection with the authority to delegate found in §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.]

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

Vendor—A supplier, whether a manufacturer, wholesaler, retailer, etc.

§113.3. 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) The commission normally advertises for delivery times that are standard in the industry.

(A) Agencies having delivery requirements shorter than standard must request such specific requirements in their requisition. If these requirements make the procurement proprietary to one vendor, justification for their use will be sought.

(B) If an agency does not have specific delivery requirements, but expresses a desire to take advantage of early delivery should a vendor be able to give it, the commission will include the following statement in the invitation for bids: "Ability to make early delivery may be a factor in making the award." Following such a statement, the commission may decide, after consultation with the agency, to accept a higher bid, if it is to the advantage of the state to do so.

(C) If no statement regarding delivery times is set out in the invitation for bids, unsolicited offers of early delivery may not be considered in the award of a contract. Unrealistically long delivery times may be cause for rejecting a bid.

(3) Agencies having unusually short delivery schedule requirement. Documentation should accompany the requisition. If the commission feels that the documentation is sufficient to ask for early delivery, a statement on the bid invitation, "Ability to make early delivery may be a factor in making the award," will be the indication of the need of early delivery. The authority to award at a higher price for a better delivery schedule lies with the commission.]

(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 standard specifications known to the agencies in an appropriate manner and will otherwise encourage and foster this use. Requisitions not using an applicable standard specification must include 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.]

(b) Review of specifications and/or conditions of purchase.

(1) When the commission finds specifications and/or conditions of purchase which have a limiting effect upon otherwise available competition, but which are not proprietary to one vendor, within the meaning of the Act and these rules, it may not return the requisition to the agency for that reason, but a commission purchaser may talk with the agency purchaser and discuss the limiting effect of the specification and/or condition of purchase and the ultimate economic effect, if any, which

it may have. Requisitions which contain such specifications and/or conditions of purchase may not be returned to the agency absent some specific invalidating reason.

(2) When the commission finds specifications and/or conditions of purchase 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 and/or conditions of purchase before processing the requisition further, but the agency may furnish such justification with its requisition under §3.09 of the Act. Such written justification for the use of a proprietary specification and/or condition of purchase 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 (but see paragraph (2) of this subsection for submission with requisition under §3.09 of the Act).

(C) contain the following:

(i) an explanation of the need for the proprietary specifications and/or conditions of purchase,

(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 §3.09(b) of the Act, and 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) The commission will not significantly change specifications and/or conditions of purchase on the face of a requisition, or otherwise appreciably alter any part of the document, without specific written approval from the agency concerned. Incorrect, 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.

(5) The commission may not question an agency's need for the requested item. This is solely the province of the requesting agency. However, it is important to note that asking for justification for the use of particular specifications and/or conditions of purchase is permitted by statute and does not reach the point of questioning an agency's needs.

[(b) Requisitions containing restrictive specifications.

(1) Texas Civil Statutes, Article 601b, §3.09, 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 Texas Civil Statutes, Article 601b, §3.09, 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. Bid Evaluation and Award; Conditions Applicable to Both Open Market and Contract.

(a) Bid evaluation.

(1)-(8) (No change.)

(9) When requested in the invitation for bids, samples must be submitted or the bid will be rejected. The commission will require samples only when it is essential for assessing the quality of a product during the evaluation of bids. Samples should be returned to vendor at vendor's expense whenever practicable; otherwise disposed of in the same manner as surplus or salvage property.

(10)-(11) (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 Texas Civil Statutes, Article 601b, §3.11(e).

(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 one 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. 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. (See also §113.4(b)(1)(F) of this title (relating to Bid List; Conditions Applicable to Both Open Market and Contract))

(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 subsection [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 either all damages have [the penalty has] been paid; or the vendor absolved of liability in some legitimate manner.

§13.110. Delegated Purchases. [By authority granted under Texas Civil Statutes, Article 601b, the commission has delegated certain purchasing functions to agencies of the state.]

(a) General delegation. By authority granted under Texas Civil Statutes, Article 601b, §3.06, the commission has delegated 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) Spot purchases. As required by Texas Civil Statutes, Article 601b, §3.08, using state agencies are delegated the authority to make purchases in amounts that do not exceed \$500 in accordance with the following conditions:

[(1) Spot purchases. 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 statutes 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) **Emergency purchases.** Payment for emergency purchases of needed supplies, equipment, or services will be approved by this commission provided an emergency exists and the purchase is made in accordance with the following conditions:

[(2) Emergency purchases. 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) At least three oral bids must be obtained whenever possible on all purchases in excess of \$100, but not in excess of \$500. Written competitive bids must be obtained whenever possible on all purchases in excess of \$500. A signed written bid must always be obtained from the source of the purchase.

[(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) The agency may call or wire the commission for advice and assistance in the handling of emergency purchases.

[(B) If the purchase exceeds \$1,000, the agency must immediately call or wire the commission for advice and assistance in the handling of such 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 subsection (c) [(2)] of this section will result in the file being returned to the agency without commission approval of the invoice transmitted for payment.

(5) [(E)] Nothing herein 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 §3.01(b) of the Act and not excluded therein from commission responsibility.

[(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.]

(f) **Purchases made with federal grant funds.** The commission has approved delegation of purchasing func-

tions connected with purchases made with federal grant funds to those agencies requesting it, and will furnish all concerned agencies with a set of guidelines for the handling of such purchases in accord with these rules. This delegation does not apply to items under contract.

(g) Purchasing functions may be delegated to user agencies for a specific open market purchase only through approval by the commissioners given in open meeting. Requests for such approval should be made in writing to the executive director and signed by the chief executive officer of the requesting agency. All such requests should clearly set out the reasons and justifications for the request.

(h) **Adherence to ethical standards.** Employees of state agencies involved in purchasing under delegated authority shall adhere to the same ethical standards required of commission employees and set out in §111.4 of this title (relating to Breach of Ethical Standards). Such agency employees should also be aware of Texas Civil Statutes, Article 601b, relating to conflicts of interest, in their purchasing activities under delegated authority.

(i) **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.

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

Issued in Austin, Texas, on June 21, 1982.

TRD-824988 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Proposed date of adoption: July 27, 1982
For further information, please call (512) 475-5966.

TITLE 22. EXAMINING BOARDS Part III. Texas Board of Chiropractic Examiners Chapter 75. Rules of Practice [The Board]

22 TAC §75.1

The Texas Board of Chiropractic Examiners proposes amendments to §75.1, concerning unprofessional conduct.

Edna A. Parsons, executive secretary, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Parsons has also determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing

the rule as proposed will be a more clear and concise Chiropractic Act that will be more easily enforced (with the deletion deemed necessary after the Acts of the 67th Legislature, and with the addition of a specific rule dealing with sexual misconduct by a doctor where previously there had been no rule). There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Edna A. Parsons, Executive Secretary, 5555 North Lamar, Building H-103, Austin, Texas 78751.

The amendments are proposed under Texas Civil Statutes, Article 4512b, which provides the Texas Board of Chiropractic Examiners with the authority to promulgate rules and regulations as deemed necessary.

§75.1. Unprofessional Conduct [General]. The rules and regulations of the board are prescribed by law in §14a of the Chiropractic Act. Under the provisions of paragraphs (5), (6), and (8) of §14a, the board rules that it shall be considered unprofessional conduct for a licensee:

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

[(3) to advertise himself as a graduate or licensed chiropractor.]

(3)[(4)] to use such terms in advertising as "most modern," "scientific," "latest procedures," "best equipped," or any other like words or phrases;

(4)[(5)] to fail to use the word "chiropractor," "Doctor, D.C.," "Doctor of Chiropractic, D.C.," in all advertising, sigas, letterheads, etc.;

(5)[(6)] to practice chiropractic in public places (such as giving adjustment other than in private offices, sick rooms, hospital rooms, etc.) except at professional conventions or in emergencies. The rules pertain to all advertising such as telephone books, newspapers, stationery, radio, television, outdoor signs, all mailing lists, or any advertising originating in licensee's office;

(6)[(7)] to publicly display food supplements or food supplement brochures in licensee's office;

[(8) to advertise in newspapers with advertisements in excess of two column inches, except in institutional advertising under the auspices of a chiropractic organization recognized by the Texas Board of Chiropractic Examiners];

(7)[(9)] to employ the acupuncture system of using needles for the purpose of treating diseases or disorders of the human body, or for the relief of pain;

(8)[(10)] to employ needles in any manner or to advertise any procedure under any name that denotes or implies that needles are used in the procedure or to employ the terms "acupuncture," "acupressure," "acupuncture therapy," or any other term containing the prefix "acu-" in connection with any procedure;

[(11) to use the word "clinic" unless more than one chiropractor is practicing in an office];

(9) to engage in sexual misconduct with a patient within the chiropractor/patient relationship.

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

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

TRD-824941

Edna A. Parsons
Executive Secretary
Texas Board of Chiropractic
Examiners

Proposed date of adoption: July 26, 1982

For further information, please call (512) 453-1703.

Chapter 77. Advertising and Public Communications

22 TAC §77.2

The Texas Board of Chiropractic Examiners proposes amendments to §77.2, concerning publicity.

Edna A. Parsons, executive secretary, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ms. Parsons has also determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing the rule as proposed will be a more clear and concise Chiropractic Act that will be more easily enforced with the deletion deemed necessary after the Acts of the 67th Legislature, and to protect the public from excessive radiation.

There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Edna A. Parsons, Executive Secretary, 5555 North Lamar, Building H-103, Austin, Texas 78751.

The amendments are proposed under Texas Civil Statutes, Article 4512b, which provides Texas Board of Chiropractic Examiners with the authority to promulgate rules and regulations as deemed necessary.

§77.2. Publicity. A licensee shall not, on behalf of himself, his partner, associate, or any other licensee affiliated with him, use or participate in the use of any form of public communication which:

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

[(6) contains a statement or otherwise names functional disorders of the human body without relating same to the licensed practice of chiropractic];

(6)[(7)] contains a statement which clearly fails to differentiate a chiropractic office or clinic from any other business or enterprise;

(7)[(8)] contains a statement or otherwise utilizes the word "clinic" unless more than one licensee is practicing in the office to which reference is made;

(8)[(9)] contains a statement which denotes or implies procedures whereby needles are utilized for treatment purposes, or otherwise uses or employs the terms

"acupuncture," "acupressure," "acupuncture," or any other term containing the prefix "acu-" in connection therewith;

(9) shall offer free x-rays as a means of soliciting patients.

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

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

TRD-824940 Edna A. Parsons
Executive Secretary
Texas Board of Chiropractic
Examiners

Proposed date of adoption: July 26, 1982
For further information, please call (512) 463-1703.

**TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public
Accounts
Chapter 3. Tax Administration
Subchapter L. Fuels Tax Division
34 TAC §3.179**

The Comptroller of Public Accounts proposes amendments to §3.179, concerning liquefied gas bonded dealers operating as interstate truckers. The purpose of the amendments is to reflect the deletion of the bond requirement from Texas Tax Code, §153.303. This change was enacted by the legislature in 1981 Texas Laws, Chapter 752, §§13C13d, at 2783.

Bill Allaway, director of revenue estimating, has determined that for the first five years the rule as proposed is in effect, there will be fiscal implications as a result of enforcing and administering the rule. The effect on state government is an estimated additional administrative cost to the comptroller's office of \$38,548 for 1982; and \$13,275 for each year during 1983-1986. The estimated loss in revenue due to passage of House Bill 1119 is estimated as \$967,800 for 1982; \$989,000 for 1983; \$1,008,300 for 1984; \$1,034,500 for 1985; and \$1,051,900 for 1986. There is no effect on local government.

Mr. Allaway has also determined that for each year of the first five years the rule as proposed is in effect, the public will benefit from the proposed rules to the extent that the decrease in projected taxes paid by liquefied petroleum gas (LPG) users results in increased buying power for LPG users. The increased buying power due to passage of House Bill 1119 is estimated to be \$967,800 for 1982; \$989,000 for 1983; \$1,008,300 for 1984; \$1,034,900 for 1985; and \$1,051,900 for 1986. There will be no estimable costs to the public as a result of the proposed amendments.

Comments on the proposed amendments should be submitted in writing to Jim Ray, P.O. Box 13528, Austin, Texas 78711.

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

§3.179. Liquefied Gas [Bonded] Dealers Operating as Interstate Truckers.

(a) Conditions. A permitted liquefied gas [bonded] dealer may operate under his dealer's permit as an interstate trucker without securing a separate permit [or posting a cash bond in excess of \$100 as required by Article 9.308], but shall be subject to all other requirements and liabilities imposed on these permittees.

(b) Requirements. [Bonded] Dealers who also operate as interstate truckers must purchase a liquefied gas tax decal for each motor vehicle licensed in Texas even if the vehicles are operated in states other than Texas. Motor vehicles base plated in a state other than Texas will not be required to be permitted with a liquefied gas decal but the operation of these vehicles in the State of Texas must be reported on the interstate trucker portion of the liquefied gas report form. All deliveries made in the State of Texas into the fuel supply tanks of vehicles base plated in a state other than Texas must be taxable deliveries and reported by the selling dealer. All deliveries into bulk storage facilities may be made tax-free.

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

Issued in Austin, Texas, on June 21, 1982.

TRD-824992 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption: July 26, 1982
For further information, please call (512) 475-1930.

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS
Part I. Texas Department of Public
Safety
Chapter 1. Organization and
Administration
Personnel and Employment Policies
37 TAC §1.34**

The Texas Department of Public Safety proposes amendments to §1.34, concerning personnel and employment policies. The basic requirements for police communications operator I are revised to include the application procedures and medical physical standards. Applicants will be required to complete any tests or forms required prior to probationary appointment. A medical history of diabetes will be individually evaluated based on a doctor's statement which is required.

Melvin C. Peoples, chief accountant II, has determined that for the first five-year period the rule will be in ef-

fect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

R. G. Crosby, personnel and staff services chief, has determined that for each year of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing the rule as proposed will be that applicants with a medical history of diabetes will be considered for employment as a police communications operator I and individually evaluated based on a doctor's statement. There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773, (512) 465-2000.

The amendments are proposed under Texas Civil Statutes, Article 4413(4), which provides the Texas Department of Public Safety with the authority to establish grades and positions. For each such grade and position so established, the commission shall set standards of qualifications and shall set prerequisites of training, education, and experience, and shall make necessary rules and regulations for the appointment, promotion, reduction, suspension, and discharge of all employees after hearings before the said commission.

§1.34. Basic Requirements for Police Communications Operator I.

(a) Application procedure.

(1)(a) Applicants must make application on the forms prescribed and furnished by the department.

(2) Applicants will be required to complete any tests or forms required prior to probationary appointment.

(3) Applicants must be of good moral character and habits, and must have had no convictions for any felony crime within this state or elsewhere. (Traffic and criminal records must be screened as described in §1.22, of this title (relating to Screening of Applicants on the Basis of Traffic and Criminal Record.) Applicants will be investigated as to the truth of the statement made in their application or during their oral interview, and any misstatement of fact found therein will be sufficient grounds for rejection of the applicant. All persons, upon filing an application for examination, thereby consent to an investigation of their character, habits, previous employment, or other matters necessary to satisfactorily establish their good moral character, habits, honesty, truthfulness, and veracity. Applicants will be fingerprinted at the time of processing.

(4)(b) Applicants must be at least 20 years of age on the date of probationary appointment to the position of police communications operator I.

(5)(c) An applicant must have completed high school or submit a certification [certificate] showing an equivalent educational background which is acceptable according to Texas Education Agency standards.

(6)(d) Applicants with prior military service must submit an eight inch by 10 inch photostatic or cer-

tified copy of their military history Form DD214 with the completed application.

(A)(1) Applicants with less than an honorable discharge will be rejected.

(B)(2) Applicants whose discharge from military service was for inaptitude, unsuitability, [homosexuality,] undesirability, or like causes will be rejected.

(C)(3) Applicants with medical discharges from military service must furnish a written explanation which is satisfactory to this department to receive consideration.

(7) Applicants must be a citizen of the United States.

(b) Medical-physical standards.

(1)(e) All applicants for this position must have [pass] a complete [rigid] physical examination by a physician designated by the department at the time of probationary appointment.

(2) Applicants with a past medical history of tuberculosis, rheumatic fever, epilepsy, syphilis, or coronary condition will be rejected.

(3) Applicants who have a past medical history of diabetes will not be rejected until an individual evaluation is conducted. Applicants are required to submit a doctor's statement reflecting the stage and/or severity of the diabetes and the prescribed treatment.

(4)(f) Applicants with physical handicaps such as loss of a limb or disfiguration may be employed, provided, in the judgment of the regional commander, the applicant can perform the required duties satisfactorily and is able to get to and from his place of work without department assistance. The determination for headquarters communications center will be made by the supervisor.

(5) Normal hearing with each ear is required.

(6) The mouth must be free from deformities or conditions that interfere with distinct speech, or that predispose to disease of the ear, nose, or throat.

(7) Brain and nervous system must be free from defects.

(8) Applicants must be mentally alert and sound of mind and must possess initiative, intelligence, good judgment, good address, and neatness of appearance.

(9) In all instances in which a question may arise as to whether an applicant meets the qualifications in this section, the director or his designee shall make the final determination.

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

Issued in Austin, Texas, on June 17, 1982.

TRD-824981 James B. Adams
Director
Texas Department of Public
Safety

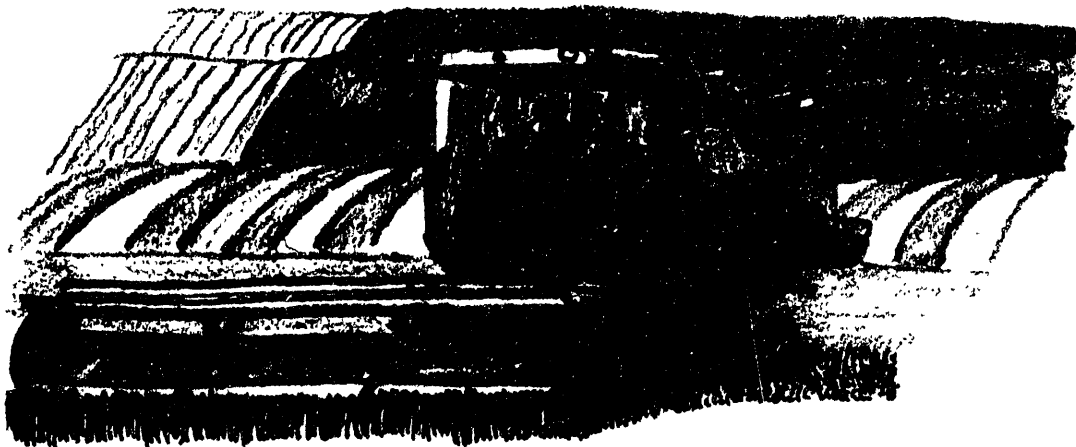
Proposed date of adoption: July 26, 1982
For further information, please call (512) 465-2000.

Adopted Rules

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

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

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



TITLE 13. CULTURAL RESOURCES Part V. Texas Sesquicentennial Commission Chapter 53. Program Guidelines 13 TAC §53.3

The Texas Sesquicentennial Commission adopts amendments to §53.3, without changes to the proposed text published in the May 7, 1982, issue of the *Texas Register* (7 TexReg 1731).

The Texas Sesquicentennial Commission's intent for adopting the revised rule is to further clarify official Sesquicentennial logo use. Clarification of the rule makes it a more consistent and uniform utilization of the logo and a better understanding of its intended purpose.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6252-17, which provides the Texas Sesquicentennial Commission with the authority to enact procedural rules.

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

Issued in Austin, Texas, on May 11, 1982.

TRD-824922

Randy M. Lee
Executive Director
Texas Sesquicentennial
Commission

Effective date: July 8, 1982

Proposal publication date: May 7, 1982

For further information, please call (512) 475-1986.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter T. Motor Vehicle Sales Tax Division—Manufactured Housing

34 TAC §§3.481-3.485

The Comptroller of Public Accounts adopts new §§3.481-3.485, concerning the Manufactured Housing Sales and Use Tax, without changes to the proposed text published in the April 16, 1982, issue of the *Texas Register* (7 TexReg 1543).

The purpose of these new sections is to implement the Manufactured Housing Sales and Use Tax Act, effective March 1, 1982. The sections define several terms not defined in the Act and detail what records must be retained by manufacturers and dealers of manufactured housing. The rules also provide for determination of the tax due upon implementation of the Act.

No comments were received regarding adoption of the new sections.

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

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

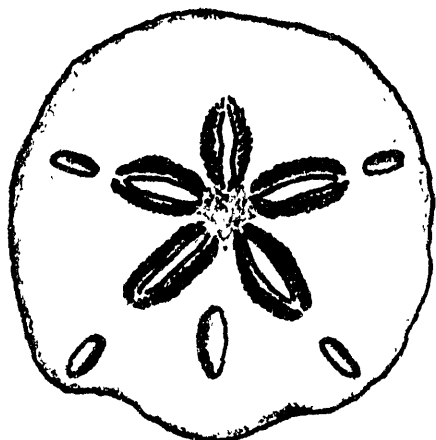
Issued in Austin, Texas, on June 21, 1982.

TRD-824993 Bob Bullock
Comptroller of Public Accounts

Effective date: July 12, 1982

Proposal publication date: April 16, 1982

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

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

Family Self-Support Services Family Planning Services

326.17.32.010

The Texas Department of Human Resources adopts Rule 326.17.32.010 concerning co-pay for family planning services in its Family Self-Support Services rules, with changes to the proposed text published in the April 16, 1982, issue of the *Texas Register* (7 TexReg 1548). As a result of the Omnibus Reconciliation Act of 1981, family planning services were reduced by approximately 17%. To help offset the cuts, the department proposed a client co-pay policy. The policy requires family planning providers to institute a client co-pay system consistent with the client co-pay feature most of the agencies have in effect under Title X family planning grantee rules. The adopted policy has a built-in incentive for family planning agencies to collect the client co-payment in that they can provide services to eligible clients for whom DHR would not have to pay.

The Family Self-Support Services Advisory Council has recommended that the department adopt policies calling for client co-pay of family planning services. The policy presented in the rule incorporates suggestions made by the advisory council during meetings held in September and December 1981.

The department will require Title XX provider agencies to establish co-pay schedules and collection policies for income eligible individuals requesting family planning services. The provider agencies' co-pay schedule will be based on client income, family size, and ability to pay. The provider agency board or advisory group may establish policies and guidelines to reduce or waive co-pay amounts required of individuals due to family hardship or other extenuating circumstances. The co-payments collected by the provider agencies will be included in the level of local participation negotiated for each provider.

The department received favorable comments from Planned Parenthood of Houston, Planned Parenthood of Austin, and from one individual. The commentators requested that the co-pay policy be mandatory and the rule has been changed accordingly. Subsection (d)

of the rule was reworded for clarity. No unfavorable comments were received.

The following rule is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which authorizes the department to administer public assistance programs.

.010. Co-pay for Family Planning Services.

(a) Co-pay amounts paid by recipients of family planning services. Family planning provider agencies must charge Title XX income eligible clients a co-pay amount not to exceed 25% of the authorized reimbursement amount. Family planning provider agencies must establish their own sliding scale co-pay schedule up to 25% of the authorized amount for Title XX income eligible individuals requesting either surgical or nonsurgical family planning services. Family planning provider agencies must not assess a co-pay amount to adolescents attending group presentations and/or discussions.

(b) Policies to waive or reduce co-pay amounts. A family planning provider agency board or advisory group must establish policies to waive or reduce co-pay amounts on an individual basis.

(c) Denial for failure to pay co-pay amount. Provider agencies must not deny family planning services to eligible individuals because of their inability to pay for services.

(1) Provider agencies with waiver or reduced co-pay policies must use the established criteria to evaluate the circumstances of each Title XX income eligible individual to determine the need to waive or reduce the co-pay amount. Provider agencies must deny services to a Title XX income eligible individual who has been determined capable of making a full or reduced co-pay amount, but who has not done so. Before denying the individual, the provider agency must send the individual at least two notices of overdue payment with the second notice sent at least 60 days after the first notice.

(2) With the second notice, the family planning provider agency must send the client a notification of denial, reduction, or termination of services form informing him of his right to request a fair hearing. The family planning provider agency must wait 10 days from the date on the notification form before terminating the services. If the client was eligible and requests a fair hearing within 10 days, services must continue in accordance with Rule 326.17.10.007.

(d) Collected co-pay amounts. Client co-pay amounts will be included in the level of local participation negotiated for each provider.

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

Issued in Austin, Texas, on June 16, 1982.

TRD-824906 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: July 7, 1982
Proposal publication date: April 16, 1982
For further information, please call (512) 441-3355,
ext. 2037.



Part IV. State Commission for the Blind

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

Facilities Program

329.04.00.003

The State Commission for the Blind adopts amendments to Rule 329.04.00.003, with changes to the proposed text published in the April 2, 1982, issue of the *Texas Register* (7 TexReg 1366). The document adopted by reference in this rule contains minor editorial changes that do not alter the intent of the proposed rule as originally published. The date of amendment in the rule itself was changed to reflect the final document changes.

The rule adopts by reference a document which will provide uniform standards applicable to facilities which provide purchased services to clients of the State Commission for the Blind.

Commission personnel will continually monitor facilities for compliance with these standards. Annual on-site reviews and certifications will be conducted by agency personnel.

The Lighthouse Industries for the Blind of Texas requested that the proposed standards not be adopted. This request was based on the fact that the standards exceed the minimum requirements of the federal government. Other groups submitting comments on the rule included The Lighthouse of Houston, El Paso Lighthouse for the Blind, and Dallas Lighthouse for the Blind, Inc.

The agency disagrees with the comments because the proposed standards are substantially based on a document that the facilities have been subject to as an official rule of the agency for several years, and has been endorsed in the field of rehabilitation, nationally, for many years. The standards will assist the commission

in ensuring that quality services are consistently available throughout the state.

The amendment is adopted under the provisions of the Rehabilitation Act of 1973, 5101(a)(7)(B), as amended, which authorizes the State Commission for the Blind to adopt these standards.

.003. *Facilities Manual.* The State Commission for the Blind adopts by reference the rule contained in its Facilities Manual, as amended on June 17, 1982. This document is published by and available from the State

Commission for the Blind, P.O. Box 12866, Austin, Texas 78711.

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

Issued in Austin, Texas, on June 17, 1982.

TRD-824921

Evans N. Wentz
Executive Director
State Commission for the Blind

Effective date: July 8, 1982

Proposal publication date: April 2, 1982

For further information, please call (512) 475-0248.

Open Meetings

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

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

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

Texas Adult Probation Commission

Wednesday, June 30, 1982, 9 a.m. The Texas Adult Probation Commission will meet in the conference room, Suite 400, 812 San Antonio, Austin. Items on the agenda include: introduction of guests; minutes; financial report; program services report; fiscal year 1982 funding analysis; budget adjustments; special program funding for Caldwell County; intensive supervision program for Travis County; supplemental funding for Moore County; program audit report; ISP progress report; allocation of new ISP units; executive director's report; Audit Review Committee report; summary of funding by department; review of fiscal year 1984-1985 budget request; reorganization of committees; committee statement of purpose/objectives and policy; waiver requests; statistical information; volunteer conference in Houston from July 20-23, 1982; and date and site of next meeting.

Contact: Virginia Grote, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: June 21, 1982, 3:16 p.m.
TRD-825037

State Aircraft Pooling Board

Thursday, July 1, 1982, 2 p.m. The State Aircraft Pooling Board will meet in Conference Room G-B of the John H. Reagan

Building, Austin. The board will meet to consider the University of Texas request for purchase of a King Air-200; SDHPT aircraft lease agreements for fiscal year 1983; and schedule for office operations.

Contact: Fred R. Spies, Room 200B, John H. Reagan Building, Austin, Texas 78711, (512) 475-8301.

Filed: June 21, 1982, 4:13 p.m.
TRD-825042

Texas Animal Health Commission

Monday, June 21, 1982, 11 a.m. The Texas Animal Health Commission met in emergency session in Room 503G, Sam Houston Building, Austin. According to the agenda, the commission met in executive session for private consultations between the commission and its attorney in which the commission was seeking the attorney's advice with respect to litigation in the case styled Pan American Livestock Exposition, et al vs. The Texas Animal Health Commission, et al, Cause 314,470, Travis County, as permitted by Texas Civil Statutes, Article 6252-17, §2(e), and in open session to consider the commission's decision regarding the Pan American Livestock Exposition, et al vs. Texas Animal Health Commission, et al case, Cause 314,470, Travis County. The emergency status was necessary because, due to a recent court decision, the

commission must meet with its attorneys to receive instructions.

Contact: Jo Anne Conner, 10th floor, Sam Houston Building, Austin, Texas, (512) 475-4111.

Filed: June 18, 1982, 4:42 p.m.
TRD-824986

Monday, June 21, 1982, 6 p.m. The Texas Animal Health Commission met in emergency executive session in the Primavera Room, Four Seasons Hotel, 555 South Alamo, San Antonio. This emergency executive session was called for private consultations between the commission and its attorney in which the commission was seeking the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of a public body's counsel to his client, pursuant to the Code of Professional Ethics of the State Bar of Texas, clearly conflicts with this Act as permitted by Texas Civil Statutes, Article 6252-17, §2(e). The emergency status was necessary because, due to a recent court decision, the commission must meet with its attorneys to receive instructions.

Contact: Jo Anne Conner, 10th floor, Sam Houston Building, Austin, Texas, (512) 475-4111.

Filed: June 17, 1982, 10:41 a.m.
TRD-824936

State Bar of Texas

Monday, June 28, 1982, 1 p.m. The Executive-Budget Committee of the State Bar of Texas will meet at the Hyatt Regency Hotel, Austin. Items on the agenda summary include reports of the president, president-elect, board chairman, executive director, general counsel, and PDP director; discussion of budgetary matters; request of the Committee on Administration of Justice for law student aid; approval of procedure for paying all expenses for public members on official State Bar business; approval of payment of Law Center sign; consideration of requests for expenditures; discussion regarding the agenda for the June 29, 1982, and July 2, 1982, meetings; judicial poll authorization to executive director for request of biographical sketches; proposal regarding restoration of Blanco County Courthouse; and budgeting of funds for videotapes of distinguished lawyers of Texas.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed: June 18, 1982, 3:08 p.m.
TRD-824979

Tuesday, June 29, 1982, 9 a.m. The Board of Directors of the State Bar of Texas will meet in Texas Ballroom ABC, Hyatt Regency Hotel, Austin. Items on the agenda include: report of president; ratification of actions of Executive-Budget Committee; reappointment of general counsel; FTC matter; referendum for November 8 (advertising guidelines and State Bar administrative rules); report of president-elect; committee appointments; approval of amendments to corporate charge of Legal Services to the Poor, Inc.; consideration of resolution concerning retention of Fourth Amendment exclusionary rule; reports of immediate past president, executive director, Search Committee, and general counsel; report on budgetary matters; report of Texas Young Lawyers Association; reports of board committees; reports of standing and special committees; status of Clients Security Fund and rules governing its administration; and report on Texas Lawyers Credit Union.

Contact: Tom Hanna, P.O. Box 12487, Austin, Texas 78711, (512) 475-4200.

Filed: June 21, 1982, 3:31 p.m.
TRD-825040

Friday, July 2, 1982, 2 p.m. The Board of Directors of the State Bar of Texas will meet in Texas Ballroom ABC, Hyatt Regency

Hotel, Austin. Items on the agenda include: election of board chairman; statement and recommendations of president; appointments by board chairman; board committee reports on organization and purpose; report on judicial section; report on Advocacy, Inc.; and report on Texas Young Lawyers Association.

Contact: Tom Hanna, P.O. Box 12487, Austin, Texas 78711, (512) 475-4200.

Filed: June 21, 1982, 3:31 p.m.
TRD-825041

State Board of Barber Examiners

Tuesday, July 6, 1982, 8 a.m. The State Board of Barber Examiners will meet in Room H-111, 5555 North Lamar, Austin. Items on the agenda include minutes of the previous meeting, signing of teacher certificates and school permits; interviewing out-of-state applicants; reports to the board by the executive director; and letters to the board. The board will also meet in executive session.

Contact: Mary Jo McCrorey, 5555 North Lamar, Room H-111, Austin, Texas 78751, (512) 458-2241.

Filed: June 18, 1982, 3:58 p.m.
TRD-824983

Texas Cosmetology Commission

Tuesday, July 6, 1982, 1:30 p.m. The Texas Cosmetology Commission will meet in Room 119 of the Stephen F. Austin Building, 17th and Congress, Austin. According to the agenda, the commission will conduct a joint meeting with the State Board of Barber Examiners; elect officers; and receive a report from the Inspection Oversight Committee.

Contact: Ron Resch, 1111 Rio Grande, Austin, Texas 78701, (512) 475-3304.

Filed: June 22, 1982, 8:52 a.m.
TRD-825066

Texas Employment Commission

Tuesday, June 29, 1982, 9 a.m. The Texas Employment Commission will meet in Room 644 of the TEC Building, 15th and Congress, Austin. According to the agenda summary, the board will consider prior meeting notes; reports of administrative staff on federal legislation, fiscal year 1982 and 1983 funding, E.S. and U.I. Program activities, requalifying of workers, and public information and media update; pro-

posal for Port Brownsville placement office; proposal on Pearsall suboffice; staffing for Office of Commission Appeals; state budget for 1984-1985 biennium; and computer acquisition. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, and a report on litigation relating to outstanding suits and attorney general opinion requests. The commission will also set agenda items for the July 13, 1982, meeting.

Contact: Pat Joiner, Room 656, TEC Building, Austin, Texas, (512) 397-4514.

Filed: June 21, 1982, 3:14 p.m.
TRD-825036

Office of the Governor

Wednesday, July 7, 1982, 9 a.m. The Governor's Task Force on Agricultural Development in Texas will meet in Room 401 of the Rudder Tower, Texas A&M campus, College Station. Items on agenda include: call to order by Chairman Robert Parker; subcommittee meetings; and committee progress reports on the following: water by J. E. Birdwell, chairman; energy by Dale Hunt, chairman; capital by Vern Peckham, chairman; production efficiency by John Merrell, chairman; transportation, Charlie Ball, chairman; marketing by Leon Miller, chairman; and land by Blake Williams, chairman.

Contact: Robert Parker, Paris Milling Company, P.O. Box 690, Paris, Texas 75460, (214) 784-6656.

Filed: June 21, 1982, 2:33 p.m.
TRD-825031

Texas Department of Health

The Texas Department of Health will conduct hearings on the following dates.

Tuesday, July 20, 1982, 9 a.m. In Odessa City Hall council chambers—A hearing to consider Application 1508 of the City of Odessa to operate a proposed Type VI municipal solid waste disposal site to be located approximately 2.5 miles northwest of Odessa, 0.7 mile south-southeast of the intersection of FM Road 1936 and State Highway 302, and on the west side of FM Road 1936, in Ector County.

Tuesday, July 27, 1982, 9 a.m. In Alvin City Hall council chambers—a hearing to consider Application 1446 of the City of Alvin to operate a proposed Type I municipal solid waste disposal site to be located immediately east of

County Road 38 (Mays Road), 0.4 mile east of Chocolate Bayou, 1.2 miles west of the Briscoe Canal, 0.9 mile north of the intersection of County Road 38 (Mays Road) and County Road 182 (Isaac Road), 1.3 miles south of the Manvel city limits, 2.7 miles east of the Iowa Colony city limits, and 3.5 miles west of the Alvin city limits in Brazoria County.

Contact: Jack C. Carmichael, 1100 West 49th Street, Austin, Texas, (512) 458-7271.

Filed: June 21, 1982, 1:56 p.m.
TRD-825032

Texas Health Facilities Commission

Friday, July 2, 1982, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications for certificate of need.

Jasper Memorial Hospital, Jasper
AH81-1231-058

West Plains, A Psychiatric Hospital,
Midland

AH81-1109-045

Midland Memorial Behavioral Health
Center, Midland
AH81-1231-050

Parkview Hospital, Midland
AH82-0104-025

Saint John's Hospital, Inc., San Angelo
AH81-0730-018

Memorial Hospital, Lufkin
AH81-1001-054

Starlite Village Hospital, Center Point
AH81-1217-026

Sid Peterson Memorial Hospital,
Kerrville
AH81-1221-031

Contact: John R. Neel, P.O. Box 10523,
Austin, Texas 78761, (512) 475-6940.

Filed: June 21, 1982, 9:27 a.m.
TRD-824996

Texas Department of Human Resources

Friday, June 25, 1982, 9 a.m. The Institutional Review Board of the Texas Department of Human Resources will meet in Room 2L1, 706 Banister Lane, Austin. Items on the agenda summary include NCCAN—cooperative approach to in-

vestigation and information sharing, July 19, 1982; NCCAN—decision support system, July 19, 1982; NCCAN—United Sexual Abuse Project for Tarrant County, July 19, 1982; NCCAN—Perinatal Coaching Project, July 19, 1982; Employment Enhancement Project, July 16, 1982; Mandatory Job Search Program, July 30, 1982; and scheduling of the next meeting.

Contact: Charlie J. Clarkson, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6111.

Filed: June 17, 1982, 3:17 p.m.
TRD-824954

State Board of Insurance

Tuesday, June 29, 1982, 9:30 a.m. The State Fire Marshall's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, there will be a public hearing in Docket FM-022—application for portable fire extinguisher license by Ronnie L. Redden.

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

Filed: June 21, 1982, 1:19 p.m.
TRD-825030

Tuesday, June 29, 1982, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, there will be a public hearing in Docket 6843—application of the Ware Family, Fort Worth, to acquire control of Family Security Insurance Company of America, Fort Worth.

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

Filed: June 21, 1982, 1:19 p.m.
TRD-825029

Wednesday, June 30, 1982, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will render a decision on property insurance rates and rules (hearing held June 2, 1982).

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

Filed: June 21, 1982, 1:19 p.m.
TRD-825027

Wednesday, June 30, 1982, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin. According

to the agenda, the board will consider making a decision on proposed rules concerning homeowners credit for security devices (hearing held May 26, 1982).

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

Filed: June 21, 1982, 2:18 p.m.
TRD-825033

Thursday, July 1, 1982, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, there will be a public hearing in Docket 6785—to consider alleged violations of the Texas Insurance Code by agent Robert Kent Bell.

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

Filed: June 21, 1982, 1:20 p.m.
TRD-825028

Thursday, July 1, 1982, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda include decision on appeal of Glenn McGehee doing business as Ocean Palm Center and Ocean Palm International, Inc., from action of Texas Catastrophe Property Insurance Association; and prior acts liability coverage filing by Northbrook Management Co.

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

Filed: June 18, 1982, 9:04 a.m.
TRD-824957

Monday, July 5, 1982, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hearing to consider the appeal of Ted Marchan, doing business as Marchan Seafood Products and Marchan Seafood Restaurant from the decision of the Texas Property Insurance Association.

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

Filed: June 22, 1982, 8:54 a.m.
TRD-825058

Tuesday, July 6, 1982, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin. According to the agenda, the board will hold a public hear-

ing to consider the appeal of Republic Financial Services, Inc., from Commissioner's Order 81-2733.

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

Filed: June 22, 1982, 8:54 a.m.
TRD-825059

The State Board of Insurance will meet on the following dates in Room 414, 1110 San Jacinto, Austin, to consider the commissioner's and fire marshal's report and to discuss personnel matters in executive session.

Tuesday, July 6, 1982, 2 p.m.
Tuesday, July 13, 1982, 2 p.m.
Tuesday, July 20, 1982, 2 p.m.
Tuesday, July 27, 1982, 2 p.m.

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

Filed: June 22, 1982; 8:53 a.m.
TRD-825060, 825061,
825063, 825064

Monday, July 19, 1982, 9 a.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the board's delegate will hold a public hearing to consider the appeal of Floyd Seals and Madeline J. Seals from the decision of the Texas Catastrophe Property Insurance Association.

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

Filed: June 22, 1982, 8:55 a.m.
TRD-825062

Texas Advisory Commission on Intergovernmental Relations

Thursday, July 1, 1982, noon. The Committee on Long-Term Local Government Debt of the Texas Advisory Commission on Intergovernmental Relations will meet in the private dining room, fourth floor, San Antonio Club of Texas, Alamo National Bank Building, San Antonio. Items on the agenda include overview of project activities, presentation of final draft report, and policy considerations.

Contact: Jorge Anchondo, Room 407, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3728.

Filed: June 17, 1982, 2:51 p.m.
TRD-824951

Texas Commission on Jail Standards

Wednesday, June 23, 1982, 8:30 a.m. The Texas Commission on Jail Standards revised the agenda of an emergency meeting held in Room 206, 1414 Colorado, Law Center, Austin. According to the revised agenda summary, the commission added Gregg County to variance requests it considered. The emergency status was necessary because the completion of the Gregg County jail structure required review by commission members to assure certification.

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

Filed: June 21, 1982, 8:59 a.m.
TRD-824990

Texas Department of Mental Health and Mental Retardation

Friday, June 25, 1982, 9:15 a.m. The Mental Health Code Task Force of the Texas Department of Mental Health and Mental Retardation will meet in Conference Room B of the John H. Reagan Building, Congress Avenue and 15th Street, Austin. According to the agenda, Helen Farabee, chair, will introduce participants; Dr. David Ramirez, director of the Mexican American Mental Health Policy Research Project, will make a presentation; task force subcommittee members will conduct work sessions; and the members will review the 25th plan for the 26th Task Force members.

Contact: Jane Fontana, Room 527, John H. Reagan Building, P.O. Box 12128, Austin, Texas 78711, (512) 475-8454.

Filed: June 21, 1982, 4:17 p.m.
TRD-825043

Saturday, June 26, 1982, 9:15 a.m. The Mental Health Code Task Force of the Texas Department of Mental Health and Mental Retardation will meet in Senate Chambers, State Capitol. According to the agenda, the task force will have breakfast in the lieutenant governor's offices; Helen Farabee, chair, will introduce participants; and the members will consider subcommittee recommendations.

Contact: Jane Fontana, Room 527, John H. Reagan Building, P.O. Box 12128, Austin, Texas 78711, (512) 475-8454.

Filed: June 21, 1982, 4:15 p.m.
TRD-825044

North Texas State University

Friday, June 25, 1982, 11 a.m. The Facilities Committee of the Board of Regents of the Texas College of Osteopathic Medicine of North Texas State University revised the agenda of a meeting held in the board room, North Texas State University, Denton. Additions to the agenda include the following NTSU items: emergency lighting and fire alarm systems for eight buildings, project status report, and removal of architectural barriers for the handicapped.

Contact: Jan Dobbs, P.O. 13737, Denton, Texas 76203.

Filed: June 21, 1982, 10:10 a.m.
TRD-825004

Pan American University

Monday, July 5, 1982, 2 p.m. The Finance Committee of the Pan American University Board of Regents will meet in the Regents' Room, Learning Resource Center, Pan American University, Edinburg. According to the agenda, the committee will consider the 1982-1983 university budget in a work session.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: June 17, 1982, 2:06 p.m.
TRD-824948

Tuesday, July 6, 1982. The Pan American University Board of Regents and several of its committees will meet in the Regents' Room, Learning Resource Center, Pan American University, Edinburg. Times and agendas are as follows:

9 a.m. The Building and Grounds Committee will consider an Administration Building plaque, a change order for the Computer Center, and approval of architectural fees for the Biology Annex.

9:30 a.m. The Finance Committee will consider the budget, budget changes, and approval of the appropriations request for 1984-1985.

10 a.m. The Academic and Developmental Affairs Committee will meet in executive session to consider personnel matters and informational items.

10:30 a.m. The Pan American University at Brownsville Committee will consider a resolution on the Minnie Stevens Piper Award.

11 a.m. The Board of Regents will consider minutes of the previous meeting; reports of the Building and Grounds Committee,

Finance Committee, Academic and Developmental Affairs Committee, Pan American University at Brownsville Committee, and Committee of the Whole; executive session items; the Pan American University Foundation; grants, donations, and gifts; and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2101.

Filed: June 17, 1982, 2:10 p.m.
TRD-824947, 824946, 824945,
824944, 824943

**Board of Pardons and Paroles
Monday-Friday, July 5-9, 1982, 9 a.m., daily.** The Board of Pardons and Paroles 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 to take action upon gubernatorial directives.

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

Filed: June 22, 1982, 9:03 a.m.
TRD-825034

**State Board of Plumbing
Examiners**

Monday, June 28, 1982, 9:30 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the agenda, the board will consider and review the budget.

Contact: Lynn Brown, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

Filed: June 17, 1982, 3:47 p.m.
TRD-824955

**Public Utility Commission
of Texas**

Tuesday, June 29, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a prehearing conference will be held in Docket 4535—inquiry into the legality of water service rendered by Willow Manor Water System.

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

Filed: June 21, 1982, 10:18 a.m.
TRD-825001

Wednesday, June 30, 1982, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a second prehearing conference in Docket 4510—application of Gulf States Utilities Company for authority to change electric rates.

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

Filed: June 17, 1982, 3:04 p.m.
TRD-824949

July 2, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a prehearing conference will be held in Docket 4540—application of Houston Lighting and Power Company for authority to change rates.

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

Filed: June 21, 1982, 10:18 a.m.
TRD-824984

Thursday, July 8, 1982, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 4538—Union Carbide Corporation's petition and appeal of the ordinance of the City of La Porte.

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

Filed: June 18, 1982, 9:04 a.m.
TRD-824956

Monday, July 12, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 4466—application of Guadalupe Valley Electric

Cooperative, Inc., for a rate/tariff increase for certain services and charges.

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

Filed: June 17, 1982, 10:51 a.m.
TRD-824938

July 15, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 4521—complaint of Amtel Communications, Inc., et al as to rates, charges, and practices of Southwestern Bell.

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

Filed: June 17, 1982, 10:51 a.m.
TRD-824939

Wednesday, July 21, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a prehearing conference will be held in Docket 4525—petition of Ideal Village Development Cooperative of Austin, Inc., for amendments to the certificates of convenience and necessity of Southwestern Bell Telephone Company and General Telephone Company of the Southwest within Hays County.

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

Filed: June 21, 1982, 10:18 a.m.
TRD-825002

Thursday, July 29, 1982, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, a hearing will be held in Docket 4253—application of El Jardin Water Company, Inc., to cease operations.

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

Filed: June 21, 1982, 10:18 a.m.
TRD-825000

Monday, August 9, 1982. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agendas, hearings will be held at the following times, in the following dockets.

9:30 a.m. Docket 4506—application of H & S Water Systems, Inc., for a \$21,715 water rate increase within Aransas County.

10:00 a.m. Docket 4510—application of Gulf States Utility Company for authority to change electric rates.

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

Filed: June 17, 1982, 4:10 p.m. and 3:05 p.m., respectively.

TRD-824931, 824950

Public Servant Standards of Conduct Advisory Committee

Thursday, June 24, 1982, 1:30 p.m. The Nepotism Subcommittee of the Public Servant Standards of Conduct Advisory Committee met in Room 411, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the subcommittee held a work session to consider legislative changes.

Contact: Donna Mobley, Room 417, John H. Reagan Building, Austin, Texas, (512) 475-2466.

Filed: June 18, 1982, 4:11 p.m.
TRD-824985

Railroad Commission of Texas

Monday, June 21, 1982, 9 a.m. The following divisions of the Railroad Commission of Texas met at 1124 IH 35 South, Austin. The agendas and meeting rooms follow.

The Oil and Gas Division met emergency session in the first floor auditorium to consider the application of Crawford Energy, Inc., in Docket 9-18827—for a temporary special allowable, Kyle (Miss.) Field, Hardeman County. This item was properly noticed for the meeting of June 14, 1982, and was passed. The emergency status was necessary as a matter of urgent public necessity.

Contact: Bob R. Harris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: June 18, 1982, 2:18 p.m.
TRD-824964

The Transportation Division met in emergency session in Room 107, first floor auditorium, concerning Docket 024419ZZT—fuel adjustment charge, Item 51 series (cement in bulk and in bags), in RCT Tariff 12-F; Docket 024398ZZT—fuel adjustment charge, Items 2 and 3 series in RCT Tariff 8-I; Docket 024457ZZT—fuel adjustment charge, Item 170 series in RCT Tariff 40-B; Docket 024445ZZT—fuel adjustment charge, Item 1 series in RCT Tariff 4-D. The emergency status was necessary due to a decline in fuel prices and the need for immediate public relief.

Contact: Sandy Yates, P.O. Drawer 12967, Austin, Texas 78704, (512) 445-1330.

Filed: June 18, 1982, 2:16 p.m.
TRD-824965

Monday, June 28, 1982, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. The agendas and meeting rooms follow.

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

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

Filed: June 18, 1982, 2:13 p.m.
TRD-824966

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

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

Filed: June 18, 1982, 2:17 p.m.
TRD-824967

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

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

Filed: June 18, 1982, 2:16 p.m.
TRD-824968

The Gas Utilities Division will meet in Room 107, for consideration of gas utilities Dockets 3537, 3538, 3539, 3540, and the director's report.

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

Filed: June 18, 1982, 2:14 p.m.
TRD-824969

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

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

Filed: June 18, 1982, 2:19 p.m.
TRD-824970

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

Contact: Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: June 18, 1982, 2:12 p.m.
TRD-824971

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

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

Filed: June 18, 1982, 2:19 p.m.
TRD-824972

Additions to the above agenda:

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

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

Filed: June 18, 1982, 2:18 p.m.
TRD-824973

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

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

Filed: June 18, 1982, 2:18 p.m.
TRD-824974

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

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

Filed: June 18, 1982, 2:17 p.m.
TRD-824975

Texas Register

The Surface Mining and Reclamation Division will meet in Room 107 to consider permit issuance to Sabine Mining Company for a surface mining operation in Harrison County. The commission will also consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

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

Filed: June 18, 1982, 2:14 p.m.
TRD-824976

The Transportation Division will meet in Room 107, first floor auditorium, for consideration of various matters falling within the Railroad Commission's transportation regulatory jurisdiction. The division will also consider final order in Docket 002674B2TR—Mistletoe Express Service of Texas, Inc.; and in Docket 024419ZZT—fuel adjustment charge, Item 51 series (cement in bulk and in bags), RCT Tariff 12-F.

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

Filed: June 18, 1982, 2:15 p.m. and 3:18 p.m.

TRD-824977, 824978

Boards for Lease of State-Owned Lands

Tuesday, June 29, 1982, 1:30 p.m. The Boards for Lease of State-Owned Lands will meet in the General Land Office, eighth floor conference room, 1700 Congress Avenue, Austin. According to the agenda summary, the board will consider the following: approval of minutes; amendment to Unit Agreement 167—Cities Service Company; Second Amendment to Unit Agreement 127—Monsanto; Proposed Gas Pooling Agreement 178—Getty Oil; Proposed Drilling and Development Agreement 179—International O&G Corp.; discussion and adoption of policy statement concerning royalty payments on gas liquids (butane/propane); ratification of actions of Gas Committee and reports on status of Lease 72666; exceptions to RRC Statewide Rule 69 and commingling of production.

Contact: Maxine R. Dean, 210 West Sixth Street, Austin, Texas 78701, (512) 471-5781.

Filed: June 21, 1982, 9:32 a.m.
TRD-824998

Veterans Affairs Commission
Saturday, July 17, 1982, 3 p.m. The Veterans Affairs Commission will meet in the Guadalupe Room, second floor of the Hyatt Regency Hotel, 123 Losoya, San Antonio. According to the agenda, the members will consider reports on commission activities and make decisions relative to general administrative matters pertaining to Texas veterans' programs.

Contact: Aubrey L. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 475-4185.

Filed: June 22, 1982, 8:25 a.m.
TRD-825065

Texas Water Commission
Monday, June 28, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. Items on the agenda summary include water district bond issues, release from escrow, use of surplus funds, setting hearing dates for district conversion, water quality proposed permits, renewals, final decision on water right applications, and setting of hearing dates.

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

Filed: June 17, 1982, 11:29 a.m.
TRD-824942

Tuesday, July 27, 1982, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider the following: hearing on Application 4224 of R.A.L.A.C., Inc., to divert 2,400 acre-feet of water per annum from Blue Creek, tributary of the Colorado River Basin for the irrigation of 603 acres of riceland in Wharton and Matagorda counties, approximately 13 miles south of Wharton.

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

Filed: June 18, 1982, 11:18 a.m.
TRD-824960

Thursday, August 5, 1982, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct hearings on the following.

Application 4223—of Shelton Ranches, Inc., to maintain an existing dam and 37.5 acre-foot capacity reservoir on Johnson Creek, tributary of the Guadalupe River,

Guadalupe River Basin; maintain an existing two acre-foot capacity off-channel reservoir; and divert from the perimeter of the off-channel reservoir a maximum of 20 acre-feet of water at a maximum rate of 0.4 cfs (200 gpm) to irrigate 14 acres of land out of a 451.28-acre tract. All are in Kerr County, approximately 15 miles northwest of Kerrville.

Application 4222—of Property Owner's Association of Cypress Lake Gardens, Inc., to divert for municipal use a maximum of 54 acre-feet of water per annum at a maximum rate of 0.18 cfs (80 gpm) from the underflow of Rebecca Creek, tributary of the Guadalupe River, Guadalupe River Basin.

Application 18-1956—of River Inn Association of Unit Owners, Inc., for a permit to divert for municipal use a maximum of one acre-foot of water per annum at a maximum rate of .083 cfs (37 gpm) from an authorized reservoir on the South Fork of the Guadalupe River, tributary of the Guadalupe River Basin.

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

Filed: June 18, 1982, 11:18 a.m.
TRD-824961, 824962, 824963

Texas Woman's University
Monday, June 28, 1982, 10 a.m. The Texas Woman's University Board of Regents will meet on the 16th floor of the Administration and Conference Tower, main campus, Denton. Items on agenda include minutes of April 1, 1982, meeting; personnel additions and changes; acceptance of gifts and grants; agreements and contracts; acceptance of federal funds; certificates of substantial completion; change orders; schedule of renewal and extension of insurance coverage; supplement to Spring 1982 small class report; authorization of accounting and financial aids personnel to approve vouchers and sign checks on behalf of university; revision of investment policy; new university organizational chart; faculty handbook; recommendations for promotion; recommendations for tenure; emeritus status for retired faculty; Dr. Teddy Palmore to be TWU's representative to the Joint Committee of the Education Service Center, Region X.; 1982-1983 operating budget; report by board committee on biennial appropriations request preparation and approval of appropriations request for 1984-1985; and report of the president on general university business.

Additions to agenda: report from the board's representative on the Southern Association of Colleges and Schools Self-Study Committee; report on results of Special Session of the 67th Legislature regarding appropriations.

Contact: Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466.

Filed: June 18, 1982, 2:10 p.m.
June 22, 1982, 10:04 a.m.
TRD-824980, 825069

Regional Agencies Meetings Filed June 17

The Amarillo Mental Health and Mental Retardation Regional Center, Long Range Planning Committee, met in Room J-13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on June 22, 1982, at noon. The following also met in the Psychiatric Pavilion, at the following days and times:

Executive Committee of the Board of Trustees—Room G-15, at noon.

Board of Trustees—Room J-13, at 1 p.m.

Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in the board room, 1430 Collier Street, Austin, on June 17, 1982, at 7:30 p.m., and on June 24, 1982, at noon. Information may be obtained from Debbie Sandoval, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 27.

The Brown County Appraisal District, Appraisal Review Board, will meet at 400 South Broadway, Brownwood, on June 28, 1982, at 7 p.m. Information may be obtained from Alvis Sewalt, 400 South Broadway, Brownwood, Texas 76801, (915) 643-5676.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, Executive Committee, met in Room 108, Brazos Center, 3232 Briarcrest Drive, Bryan, on June 24, 1982, at 1 p.m. The following committees also met at the same location on the same date, at the following times:

Board of Trustees, Personnel Committee—1 p.m.

Board of Trustees—1:30 p.m.

Information may be obtained from Ann Pye Shively, Ph.D., 707 Texas Avenue, Suite 225-C, College Station, Texas 77840.

The Coastal Bend Council of Governments, Membership Committee, will meet at the Central Jury Room, county courthouse, 901 Leopard, Corpus Christi, on June 25, 1982, at 2 p.m. Information may be obtained from John Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

The Gregg County Appraisal District, Board of Review, met at 2010 Gilmer Road, on June 24, 1982, at 1:30 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Harris County Appraisal District, Board of Directors, met at 3737 Dacoma, Houston, on June 21, 1982, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.

The Heart of Texas Council of Governments, Executive Committee, met in the conference room, 320 Franklin Avenue, Waco, on June 24, 1982, at 12:30 p.m. Information may be obtained from Mary A. McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Hickory Underground Water Conservation District, Board of Directors, met in the conference room, Brady National Bank, 101 South Blackburn, Brady, on June 21, 1982, at 9 a.m. Information may be obtained from Terry Norman, 101 East First, Brady, Texas 76825, (915) 597-0334.

The Lower Colorado River Authority, Parks and Lands Committee, met at 3800 Lake Austin Boulevard, Austin, on June 23, 1982, at 8 a.m. The following committees also met at the same location on the same date, at the following times:

Environmental, Safety, and Security Committee—9:30 a.m.

Audit Committee—10 a.m.

Finance and Administration

Committee—11 a.m.

Personnel, Compensation, Pension Trust, and Benefit Committee—1 p.m.

Power and Energy Committee—2 p.m.

The Board of Directors met at 3700 Lake Austin Boulevard, Austin, on June 24, 1982, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Lubbock Regional Mental Health and Mental Retardation Center, met at 3800 Avenue H, Lubbock, on June 22, 1982, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Mills County Appraisal District, met at Mills County Courthouse, Goldwaite, on June 24, 1982, at 7:30 p.m. Information may be obtained from J. Michael Morris, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Alliance, met in the first floor conference room, Gibraltar Building, Eighth and Jackson, Amarillo, on June 24, 1982, at 10:30 a.m. The Board of Directors met in Suite 200, Gibraltar Building, Eighth and Jackson, Amarillo, on June 24, 1982, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Parmer County Tax Appraisal District, Board of Review, met in emergency session in the board room, 305 Third Street, Bovina, on June 17, 1982, at 8 p.m. The emergency status was necessary because the new chief appraiser has been appointed on an emergency basis and values for land and equipment must be determined. Information may be obtained from Ronald E. Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The South Plains Health Provider Organization, Inc., Board of Directors, met at 715 Amarillo, Plainview, on June 22, 1982, at 8 p.m. Information may be obtained from Sue Terry, 715 Amarillo, Plainview, Texas 79072.

The South Texas Development Council, Government Application Review Committee, met at Zapata Community Center, Zapata, on June 24, 1982, at 10 a.m. Information may be obtained from Adriana Rodriguez, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Tarrant Appraisal District, Board of Directors, met in Suite 200, 1701 River Run, Fort Worth, on June 23, 1982, at 10 a.m. Information may be obtained from Nelson F. Eichman, 1701 River Run, Suite 200, Fort Worth, Texas 76107.

The Taylor County Central Appraisal District, Board of Review, will meet in the commissioner's courtroom, Taylor County Court House, Abilene, on June 28, 1982,

at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 676-9381.

The West Central Council of Governments, Executive Committee, met at 1025 East North 10th Street, Abilene, on June 23, 1982, at 12:45 p.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-824935

Meetings Filed June 18

The Amarillo Mental Health and Mental Retardation Regional Center, Long Range Planning Committee, met in Room J-13, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on June 22, 1982, at noon. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, on June 21, 1982, at 7 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Mental Health and Mental Retardation Regional Center of East Texas, Board of Trustees, has rescheduled a meeting held in the board room, 2323 West Front Street, Tyler. The meeting was originally scheduled for June 10, 1982. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Appraisal Review Board of Erath County will meet in Room 104, 2650 Overhill Drive, Stephenville, on June 30, 1982, 9:30 a.m. Information may be obtained from James Bachus, 313 North Belknap, Stephenville, Texas 76401, (817) 965-7301.

The Interim Regional Transportation Authority, Ad Hoc Committee of the Board, met in Suite 201 of Love Field Terminal Building, Dallas, on June 21, 1982, at noon. Information may be obtained from Eloise Hajek, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Lee County Appraisal District, Board of Review and Board of Directors, met at 218 East Richmond Street, Giddings, on June 24, 1982, at 10 a.m. and 7:30 p.m., respectively. Information may be obtained from Denise Urban and James Dunham, respectively, 218 East Richmond Street, Giddings, Texas 78942, (713) 542-9618.

The Nolan County Central Appraisal District, Board of Review, met in Suite 305 of the Nolan County Courthouse, Sweetwater. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The North Central Texas Council of Governments, Executive Board, met in the council's offices, 1201 North Watson Road, Arlington, Texas, on June 24, 1982, at 12:30 p.m. Information may be obtained from Linda Keithley, P.O. Drawer COG, Arlington, Texas 76011-3080, (817) 640-3300.

The San Jacinto River Authority, Board of Directors, met at the Lake Conroe Office Building, Highway 105 West, Conroe, on June 22, 1982, at 2 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, (713) 588-1111. TRD-824958

Meetings Filed June 21

The Bell County Appraisal District, Appraisal Review Board, will meet in the Commissioners' Courtroom, second floor, Bell County Courthouse, Belton, on July 7, 1982, at 9 a.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 294.

The Fannin County Appraisal District, Board of Review, will meet at 401 North Main Street, Bonham, on June 25, 1982, at 5:30 p.m. Information may be obtained from M. L. Brent, 401 North Main Street, Bonham, Texas, (214) 583-9546.

The Gonzales County Appraisal District, Board of Directors, will meet at 926 Saint Lawrence Street, Gonzales, on July 1, 1982, at 8:30 a.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gulf Bend Mental Health and Mental Retardation Center, Board of Trustees, met at 2105 Port Lavaca Drive, Victoria, on June 24, 1982, at noon. Information may be obtained from T. G. Kelliher, Jr., 2105 Port Lavaca Drive, Victoria, Texas 77901.

The Interim Regional Transportation Authority, Ad Hoc Committee on Contracting Candidates and Special Service Needs Committee, met in emergency session in Suite 201, Love Field Terminal Building, Dallas, on June 22, 1982, at 3 p.m. and 4:30 p.m., respectively. The Communications and Community Involvement Committee

met in emergency session in Room 7ES (RED), and the board met in Room 4ES, Dallas City Hall, 1500 Marilla, Dallas, on June 24, 1982, at 6 p.m. and 7 p.m., respectively. Information may be obtained from Eloise Hajek, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, Harlingen, on June 24, 1982, at 1:30 p.m. Information may be obtained from Robert A. Chandler, 207 Texas Commerce Bank Building, McAllen, Texas 78501, (512) 682-3481.

The Middle Rio Grande Development Council, Quarterly Regional Manpower Advisory Committee, will meet at the Ramada Inn, Uvalde, on June 29, 1982, at 10 a.m. Information may be obtained from Emilio Hernandez, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on June 28, 1982, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas, (214) 645-2241.

The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Alliance, Business, Planning, and Youth Councils, met in emergency session in Suite 200, first floor conference room, Gibraltar Building, Eighth and Jackson, Amarillo, on June 23, 1982, at 3 p.m. The Panhandle Health Systems Agency Review Committee will meet at the same location on July 1, 1982, at 5 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The Pecan Valley MHMR Region, Board of Trustees, met at the First United Methodist Church, 204 East Pearl, Granbury, on June 23, 1982, at 8 a.m., and will meet at Jose's Mexican Restaurant, Highway 377 and FM 208, Granbury, on June 25, 1982, at noon. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas, 76401 (817) 965-7806.

The South Plains Health Systems, Inc., Board of Directors, will meet in the George Brewer Assembly Room, Methodist Hospital, 3615 19th Street, Lubbock, on June 29, 1982, at 7:30 p.m. Information may be obtained from Jim Lock, 1217 Avenue K, Lubbock, Texas 79401.

TRD-824999

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

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

In Addition

Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of June 7-11, 1982.

Information relative to the applications listed below, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; types of facilities; locations of the facilities (if available); permit numbers; and types of applications—new source or modification.

Gulf Coast Painting and Sandblasting, Inc., Bay City; painting and sandblasting; Highway 60 North; 9115; new source

Inexco Oil Company, Douglasville; flare H₂S well; location not available; 9116; new source

Eisenman Chemical Corp., Corpus Christi; barite grinding facility; 324 Manning Road; 7544A; new source

CFI Industries, Inc., Sherman; cellulose insulation manufacturing; Westview Industrial Park; 6739A; new source

Central Grain Company of Donna, La Feria; grain elevator; First and Highway 506; 9117; new source

Ridgeways, Inc., Athens; sensitized reproduction products; location not available; 9118; new source

Downing Brothers, Inc., Kosse; heavy construction; FM Road 339; 9119; new source

Contractor's Supplies, Inc., Pineland; ready mix concrete plant; Temple Street; 5005B; new source

Valley Grain Products, Inc., Muleshoe; corn processing; 1-½ miles east of Muleshoe on Highway 84; 9120; new source

Krumbein Silica Texas, Inc., Voca; sand processing; location not available; 9121; new source

Farmers Gin Company, Rotan; cotton gin; location not available; 9122; new source

Issued in Austin, Texas, on June 14, 1982.

TRD-824910

Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: June 16, 1982

For further information, please call (512) 451-6711, ext. 354.

Correction of Error

Proposals submitted by the Texas Air Control Board contained four errors as published in the June 11, 1982 issue of the Register.

At 7 TexReg 2230, in the first paragraph of the preamble, the last clause of the last sentence should read: "... and synthetic organic chemical manufacturing plant."

At 7 TexReg 2240, the first sentence of §115.254(a) should begin: "Valves with a nominal size . . ."

At 7 TexReg 2241, the first sentence of §115.27(1) should read: "No component shall be allowed to leak volatile organic compounds (VOC) with a VOC concentration exceeding 10,000 parts per million by volume (ppmv) as defined in §101.1 of this title (relating to Definitions)."

At 7 TexReg 2243, the last sentence of §115.274(d) should read: "All affected synthetic organic chemical, polymer, and resin manufacturing plants shall notify the Texas Air Control Board of any nonoperating plants or individual process units when they are shut-down and dates of any start ups as they occur."

**Office of Consumer Credit
Commissioner
Rate Ceilings**

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

Effective Period(1)	Type of Transaction	
	Commercial(3) Consumer(2)/thru \$250,000	Commercial(4) over \$250,000
Indicated Rate		
Weekly Rate Ceiling 6/28/82-7/04/82	24%	26%
Monthly Rate Ceiling (Variable Commercial Only) 6/01/82-6/30/82	24%	24.15%
Quarterly Rate Ceiling 7/01/82-9/30/82	24%	25.02%
Annual(5) Rate Ceiling 7/01/82-9/30/82	24%	26.62%

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

Issued in Austin, Texas, on June 21, 1982.

TRD-824994 Sam Kelly
Consumer Credit Commissioner

Filed: June 21, 1982
For further information, please call (512) 475-2111.

**Credit Union Department
Consultant Contract Award**

Description. Pursuant to Texas Civil Statutes, Article 6252-11c, the Credit Union Department announces the award of a consultant contract to Darryll W. Grubbs, Government Affairs Consultant, 2704 San Pedro, No. 16, Austin, Texas 78705. Mr. Grubbs was employed within the preceding two years as a legislative assistant in the Texas Senate.

The consultant proposal request was published in the May 7, 1982, issue of the *Texas Register* (7 TexReg 1779). Under the terms of the contract, the consultant is to:

- (a) advise the department on the requirements and procedures of the Sunset Advisory Commission in order to help assure the maximum degree of compliance by the department with the Sunset review process;
- (b) assist the department in the development and transmission of information and materials requested by the Sunset Advisory Commission and its staff;
- (c) assist the department in the formulation of policy statements and formal testimony for presentation at Sunset Advisory Commission hearings;
- (d) evaluate and interpret the findings and recommendations of the Sunset Advisory Commission's staff report relating to the department, and assist the department in preparing appropriate responses;
- (e) review and analyze proposed statutory changes to the department's enabling act, and assist the department in drafting appropriate modifications or amendments to those proposals; and
- (f) engage in such other necessary activities that will facilitate the efficient exchange of information between the Sunset Advisory Commission and its staff, and the employees of the Credit Union Department and members of the Credit Union Commission.

Contract Value; Dates. The total value of this contract is \$7,500. The contract begins on June 15, 1982, and has an ending date of December 15, 1982.

Due Dates of Reports. Final report(s) prepared by the consultant under this contract shall be submitted prior to January 15, 1983.

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

TRD-824909 John P. Parsons
Commissioner
Credit Union Department

Filed: June 16, 1982
For further information, please call (512) 837-9236.

**Texas Health Facilities
Commission
Applications Accepted for
Amendment, Declaratory Ruling,
and Notices of Intent**

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

tent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

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

Saint John's Public Health Center—Austin-Travis County Health Department, Austin
AO80-1229-061A(061482)

CN/AMD—Request to extend the completion deadline in Certificate of Need AO80-1229-061 which authorized the construction of a 3,500 square foot building for the purpose of consolidating the health services of three existing neighborhood health centers.

Beverly Enterprises, Central Division, Fort Smith, Arkansas
AN82-0614-021

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises, Central Division, to acquire by lease Senior Village Nursing Home, Inc., an existing 60-bed ICF-III facility located in Perryton, from the legal owners, A. D. Craig and J. P. Edwards.

Fort Worth Radiological Corp., Fort Worth
AS82-0614-026

DR—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire major medical equipment is necessary for Fort Worth Radiological Corp. to purchase a G.E. 8800 whole body CAT Scanner. The G.E. 8800 Scanner is to be purchased in place of the previously approved Deltascan 2060 (AS82-0111-034) and will be placed in a privately-owned outpatient office at 815 Pennsylvania Avenue rather than in the previously approved office at 801 West Road to Six Flags in Fort Worth. Applicant will treat only outpatients with the new equipment.

Beverly Enterprises, Central Division, Fort Smith, Arkansas
AN82-0614-028

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises, Central Division, to acquire by lease Killeen Nursing Home, an existing 50-bed skilled facility located in Killeen, from the legal owner, A. D. Craig.

Beverly Enterprises, Central Division, Fort Smith, Arkansas

AN82-0614-030

NIEH—Request for a declaratory ruling that a certificate of need is not required for Beverly Enterprises, Central Division, to acquire by lease Crestview Manor Nursing Home, an existing 91-bed skilled facility located in Belton, from the legal owners, A. D. Craig, Jan Elizabeth Edwards, and Amy Leigh Edwards.

Seton Medical Center, Austin

AH82-0616-020

DR—Request for a declaratory ruling that a certificate of need is not required for Seton Medical Center to lease approximately 2,543 square feet of office space in the 12 Oaks Professional Center, 11645 Angus Road, in Austin, to house an outpatient diagnostic and treatment center and the Good Health School. The diagnostic and treatment center will provide outpatient fluoroscopy, EKG, office spirometry and pulmonary screening services at the request of nearby physicians. The Good Health School will meet a variety of community educational needs.

Issued in Austin, Texas, on June 21, 1982.

TRD-824997

John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: June 21, 1982

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

Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

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

The Texas Developmental Disabilities Program (TDDP), under the authority of its enabling legislation, Public Law 95-602 and Public Law 97-35, is seeking to continue a contract for technical assistance regarding grantee financial management, grantee audit compliance, and program compliance with state and federal regulations.

This invitation for offers is for a continuation of services currently performed by Gary Pharr, CPA. The TDDP intends to award the contract to the present contractor unless a better offer is submitted.

In order to fulfill the terms and conditions of the contract, the contractor will be responsible for the following.

- (1) Institute effective compliance and meshing of state and federal regulations.
- (2) Maintain and upgrade TDDP guidelines relating to grantee financial management and audit requirements.
- (3) Provide project specific audits, if needed, for any noncompliant grantees.

(4) Perform on-site financial reviews of selected grantees around the state.

(5) Provide technical assistance to agencies regarding financial management systems and procedures.

(6) Review and comment on grantee audit reports to ascertain compliance with federal regulations and identify potential funding problems.

All of the above activities require prior knowledge of the Code of Federal Regulations, Title 45—Public Welfare, Subtitle A—Department of Health and Human Services Central Administration, Part 74—Administration of Grants, and Public Law 95-602.

Evaluation Criteria. Before TDDP can consider any submitted application from a potential consultant, the consultant must exhibit demonstrable expertise in all proposed activities. Evidence should include products, where appropriate, and indications by previous funding agencies of satisfactory performance.

The TDDP reserves the right to accept or reject any or all applications submitted under this announcement and to negotiate modifications to improve the quality or cost effectiveness of any application. The TDDP will base its selection of a consultant on the capacity of the consultant to perform as specified and evidenced by documented experience.

Contact Person. Prospective offerors should contact the Acting Director, Texas Developmental Disabilities Program, Box 12668, Austin, Texas 78711.

Closing Date. The closing date for receipt of offers is July 27, 1982.

Issued in Austin, Texas, on June 18, 1982.

TRD-824987

Kathy Sandusky
Executive Director
Texas Developmental Disabilities
Program

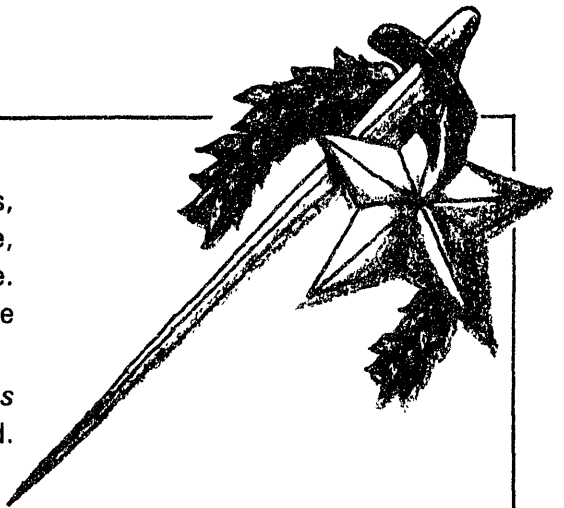
Filed: June 18, 1982

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

75365365 INTER-AGENCY
STATE BOARD OF LIBRARY EXAMINERS
ATTN DR WINFREY
STATE LIBRARY BLDG
AUSTIN TX 78711
Winfrey

Second Class Postage
PAID

Austin, Texas
and additional entry offices



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

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

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

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

(Please print or type.)

Mr. Miss
Ms. Mrs.

Name _____

Organization _____

Occupation _____ Telephone _____

Address _____

City _____ State _____ ZIP CODE _____

- Payment Enclosed Change of Address
(Please attach mailing label.)
 Bill Me Back issues requested
(Please specify dates.)

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

For office use only:

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