

TEXAS REGISTER

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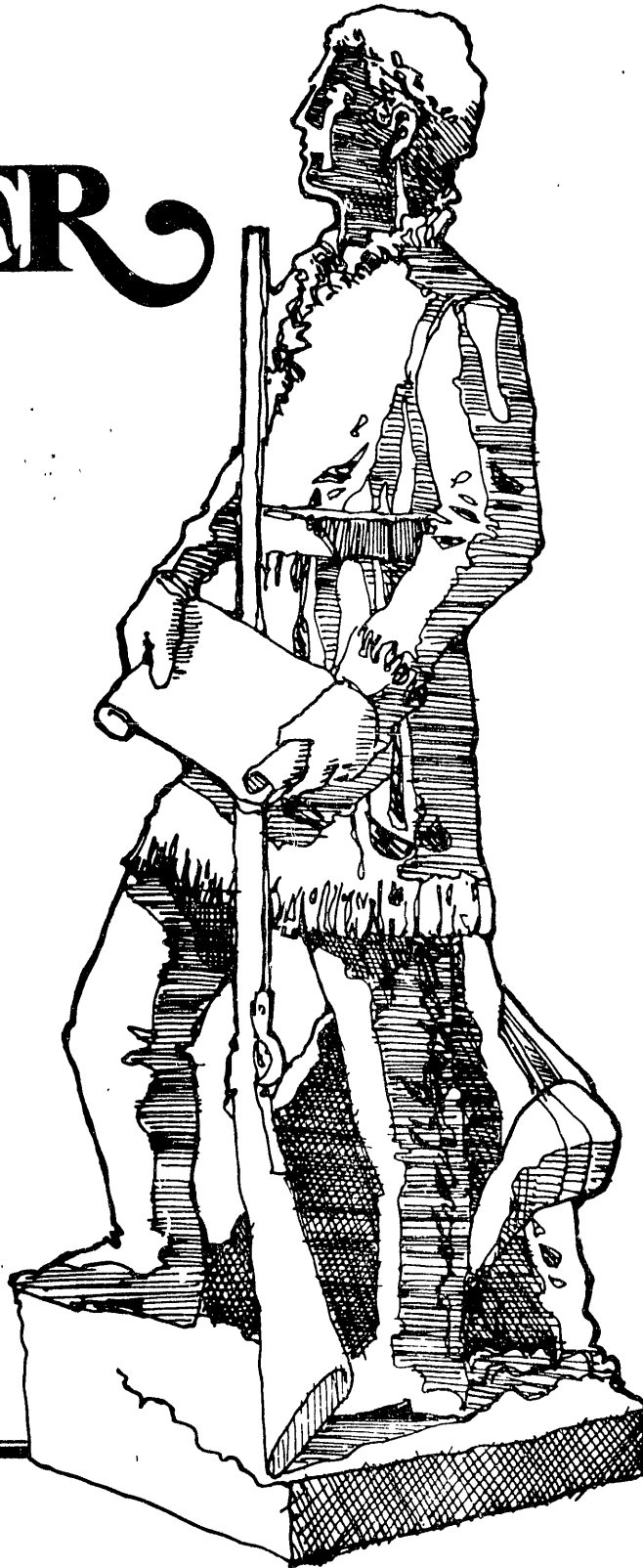
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TEXAS DOCUMENTS

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

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

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

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

TAC is the *Texas Administrative Code*

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

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

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

TEXAS REGISTER



George W. Strake, Jr.
Secretary of State

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Appointments

State Commission for the Blind

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

Susan Fischer
Dallas County
Dallas, Texas

Ms. Fischer is being reappointed.

Coordinating Board, Texas College and University System

To be a member, effective immediately, for a term to expire August 31, 1985

Preston Smith
Lubbock County Lubbock, Texas

Mr. Smith will be filling the unexpired term of Tom B. Rhodes of Dallas, Dallas County, who resigned.

Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission

To be a member for a term to expire February 1, 1983:

Nancy B. Negley
Bexar County
San Antonio, Texas

Ms. Negley will be filling the unexpired term of Floyd Schneider of San Antonio, Bexar County, who is deceased.

Hospital Advisory Council

To be a member for a six-year term to expire July 17, 1985:

James A. Hallmark, M.D.
Tarrant County
Fort Worth, Texas

Mr. Hallmark is being reappointed.

Texas 1986 Sesquicentennial Commission

To be members, effective February 1, 1981, for six-year terms to expire January 31, 1987:

Mrs. Omar Harvey
Dallas County
Dallas, Texas

Ann Quirk
Bexar County
San Antonio, Texas

Dr. Robert H. Wilson
Dallas County
Dallas, Texas

The above persons are being reappointed.

Board of Vocational Nurse Examiners

To be a member for a six year term to expire September 6, 1985:

Ben M. McKibbens
Cameron County
Harlingen, Texas

Mr. McKibbens will be filling the unexpired term of Mark J. Meier of Texas City, Galveston County, who resigned.

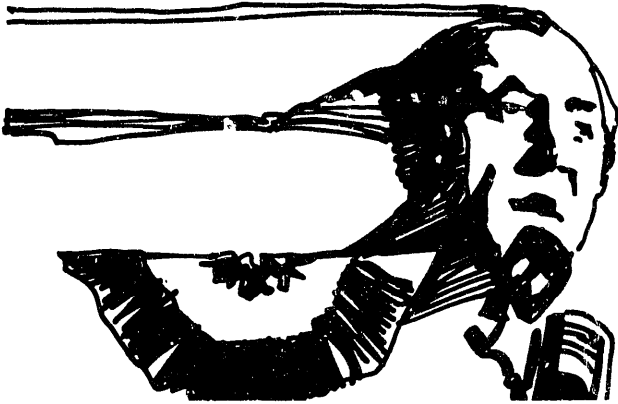
Issued in Austin, Texas, on January 22 and 26, 1981.

Doc. No. 810748 & William P. Clements, Jr.
810749 Governor of Texas

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

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

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



Requests for Opinions

Summary of Request for Opinion RQ-519

Request from Thomas E. Lee, district attorney, Del Rio.

Summary of Request: Does Article XVI, Section 40, of the constitution prevent payment of salaries to city council members who are employed as school teachers and compensated with federal funds?

Doc. No. 810736

Request for Opinion RQ-521

Request from Louis J. Rodriguez, president, Midwestern State University, Wichita Falls.

Summary of Request: May Midwestern State University hold a home run hitting contest to benefit the university baseball program and the muscular dystrophy charity?

Doc. No. 810721

Request for Opinion RQ-522

Request from Carl C. Hardin, Jr., executive director, State Board of Dental Examiners, Austin.

Summary of Request:

(1) May the faculty members of the University of Texas Dental School establish a plan whereby they treat paying patients at university facilities?

(2) Does the faculty member have to be licensed to practice dentistry in Texas?

(3) May faculty members receive additional emoluments under the plan consistently with the General Appropriations Act?

Doc. No. 810722

Request for Opinion RQ-523

Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin.

Summary of Request: Are fines collected under Subchapter 26B of the Water Code for the criminal prosecution of water pollution subject to the provisions of Section 12.107 of the Parks and Wildlife Code?

Doc. No. 810723

Opinions

Summary of Opinion MW-293 (RQ-479)

Request from Lynn Nabers, chairman, Committee on Criminal Jurisprudence, Texas House of Representatives, Austin, concerning whether the legislature may create panels within the 14 courts of appeals which would be charged solely with criminal jurisdiction.

Summary of Opinion: Under the recent amendment to Article V, Section 6, of the Texas Constitution, the legislature is empowered to create, within the various courts of appeals, panels which are charged solely with criminal jurisdiction.

Issued in Austin, Texas, on January 26, 28, and 30, 1981.

Doc. No. 810759

Susan L. Garrison, Acting Chairwoman
Opinion Committee
Attorney General's Office

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

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

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

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

CODIFIED



TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Credit Union Regulations

Reserves and Dividends

The Credit Union Department temporarily amends §§91.61 and 91.62 (058 01 09 001 and .002) of this title (relating to Reserves and Dividends) on an emergency basis. These sections are applicable for allocating reserves and declaring dividends in a state-chartered credit union and they are amended for the first six months of 1981. The original sections will apply for allocating reserves and declaring dividends in a state-chartered credit union beginning with the opening of business, July 1, 1981. These sections are being adopted on an emergency basis so that credit unions in Texas can maintain their usual dividends during the current economic situation.

For these reasons, the Texas Credit Union Commission has determined that this waiver of the reserve transfer requirement and the declaration of dividends for financially sound credit unions will help maintain a stable membership and provide relief to this economic squeeze and thereby provide great benefit to the citizens of Texas investing in credit union savings programs without materially affecting the stability of the credit unions or the credit union industry.

The emergency amendment of §§91.61 and 91.62 (.001 and .002) of this title (relating to Reserves and Dividends) on a temporary basis is promulgated under the authority of the Texas Credit Union Act, Article 2461, Chapter 1 et seq., Vernon's Texas Civil Statutes.

§91.61 (058 01 09 001). Reserve Allocations. In accordance with the requirement of Section 9.01 of the Credit Union Act, state-chartered credit unions shall set aside a portion of their current net income, prior to the declaration or payment of dividends, at the close of each dividend period, as follows:

(1) Newly organized credit unions. Each credit union that has been in operation for less than five years shall transfer to the regular reserve (or guaranty fund) 10% of the gross income for each dividend period, **unless authorized by the commissioner to do otherwise. Requests for lower transfer must be submitted in writing to the commissioner prior to January 31, 1981.** [until the total regular reserve amounts to 3.0% of loans.]

(2) Credit unions in operation for four full years or more shall transfer to the regular reserve (or guaranty fund) 5.0% of the gross income for each dividend period, until the total regular reserve amounts to 3.0% of loans. **However, for any dividend period during the first six months of 1981, credit unions with "estimated solvency ratios" (ESR) of 105 or more are authorized to maintain the dividend paid for any of the last four quarters, using first, current period net earnings and then undivided earnings from prior periods. If such current and undivided earnings are not sufficient to meet the accustomed dividend rate, funds allocated or transferred to the regular reserve may be utilized to the extent needed to maintain such dividend rate.**

(3) Credit unions with "estimated solvency ratios" (ESR) of 102 to 105 and credit unions presently under dividend restrictions or department sanctions may follow the authority of paragraph (2) of this section upon written approval by the credit union commissioner. **Otherwise, credit unions shall be regulated by Section 9.01 of the Texas rules and regulations for credit unions. Credit unions in these categories shall be limited to a dividend rate not to exceed the rate paid for the last quarter of 1980.** [After the regular reserve fund equals 3.0% of loans, a credit union shall transfer only such sums from gross income to maintain that fund at 3.0% of loans, or 5.0% of gross income, whichever is less.]

(4)-(7) (No change.)

§91.62 (058 01 09 002). Dividends.

(a) **For the dividend period during the first half of 1981, a credit union chartered by the Texas Credit Union Department, not waiving reserves under §91.61(2) (.001(2)) of this title (relating to Reserve Allocations), may declare a dividend for any period ending from current and undivided earnings at any rate up to 8.0% per annum without the prior approval of the commissioner, provided that the estimated solven-**

cy ratio (ESR) of the credit union is 105 or more, and provided that the credit union's reserves and undivided earnings are not frozen by order of the commissioner in accordance with §91.61(1) (.001(1)) of this title (relating to Reserve Allocations). In order to declare a dividend at a rate higher than 8.0% per annum, a credit union shall make written request to the commissioner, furnishing a copy of the board's resolution to request such authority. In addition, the credit union shall state the rate of dividend requested, furnish an estimate of the dividend cost and a copy of the financial and statistical report for the month of November and December 1980. A credit union shall not be authorized to post such dividends until written approval has been given by the commissioner. [After allocations to reserves are made as required under Section 9.01(1(a)) and 9.01(1(b)), the board of directors may declare a dividend as prescribed in the bylaws and established board

policy. Such dividend shall not exceed the rate of 6.0% per annum, unless such amounts required for a dividend in excess of 6.0% shall have been earned in the dividend period for which it is declared unless approved by the commissioner. Further, no dividend shall exceed the rate of 7.0% per annum unless the reserves of the credit union are in excess of delinquent loans (excluding federally insured loans) by at least 5.0% of total loans (excluding federally insured loans), unless approved by the commissioner in writing.]

(b)-(c) (No change)

Issued in Austin, Texas, on January 28, 1981.

Doc No 810700

John P. Parsons
Commissioner
Credit Union Department

Effective Date February 4, 1981

Expiration Date June 4, 1981

For further information, please call (512) 837-9236.

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

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

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

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CODIFIED

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Credit Union Regulations

Regulatory Body

The Credit Union Department proposes to amend §91.85 (058.01.11.005) of this title (relating to Examination Fees) which is applicable to the fee paid by a state-chartered credit union for the examination conducted by the department's examiner staff. The examination determines the credit union's compliance with the state statute, and those sections promulgated under the provisions of the statute, and determines the credit union's liquidity. These amendments are considered necessary to provide newly chartered credit unions, and those credit unions in their early growth stage, some expense relief.

The Credit Union Department's staff has determined that there are no fiscal implications for the state or for units of local government.

Public comment should be submitted in writing to John P. Parsons, commissioner, Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752.

These amendments are proposed under the authority of the Texas Credit Union Act, Articles 2461-1, et seq., Vernon's Texas Civil Statutes.

§91.85 (058.01.11.005) Examination Fees

(a) Effective **April 13, 1981**, [October 20, 1980.] the fee for examination of a state chartered credit union shall be:

(1) (No change.)

(2) **Initial examination of newly chartered credit unions shall be made at 50% of the regular examination rate (\$96 per examiner day or \$12 per examiner hour).**

(3) **Credit unions with total assets less than \$200,000 shall be charged 75% of the regular rate (\$144 per examiner day or \$18 per examiner hour).**

(4) (2) Special examinations. If the commissioner or deputy commissioner schedules a special examination in addition to the regular annual examination, the examination fee shall be as scheduled, except the commissioner may waive the examination fee or reduce the fee as he deems appropriate. Such waivers or reductions shall be in writing and signed by the commissioner.

(5) (3). The fee for the final examination of credit unions in liquidation shall be as set above in this section, except that the commissioner may waive or reduce the fee as he deems appropriate.

(b) Method of application of examination fee.

(1) (No change.)

(2) A minimum of two hours shall be charged for the preparation of each examination report by the home office on each examination, except those subject to subsection (a) (5) (3) of this section. Where special problems exist requiring extensive extra preparation and typing, additional fees may be billed with explanation from the commissioner or deputy commissioner, but in no event shall report preparation fee assessment exceed a charge of four hours.

(3) (No change.)

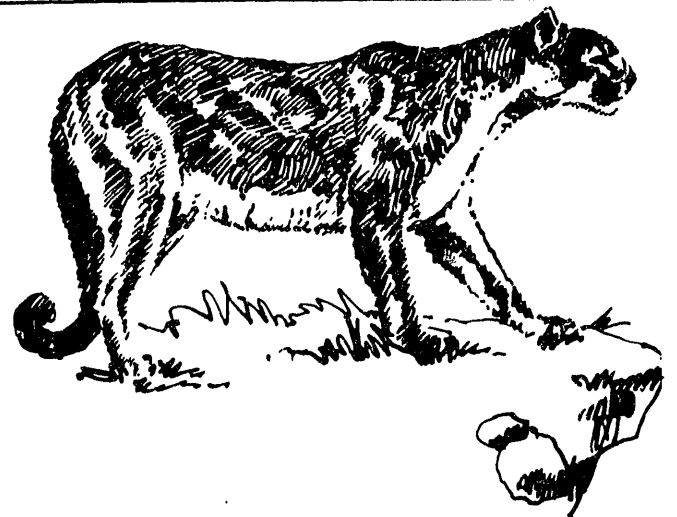
Issued in Austin, Texas, on January 28, 1981.

Doc. No. 810724

John P. Parsons
Commissioner
Credit Union Department

Proposed Date of Adoption, March 9, 1981

For further information, please call (512) 837-9236.



TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

Chapter 23. Administrative Procedures

The Teacher Retirement System of Texas proposes to amend §23.0 (334.02.00.005) of this title (relating to Nominations for Appointment to the State Board of Trustees). A change in the law made by the 66th Legislature provides that there be two public school district members, one institution of higher education member, and one retiree member on the board of trustees. This change in the section implements that change in the law. The section changes provide who may sign a petition and set out the positions as they are created by the Texas Education Code, Section 3.09(d). Some minor style changes are made. No other substantive changes are made in the section.

The staff of Texas Retirement System of Texas has determined that there are no fiscal implications for the state or any unit of local government that would result from these amendments.

Public comment is invited and should be submitted in writing to Bruce Hineman, executive secretary, 1001 Trinity, Austin, Texas 78701.

These amendments are proposed under authority of Sections 3.09(d) and 3.09(j) of the Texas Education Code.

§23.0 (334.02.00.005) *Nominations for Appointment to the State Board of Trustees* [Nomination of Active Members and Retirees for Appointment to the State Board of Trustees]

(a) During any calendar year in which the term of office of a *public school district member, institution of higher education member*, [an active teacher] or retired teacher member expires, the Teacher Retirement System of Texas will conduct an election between September 1 and October 1 to select the nominees to be considered by the governor for appointment to the position.

(b) *Public school district* [Active teacher] members of the system *who are currently employed by a public school district* may have their names listed on the official ballot as candidates for nomination to a *public school district* [an active teacher] position by filing an official petition bearing the signature, printed or typed name, and social security number of 500 [active] members of the *retirement system whose most recent credited service is or was performed for a public school district. Institution of higher education members of the system who are currently employed by an institution of higher education may have their names listed on the official ballot as candidates for nomination to the institution of higher education position by filing an official petition bearing the signature, printed or typed name, and social security number of 500 members whose most recent credited service is or was performed for an institution of higher education.* Retired teachers may have their names listed on the official ballot as candidates for nomination to the retired teacher position by filing an official petition bearing the signature, printed or typed name, and social security number of at least 100 retirees of the system. Official petition forms shall be available from the Teacher

Retirement System of Texas, 1001 Trinity, Austin, Texas 78701. Official petitions must be filed by July 1 of the calendar year in which the election is to be held. A qualified *public school district member, institution of higher education member*, or retiree may sign more than one candidate's petition *as long as they are eligible to vote in the election of the candidate or candidates for whom they are signing.*

(c) (No change.)

(d) When a vacancy of a *public school district member, institution of higher education member*, [an active teacher] or retired [teacher] member occurs for a reason other than the expiration of a term of office, the Board of Trustees may conduct an election at any time they determine appropriate. The Board of Trustees *shall* [will] establish deadlines for filing petitions, the date of mailing ballots, the date for returning ballots, and any other necessary details related to the election process.

(e) When more than one *public school district member* [active teacher] position on the Board of Trustees is being contested at the same election, each candidate shall specify on his or her petition which position he or she is seeking by indicating expiration date of the term of office sought. Petitions which fail to specify shall be returned to the candidates for completion if time permits. Failure to designate a specific position by the deadline shall disqualify the candidate. When more than one position is contested at the same election, a person may be a candidate for only one of the positions.

Issued in Austin, Texas, on January 30, 1981.

Doc. No. 810745

Bruce Hineman
Executive Secretary
Teacher Retirement System of Texas

Proposed Date of Adoption March 13, 1981

For further information, please call (512) 477-9711, ext 213

NONCODIFIED

Texas Education Agency

Planning and Accreditation

Principles, Standards, and Procedures for the Accreditation of School Districts 226.37.15

The Texas Education Agency proposes to amend the section on Industrial Arts in the List of Approved Subjects and Courses, Grades 7-12. The proposed list of courses suggests a framework for industrial arts organized around visual communications, energy and power, and production technology. Other suggested changes include deleting courses, changing titles, adding courses, and consolidating courses. The proposed list of courses was developed by consultation with industrial arts classroom teachers, supervisors, and teacher educators in the state. This curriculum framework was reviewed and recommended for approval by the State Commission on School Accreditation during its meeting on December 4, 1980.

These changes are to be effective for the 1981-82 school year with full implementation desired by 1983-84. The Textbook Proclamation (March 1981) calling for materials for industrial arts will be based upon the revised list of courses.

No changes in subsections (a) (d) of the rule are proposed. They are submitted to help readers understand the information in the list of courses. Only the industrial arts section of the list is shown. No changes are proposed in any other section of the list.

The Texas Education Agency does not anticipate that the proposed amendments will have state or local fiscal implications.

Public comment on the proposed amendments is invited and may be submitted by telephoning the office of Dr. Beverly J. Bardsley, policy analyst, Department of Policies and Services, at (512) 475-7077, or by writing to her at 201 East 1101 Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 10 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These amendments are proposed under the authority of Sections 11.26(a)(9) and 21.121, Texas Education Code

310 List of Approved Subjects and Courses, Grades 7-12

(a) The following list describes approved subjects and courses to be offered in grades 7-12 and indicates the amount of time for each subject in grades seven and eight and the number of units of credit that can be awarded for each course in grades 9-12.

(b) (Note: The grade placements shown in the list are based on instructional materials including textbooks and on

curriculum frameworks. Variation from the listed grade placements may be made for an individual student by appropriate local school district officials when such variation is determined to be in the best interest of the individual student.)

(c) Courses offered for a unit of credit in grades 9-12 are scheduled for a minimum of 160 clock hours of class instruction. A course may be considered completed and credit awarded under either of the following conditions:

(1) the student has been enrolled in a course scheduled for the minimum clock hours and has made satisfactory progress;

(2) the student has demonstrated achievement by meeting the standard requirements of the course, regardless of the time he or she has been enrolled in the course.

(d) (Note: A unit of credit is the equivalent of the study of a subject that is scheduled for a minimum of 160 clock hours, which traditionally is one 50-minute period per day for the school year. A 1.2 unit of credit is 80 clock hours. This definition is based on the usual operation of schools. Deviations from the usual operation are acceptable for meeting the unit of credit so long as the school makes available the amount of time required to permit the individual to meet the acceptable achievement standards for the course.)

(Editor's note: See List of Approved Subjects and Courses, Grades 7-12, pages 541 - 546.)

Issued in Austin, Texas, on January 16, 1981.

Doc No. 810713 A. O. Bowen
Commissioner of Education

Proposed Date of Adoption: March 14, 1981
For further information, please call (512) 475-7077

List of Approved Subjects and Courses, Grades 7-12

Subjects Courses	Grade Placement	65 CLOCK HOURS MINIMUM	Semester Plan		Prerequisite and Other Information
			Time (7-8) or Credit (9-12)		
<u>Industrial Arts</u>					
INTRODUCTORY INDUSTRIAL ARTS	6-8	65			
GENERAL INDUSTRIAL ARTS	9-12	1/2 - 1	UNIT		
INDIVIDUAL PROBLEMS	11-12	1/2 - 1	UNIT		HIGHEST LEVEL COURSE IN A TECHNOLOGY
<u>INDUSTRIAL ARTS - VISUAL COMMUNICATIONS TECHNOLOGY</u>					
GENERAL DRAFTING	9-12	1/2 - 1	UNIT		
ENGINEERING GRAPHICS	10-12	1/2 - 1	UNIT		GENERAL DRAFTING
ARCHITECTURAL DRAFTING	10-12	1/2 - 1	UNIT		GENERAL DRAFTING
ADVANCED ARCHITECTURAL DRAFTING	11-12	1/2 - 1	UNIT		ARCHITECTURAL DRAFTING
TECHNICAL DRAFTING	10-12	1/2 - 1	UNIT		GENERAL DRAFTING
ADVANCED TECHNICAL DRAFTING	11-12	1/2 - 1	UNIT		TECHNICAL DRAFTING
GENERAL GRAPHIC ARTS	9-12	1/2 - 1	UNIT		
ADVANCED GRAPHIC ARTS	10-12	1/2 - 1	UNIT		GENERAL GRAPHIC ARTS
GENERAL PHOTOGRAPHY	9-12	1/2 - 1	UNIT		

List of Approved Subjects and Courses, Grades 7-12

Subjects Courses	Grade Placement	Semester Plan Semester Time (7-8) or Credit (9-12)	Prerequisite and Other Information
ADVANCED PHOTOGRAPHY	<u>10-12</u>	<u>1/2 - 1</u> UNIT	GENERAL PHOTOGRAPHY
GENERAL COMPUTER APPLICATIONS	<u>9-12</u>	<u>1/2 - 1</u> UNIT	
<u>INDUSTRIAL ARTS - ENERGY/POWER TECHNOLOGY</u>			
GENERAL POWER SYSTEMS	<u>9-12</u>	<u>1/2 - 1</u> UNIT	
ADVANCED POWER SYSTEMS	<u>10-12</u>	<u>1/2 - 1</u> UNIT	GENERAL POWER SYSTEMS
GENERAL ELECTRICAL SYSTEMS	<u>9-12</u>	<u>1/2 - 1</u> UNIT	
ADVANCED ELECTRICAL SYSTEMS	<u>10-12</u>	<u>1/2 - 1</u> UNIT	GENERAL ELECTRICAL SYSTEMS
GENERAL TRANSPORTATION SYSTEMS	<u>9-12</u>	<u>1/2 - 1</u> UNIT	
ADVANCED TRANSPORTATION SYSTEMS	<u>10-12</u>	<u>1/2 - 1</u> UNIT	GENERAL TRANSPORTATION SYSTEMS
GENERAL ENERGY SYSTEMS	<u>9-12</u>	<u>1/2 - 1</u> UNIT	
ALTERNATE ENERGY SYSTEMS	<u>10-12</u>	<u>1/2 - 1</u> UNIT	GENERAL ENERGY SYSTEMS
<u>INDUSTRIAL ARTS - PRODUCTION TECHNOLOGY</u>			
GENERAL MANUFACTURING PROCESSES	<u>9-12</u>	<u>1/2 - 1</u> UNIT	

List of Approved Subjects and Courses, Grades 7-12

Subject Courses	Grade Placement	Semester Plan Semester Time (7-8) or Credit (9-12)	Prerequisite and Other Information
GENERAL CONSTRUCTION PROCESSES	<u>9-12</u>	<u>1/2</u> - <u>1</u> UNIT	
GENERAL WOODWORKING	<u>9-12</u>	<u>1/2</u> - <u>1</u> UNIT	
ADVANCED WOODWORKING	<u>10-12</u>	<u>1/2</u> - <u>1</u> UNIT	GENERAL WOODWORKING
GENERAL METALWORKING	<u>9-12</u>	<u>1/2</u> - <u>1</u> UNIT	
ADVANCED METALWORKING	<u>10-12</u>	<u>1/2</u> - <u>1</u> UNIT	GENERAL METALWORKING
GENERAL PLASTICS	<u>9-12</u>	<u>1/2</u> - <u>1</u> UNIT	
ADVANCED PLASTICS	<u>10-12</u>	<u>1/2</u> - <u>1</u> UNIT	GENERAL PLASTICS
GENERAL CERAMICS	<u>9-12</u>	<u>1/2</u> - <u>1</u> UNIT	
GENERAL LEATHERWORKING	<u>9-12</u>	<u>1/2</u> - <u>1</u> UNIT	
GENERAL JEWELRY	<u>9-12</u>	<u>1/2</u> - <u>1</u> UNIT	

Industrial Arts

[Crafts

General Crafts	9-12	$\frac{1}{2}$ - 1 unit
Ceramics	10-12	$\frac{1}{2}$ - 1 unit
Jewelry	10-12	$\frac{1}{2}$ - 1 unit
Leatherworking	10-12	$\frac{1}{2}$ - 1 unit
Plastics	10-12	$\frac{1}{2}$ - 1 unit]

[Drafting

General Drafting	9-12	$\frac{1}{2}$ - 1 unit	General Drafting
Architectural Drafting I	10-12	$\frac{1}{2}$ - 1 unit	Architectural Drafting I
Architectural Drafting II	11-12	$\frac{1}{2}$ - 1 unit	General Drafting
Machine Drafting I	10-12	$\frac{1}{2}$ - 1 unit	Machine Drafting I
Machine Drafting II	11-12	$\frac{1}{2}$ - 1 unit	Machine Drafting I
Pre-Engineering Descriptive Geometry	12	$\frac{1}{2}$ - 1 unit	Algebra IV, Geometry
Pre-Engineering Drafting	10-12	$\frac{1}{2}$ - 1 unit	Geometry]

List of Approved Subjects and Courses, Grades 7-12

Subjects Courses	Grade Placement	Semester Plan		Prerequisite and Other Information
		Semester Time (7-8) or Credit (9-12)		
[Technical Drafting I	10-12	½ - 1 unit		General Drafting
Technical Drafting II	11-12	½ - 1 unit		Technical Drafting I]
<u>[Electricity-Electronics</u>				
General Electricity	9-12	½ - 1 unit		
Basic Electronics	10-12	½ - 1 unit		General Electricity]
<u>[Graphic Arts</u>				
General Graphic Arts	9-12	½ - 1 unit		
Photography I	10-12	½ - 1 unit		
Photography II	11-12	½ - 1 unit		Photography I
Printing I	10-12	½ - 1 unit		
Printing II	11-12	½ - 1 unit		Printing I]
<u>[General Shop</u>				
Introductory General Shop	7-8	65 clock hours minimum		
General Shop I	9-12	½ - 1 unit]		

List of Approved Subjects and Courses, Grades 7-12

Subjects Courses	Grade Placement	Semester Plan Semester Time (7-8) or Credit (9-12)	Prerequisite and Other Information
[General Shop II	10-12	½ - 1 unit	General Shop I]
<u>[Industrial Materials and Processes</u>			
Introductory Construction Technology	7-8	65 clock hours minimum	
Introductory Manufacturing Technology	7-8	65 clock hours minimum	
Industrial Materials and Processes	10-12	½ - 1 unit]	
<u>[Metal Working</u>			
General Metalworking I	9-12	½ - 1 unit	
General Metalworking II	10-12	½ - 1 unit	General Metalworking I]
<u>[Power Mechanics</u>			
General Power Mechanics I	9-12	½ - 1 unit	
General Power Mechanics II	10-12	½ - 1 unit	General Power Mechanics I]
<u>[Woodworking</u>			
General Woodworking	9-12	½ - 1 unit]	
[Machine Woodworking	10-12	½ - 1 unit	General Woodworking]

Texas Department of Human Resources

Legal Services

Contract Administration 326.79.06

The Texas Department of Human Resources proposes to amend its rules regarding contract administration. In doing so, the department is modifying the procurement process in an effort to further ensure and document that the best possible quality of services is being purchased at the best price for the clients served. This modification is necessary to address the increasing service needs of clients, the increasing interest of contractors in providing such services, and the limited state and federal funds available for the provision of services. In addition, state and federal officials have emphasized the need for increased openness of the procurement process. Providers and potential providers have also identified the need for more consistent application of the department's procurement process across the state. As a result of the knowledge gained from past experiences and the recent emphasis, the procurement process has been modified to allow for a more standardized application of the procurement procedures.

The decision has been made to implement the procurement process effective the beginning of state fiscal year 1982 for the following service areas: day care provider and training contracts, family planning (Title XX), family violence, medical transportation, and family care— to include services currently encompassed by family care, chore, and homemaker services (primary home care to be included as an amendment to the family care contracts).

While the process will be applied to all contracts in the above service areas that expire after August 31, 1981, contract awards under the process will be effective November 1, 1981. This will require that all current contracts that terminate in August or September of 1981 be extended for 60 and 30 days respectively so that the award may be made effective November 1, 1981, utilizing the competitive procurement process.

The objective of these rule amendments therefore is to develop and implement a new statewide planning and contractor selection process which will satisfy federal and state rules and intent regarding procurement, will encourage high-quality services at the lowest cost to the department; will provide an open environment for the participation of all interested potential contractors, and which will operate with procurement procedures consistently applied across the state.

Over the past few years, the department has developed contracts and assisted numerous organizations to become viable service providers. Presently, there is more demand by clients for services, and more demand by contractors to provide services, than there are funds available to purchase and manage them. The result is that contractors have begun to compete more strongly for funds and to demand that the state better justify and document its procurement decisions. There is also an increasing emphasis by state and federal officials that the department further maximize competition and further satisfy laws and regulations applicable to procurement.

The basic purposes of the procurement process are to plan by Regional/State Office units on a regular, periodic basis the

client services which the department desires to purchase; to notify the public of the department's procurement interest; to require potential contractors to formally express within a set time period their interest, qualifications, and proposed service products, and to procure services from those qualified offerors best able to provide high quality services for the lowest cost consistent with the department's expressed procurement interests and criteria.

The procurement process is intended to cover client services contracts as distinct from management contracts, equipment contracts, and consultant contracts, except for the following which may be excluded from the process: Child Welfare Board agreements; noncompetitive sole source procurements such as contracts for special projects to meet urgent needs (to be approved by executive staff), and agreements with individual service providers (such as physician and pharmacy providers of services under the Title XIX Medicaid programs, individual day homes for child care, and individual homemaker service providers).

Competitive procurement is not a federal requirement for contracting with tax-supported agencies; however, they may be included in all phases of the procurement process (such as planning). Small purchases (contracts less than \$10,000) are not required but may be formally advertised through the competitive procurement process.

The department has determined that the proposed amendments will have no fiscal implications for the state or units of local government. These rule amendments are a clarification or standardization of existing policy.

A hearing to accept comments on the proposed amendments will be held on February 24, 1981, at 9:30 a.m. in the Texas Department of Human Resources board room, 706 Banister Lane, Austin. Written comments are also invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division— 010, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

001 Contract Administration The department has the authority to contract for services including direct delivery of services to clients. These services usually cannot be so precisely prescribed in a specification that a decision can be made on price alone. Therefore, negotiation using competition to the maximum extent feasible is the principal method for direct contract procurement by the department. Formal advertising will be used when it is possible to describe completely the services desired so that price alone is the deciding factor. The following are required for all contracts for services:

(1) (3) (No change.)

(4) Extent of competition. [The rules on competition do not apply to procurements utilizing donated match funds or to family planning contracts. All other] Procurement transactions are to be conducted in a manner that provides maximum open and free competition. Positive efforts are to be made to avoid any restriction of competition. The department will not restrict competition for subcontracts by directing its contractors to use a particular subcontractor. The department will review the award of subcontracts to ensure that sound procurement practices are being followed.

(5) (9) (No change.)

003 Procurement Procedures

(a) A fundamental principle in government procurement is to obtain the most effective use of public monies. To ensure this, all procurement transactions are conducted in a manner to provide maximum open and free competition. Formal advertising is the preferred method of procurement with negotiation as the alternative. Formal advertising, when price alone is the selection criterion, is satisfactory for the purchase of goods or services that can be completely and accurately described in a specification. By state law the Board of Control is responsible for the purchasing of all goods and real property and the leasing of real property. The following procedural requirements are in effect:

(1)-(3) (No change)

(b) *The following procedural requirements are in effect in the competitive procurement process.*

(1) *Regions will supply the following information to the State Office: services to be provided; geographic areas to be serviced; time periods to be covered; funds available based upon current knowledge of federal and state appropriation plans; need for donor match; and the location of the regional contact office. Based on information supplied by the regions, the State Office will notify the public of the availability of information on the department's procurement interests through media advertising. The public notification will also indicate where and how more detailed information can be obtained.*

(2) *Those interested in contracting to provide services will request information in the manner indicated in the public notification. Detailed information on the department's procurement interests will be distributed by Regional/State Office units to known potential contractors simultaneously with the public notification.*

(3) *Regional/State Office units will distribute procurement packages to known potential contractors and to others upon request. This package may be considered a request for an offer from a potential contractor (that is, it may be considered a request for proposal or an invitation for bid). Each package will contain information regarding the contracting process; general and service-specific requirements; service description; service standards; time period to be covered; sample contract forms; general cost guidelines; and evaluation criteria.*

(4) *An offer will be submitted by a potential contractor who wishes to be considered at the time a Regional/State Office unit proceeds to contract for a service in a particular area. The potential contractor will respond to the requirements as stated in the specific procurement package, which may include geographic area to be covered, amounts of service to be provided for specific amounts of funds, resources which can be donated for match, date service can begin, past experience in service delivery (including financial management experience), and certification of compliance with the funding and general and service-specific requirements set forth in the specific procurement package.*

(5) *It will be necessary for Regional/State Office units to verify the information conveyed by offerors to be certain that the general and service-*

specific requirements are met. This may entail on-site visits as well as contact with knowledgeable sources.

(6) *Regional/State Office units will initially evaluate the offers submitted to determine which offerors meet the general and service-specific screening requirements expressed. In the second step, qualified offerors will be evaluated according to criteria covering three general areas: competence and suitability of the offeror to fulfill the department's procurement requirements; costs; and the experience/quality of past performance.*

(7) *Each Regional/State Office unit may then proceed with one of the following procurement actions:*

(A) *For those procurements for which there is only one interested offeror, a sole source procurement may be negotiated if the offeror meets the general and service-specific requirements of the procurement.*

(B) *For those procurements for which no potential contractor has expressed interest, or for which no offeror meets the basic requirements, the Regional/State Office unit may attempt to develop an interest on the part of a qualified, potential contractor as an alternative having no services provided in that area.*

(C) *If several qualified offerors all propose to fulfill the same procurement, two options exist for the Regional/State Office unit: the Regional/State Office unit may negotiate with each offeror in the competitive range and select the most acceptable offeror(s), or the Regional/State Office unit may select the most acceptable offeror(s) based upon evaluation against the criteria in the procurement package.*

(D) *The Regional/State Office unit may reject any or all offers if judged to be in the department's best interest.*

(8) *Procurements under this process may be renewed annually at the option of the Regional/State Office unit for a period not to exceed four years without being subject to further competition.*

Issued in Austin, Texas, on January 28, 1981

Doc No 810691 Marlin W. Johnston
Acting Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: March 9, 1981
For further information, please call (512) 441-3355

Texas Department of Mental Health and Mental Retardation

Other Agencies and the Public

Departmental Procedures for Outreach Programs
302.03.09

The Texas Department of Mental Health and Mental Retardation proposes to amend Rules 302.03.09.001, .003, and .010 which govern departmental procedures for outreach programs. The proposed amendment would add a new subsection (e) to Rule .001 which would broaden the purpose of this subchapter of rules so that it would include departmental

procedures governing the operation and/or utilization of community based residential programs/services. The proposed amendment to Rule .003 would add a new subsection (m) which would define community based residential programs/services to mean residential programs/services provided directly by state facilities or by contract. The proposed amendment to Rule .010 would change the format of the existing rule so that it would contain two subsections, (a) and (b). Existing subsections (a) (g) would be renumbered as subsection (a)(1)-(8). The proposed amendment would establish procedures whereby community MH/MR centers could bid to provide services by contract to departmental facilities that design such services in the county served by the community MH/MR center.

The proposed amendments will have no known fiscal implications for the state or for units of local government (source: Legal and Claims Division).

Public comment on the proposed amendments is invited. Persons may submit their comments by writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephoning (512) 464-3761.

The amendments to Rules .001, .003, and .010 are proposed under the authority contained in Section 2.11(b) of Article 5.047-202, Texas Civil Statutes, and Section 4.01 of Article 5.047-204, Texas Civil Statutes.

001 Purpose The purpose of these rules is:

(1)-(4) (No change)

(5) *To establish departmental procedures governing the operation and/or utilization of community-based residential programs/services.*

003 Definitions In these rules:

(a) (b) (No change)

(m) *Community-based residential programs/services means residential programs/services provided directly by state facilities or by contract.*

010 Requirements for Contracts for the Operation of Outreach Programs [with Local Sponsors]

(a) Contracts for the operation of outreach programs with local sponsors shall include but shall not necessarily be limited to

- (1) (a) a statement of the purpose of the contract;
- (2) (b) the minimum number of clients to be served;
- (3) (c) a statement that the program shall provide not less than existing levels of service;
- (4) (d) the location of the program for which the contract is being drawn;
- (5) (e) the maximum amount of dollars to be expended under the contract;
- (6) (f) services to be performed;
- (7) (g) a statement that the local sponsoring group shall contribute an amount not less than 10% of the program costs;
- (8) (h) a statement establishing the level of cash-in-kind support.

(b) *If a department facility desires to contract for programs/services in counties served by community MH/MR centers, the facility should first ask the center to bid on such a contract. If the center does not desire to provide such services under such a contract or if the center's bid is considered unreasonable by the facility, the facility can offer the contract to the agency with the most cost-effective bid (not necessarily the least costly.) If the center's bid is considered unreasonable by the facility and another agency is offered the contract, the center can appeal the facility's decision (on grounds that its bid is not cost effective) to the deputy commissioner for mental health or mental retardation and the deputy commissioner for community services before the contract is signed by the department. Any such contract between a facility and any community agency to deliver services within a center's catchment area must be approved by both the deputy commissioner for community services and mental health or mental retardation.*

Issued in Austin, Texas, on January 28, 1981

Doc No 810702

John J. Kavanagh, M.D.

Commissioner

Texas Department of Mental Health and
Mental Retardation

Proposed Date of Adoption March 9, 1981

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

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

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

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

CODIFIED

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

Chapter 5. Budget and Planning Office

Intrastate Allocation Procedures for Federal Coastal Energy Impact Program Assistance

The Governor's Budget and Planning Office amends §§ 124 to 126, 129, and 130 (001 60 11 001 006 009, and 600) of this title concerning the intrastate allocation of financial assistance allotted to the State of Texas under the Federal Coastal Energy Impact Program (CEIP). No comments were received from the public, and no changes have been made in the proposed text as published in the June 17, 1980 issue of the *Texas Register* (5 TexReg 239). The Budget and Planning Office was notified by the acting deputy administrator of the National Oceanic and Atmospheric Administration on December 29, 1980, that the proposed revisions were approved in accordance with Section 308(g)(2) of the Coastal Zone Management Act of 1972, as amended.

These amendments are necessary to incorporate changes included in new final Coastal Energy Impact Program administrative regulations (45 Code of Federal Regulations Part 931) published by the National Oceanic and Atmospheric Administration in the *Federal Register* on May 21, 1979. In addition, these amendments delete references to the now defunct Natural Resources Council and substitute the Texas Energy and Natural Resources Advisory Council as its successor.

These amendments are adopted under authority of Article 4413c(2a), Vernon's Texas Civil Statutes.

§5 121 (001 60 11 001) *Relationship to the Texas Coastal Management Program*. Coastal Energy Impact Program activities are intended to complement and support work accomplished through the Texas Coastal Management Program, which was organized pursuant to Section 303, or will be organized pursuant to Section 306, of the Coastal Zone Management Act of 1972 as amended (Public Law 92-583). The Texas Energy and Natural Resources Advisory Council (TENRAC) is the responsible agency for administering the Texas Coastal Management Program. The Budget and Planning Office will work closely with the Texas Energy and Natural Resources Advisory Council to ensure that these two functions are coordinated.

§5 125 (001 60 11 005) *Intrastate Allocation Process Requirement*

(a) (No change.)

(b) Section 931.112 of the final regulations (*Federal Register*, May 21, 1979) requires that an intrastate allocation process be developed by an eligible state and approved by the associate administrator of the Office of Coastal Zone Management. The purpose for these sections is to comply with the intrastate allocation process development requirement and to describe in detail the criteria and methodologies which will be used for allocating the annual share of Coastal Energy Impact Program assistance available to the State of Texas.

(c) (No change.)

§5 126 (001 60 11 006) *Allocation Criteria and Procedures*. Each year the Office of Coastal Zone Management will notify the State of Texas of the amount of assistance available in each funding category. This section describes procedures, criteria, and methods which will be used by the Budget and Planning Office to allocate this assistance each year among eligible applicants within each funding category.

(1) Planning Grants (Section 308(c)(1) of Public Law 94-370)

(A) (No change.)

(B) Allocation process and formula. A priority point system will be utilized each year in determining a target funding level for planning funds on a county-by-county basis. Each project appearing on the planning inventory utilized by the Office of Coastal Zone Management in establishing the State of Texas allocation for that fiscal year will be rated as indicated on Chart A. After all projects on the Office of Coastal Zone Management Planning Inventory have been rated in this format, target funding levels for each county will be established. County target funding amounts will be the sum of a base amount for each eligible county plus a proportional amount of the remaining allocation based on the ratio of points for all projects in that county to the total points for all projects in the State of Texas.

(C) Eligible applicants for planning grants. Due to limited planning funds, the size of the area to be covered and the specific needs of high-impact areas, eligible applicants shall be county governments or a county designee, which is a political subdivision of the state and has jurisdiction within that county. In those cases where the county government does not apply for the targeted funds or does not designate an appropriate applicant, the Budget and Planning Office may increase the allocations among those eligible counties which desire to participate. Funds necessary for program administration at the state level may be deducted from the total allotment prior to establishing target amounts.

(D) (No change.)

(2) Public facilities and public services. (Sections 308(d)(1) and (2) of Public Law 94-370).

(A) Purposes and scope. Credit assistance is available in the form of direct loans or guarantees of loans or bonds for the purpose of providing new or improved public facilities and services required as a result of coastal energy activity, especially when there will be a time lag between the time a facility is needed and the time the new facility and residents are generating local revenues. Eligible applicants for credit assistance will include only units of state or local governments empowered by the Texas Constitution, state law, or local ordinance to accept loans, bond guarantees, and other credit assistance provided through this program. The term "public service" has a specific meaning for the Coastal Energy Impact Program and is described in Section 931.42(c) of the federal regulations (*Federal Register*, May 21, 1979). The term "public facility" also has a restricted meaning and is defined in Section 931.42(a) of the federal regulations (*Federal Register*, May 21, 1979). Types of public facilities, however, which generally qualify for assistance are listed below:

(i) (No change.)

(ii) Environmental protection. Facilities and equipment used to improve, monitor, or prevent degradation of air, water, noise, or solid waste standards; prevent or mitigate damage to environmental or recreational resources; assure the continued viability of fish, shellfish, and wildlife habitat; prevent or control erosion. Land acquisition for environmental protection.

(iii) Government administration. Facilities and equipment essential for general government administration.

(iv) Health care. Emergency medical facilities and equipment including ambulances, clinic and hospital buildings and equipment, alcohol and drug abuse centers; emergency shelter and sanitary facilities; and epidemiological screening or other assistance to assure community health.

(v)-(vii) (No change.)

(viii) Public utilities. Electric generating plants and distribution systems, natural gas distribution systems; solid waste collection systems; waste collection and treatment systems, including drainage; water supply systems; and telephone systems.

(ix) Housing. Single and multifamily housing owned and operated by a public entity and all necessary public infrastructure to support public housing developments.

(B) (No change.)

(3) (No change.)

(4) Formula grants. (Section 308(b) of Public Law 94-370)

(A) Purposes and scope. Formula grants are awarded to the State of Texas annually on the basis of three factors in a formula calculated from the previous fiscal year data. These factors are newly leased outer continental shelf (OCS) acreage adjacent to Texas, volume of oil and natural gas produced from the federal OCS adjacent to Texas, and volume of oil and natural gas first landed in Texas. Formula grants are the primary source of funding for environmental or recreational losses grants. Formula grants may be used as a secondary source of funding for planning grants or for public facilities and public services assistance.

(B) Allocation process. Allocation of formula funds will be made in accordance with procedures prescribed

for the three types of assistance described above in §§.126(1), (2), and (3) (006(1), (2), and (3)) of this section.

§5 129 (001 60 11 009) Notice of Allocation Recommendations. After the Budget and Planning Office has screened all applications for accuracy and completeness and has ranked applications in accordance with procedures described herein, a recommended list of applications by funding type will be established. The Texas Energy and Natural Resources Advisory Council will verify compatibility and consistency with its coastal management plans and activities. As soon as this verification action is completed, notice of allocation recommendations will be published by funding type in the *Texas Register*.

§5 130 (001 60 11 010) Appeals Process

(a) Method of appeal.

(1) Units of local government may appeal the recommendations of the Budget and Planning Office on the basis of:

(A) the results of the allocation decisions, or

(B) whether the Budget and Planning Office complied with the intrastate allocation process described herein.

(2) Appeals must be submitted in writing to the following address and received not later than 30 days after publication of the notice of allocation recommendations in the *Texas Register*: Office of the Governor, Budget and Planning Office, P.O. Box 13561, Capitol Station, Austin, Texas 78711. The Budget and Planning Office will screen all appeals, discuss with each appellant the basis for its actions, and, whenever possible, reconcile differences. Appeals which cannot be resolved through direct discussions with the appellant will be referred to a special appeals officer.

(b) Appeals officer. The appeals officer will be appointed by the governor from among the members of the Texas Energy and Natural Resources Advisory Council. Not later than 30 days after the deadline for receipt of written appeals, the appeals officer will hold a hearing. At that time, all applications being appealed together with supporting documentation and rating scores will be made available to the appeals officer. The appeals officer, at his or her own discretion, may request additional evidence or exhibits relevant to the appeal. A formal record of the hearing will be produced. The appeals officer will render a written decision on each appeal and the decision will be referred to the Budget and Planning Office. In accordance with provisions of federal regulations (*Federal Register*, May 21, 1979, Section 931.114), a unit of local government may appeal directly to the associate administrator for coastal zone management to determine whether the Budget and Planning Office complied with this intrastate allocation process. However, an appeal to the associate administrator must be made within 30 days after the unit of local government has exhausted the appeals procedure before the appeals officer.

(Editor's note: See Chart A, page 552.)

Issued in Austin, Texas, on January 30, 1981.

Doc. No. 810751 Paul T. Wrotenberry, Director
Budget and Planning Office
Office of the Governor

Effective Date: February 20, 1981

Proposal Publication Date: June 17, 1980

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

CHART A Planning Grants

County _____

Facility _____

**Points
Assigned**

**IMMEDIACY
OF IMPACTS**

TIMING OF FACILITY APPROVAL AND CONSTRUCTION
Approval _____ Construction _____ Completion _____

Construction underway	25
Completion within next fiscal year	20
Approval within current fiscal year	15
Approval within next fiscal year	10
Project in preliminary planning	5

**NEEDS
FACTORS**

PLANNING NEEDS FACTORS*

$$(PCE + POE) \times \left(N + \left[\frac{S + PD}{2} \right] \right)$$

$$\left(\underline{\quad} + \underline{\quad} \right) \times \left(\underline{\quad} + \left[\frac{\underline{\quad} + \underline{\quad}}{2} \right] \right) = \underline{\quad}$$

Where PCE = Peak Construction Employment
 POE = Peak Operating Employment
 N = Environment Factor
 S = Safety Factor
 PD = Population Density Cod-

*From Office of Coastal Zone Management Planning Inventory

Under 1,000	score =	1	point for each 100 score
1,000 - 2,999	score =	10	points for each 1,000 score plus 1 point for each 200 score over 1,000
3,000 - 5,999	score =	20	points for each 3,000 score plus 1 point for each 300 score over 3,000
6,000 - 9,999	score =	30	points for each 6,000 score plus 1 point for each 400 score over 6,000
10,000 - 14,999	score =	40	points for each 10,000 score plus 1 point for each 500 score over 10,000
15,000+	score =	50	points

**PROTECTION
OF THE
ENVIRONMENT**

ENVIRONMENTAL CHARACTERISTICS OF FACILITY
N = _____

If N = 3	score =	25
If N = 2	score =	15
If N = 1	score =	5

Values for N are taken from the Office of Coastal Zone Management Planning Inventory.

TOTAL POINTS _____



TITLE 10. COMMUNITY DEVELOPMENT

Part IV. Texas Housing Agency

Chapter 121. Introductory Provisions

The Texas Housing Agency adopts §§121.1-121.10 (112.01.00.001-.010) of this title (relating to Introductory Provisions). The subject matter of these sections include definitions of terms used by the agency and provisions concerning frequency of board meetings, location of main office, the seal of the agency, and other general information for the public about the new agency.

These sections, which were initially adopted on an emergency basis, are adopted as a part of the sections being issued as a necessary step in the organization of the agency. The Texas Housing Agency was created by the 66th Legislature to assist in making more housing available in the state at a reasonable cost.

These sections are promulgated under the authority of Texas Revised Civil Statutes, Annotated, Article 12691-6 (Supplement 1979).

§121.1 (112.01.00.001) Purposes. The purposes of these rules, regulations, and policies, referred to as "sections," are to implement the authority and duties assigned by the Texas Housing Agency Act, Texas Revised Civil Statutes, Article 12691-6 (Supplement 1979), and other laws, to the Texas Housing Agency, and to simplify procedures, avoid delays and unnecessary expense, and to establish general policies. To the end that these goals be attained, these sections shall be given a fair and impartial construction.

§121.2 (112.01.00.002) Definitions. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

Act- The Texas Housing Agency Act.

Agency- The Texas Housing Agency created by the Act.

Board- The board of directors of the agency.

Bond- Any type of interest-bearing obligation including without limitation any bond, note, bond anticipation note, or other evidence of indebtedness, whether general or special, whether negotiable or nonnegotiable in form, whether in bearer or registered form, whether in temporary or permanent form, whether with or without interest coupons, and regardless of the source of payment.

Contested case- A proceeding, including but not restricted to rate making and licensing in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.

Director- A member of the board.

Federal government- The United States of America, or any department, division, agency, or instrumentality, corporate or otherwise, of the United States of America.

Federally insured mortgage- A mortgage loan for residential housing which is insured or guaranteed by the federal government or for which there is a commitment to insure or guarantee the mortgage by the federal government.

Federal mortgage- A mortgage loan for residential housing made by the federal government or for which there is a commitment by the federal government to make the mortgage loan.

Hearing examiner- The chairman of the board, the executive administrator, or an attorney appointed by the executive administrator.

Housing development costs- The total of all costs incurred in financing, creating or purchasing any housing development, including but not limited to a single-family dwelling, which is approved by the agency as reasonable and necessary. The costs may include but are not limited to:

(A) the value of land and any buildings on the land owned by the sponsor or the cost of land acquisition and any buildings on the land, including payments for options, deposits, or contracts to purchase properties on the proposed housing sites;

(B) cost of site preparation, demolition, and development;

(C) any expenses relating to the issuance of bonds;

(D) fees paid or payable in connection with the planning, execution, and financing of the housing development, such as those to the architects, engineers, attorneys, accountants, and the agency;

(E) cost of necessary studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction;

(F) cost of construction, rehabilitation, reconstruction, fixtures, furnishings, equipment, machinery, and apparatus related to the real property;

(G) cost of land improvements, including without limitation, landscaping and off-site improvements, whether or not the costs have been paid in cash or in a form other than cash;

(H) necessary expenses in connection with initial occupancy of the housing development;

(I) a reasonable profit and risk fee in addition to job overhead to the general contractor and, if applicable, a limited profit housing sponsor;

(J) an allowance established by the agency for working capital and contingency reserves and reserves for any anticipated operating deficits during the first two years of occupancy; and

(K) the cost of the other items, including tenant relocation, if tenant relocation costs are not otherwise being provided for, as the agency shall determine to be reasonable and necessary for the development of the housing development, less any and all net rent and other net revenues received from the operation of the real and personal property on the development site during construction.

Housing development or housing project- Any real or personal property, project, building, structure, facilities,

work, or undertaking, whether existing, new construction, remodeling, improvement, or rehabilitation, which meets or is designed to meet minimum property standards prescribed by the agency and which is financed pursuant to the provisions of the Act for the primary purpose of providing sanitary, decent, and safe dwelling accommodations for persons and families of low income and families of moderate income in need of housing. The term may include buildings, structures, land equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, water sewers, utilities, parks, site preparation, landscaping, stores, offices, and other non-housing facilities, such as administrative, community, and recreational facilities the agency determines to be necessary, convenient, or desirable appurtenances. Housing development and housing project include both single-family dwellings and multifamily dwellings in rural and in urban areas.

Housing sponsor—Individuals, including persons and families of low income or families of moderate income, joint ventures, partnerships, limited partnerships, trusts, firms, corporations, and cooperatives, approved by the agency as qualified either to own, construct, acquire, rehabilitate, operate, manage, or maintain a housing development, subject to the regulatory powers of the agency and other terms and conditions set forth in the Act.

Land development—The process of acquiring land for residential housing construction and making, installing, or constructing nonresidential improvements, including, without limitation, waterlines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, and sidewalks, whether on or off the site, which the agency deems necessary or desirable for housing developments to be financed by the agency.

Mortgage—A mortgage, mortgage deed, deed of trust, or other instrument which constitutes a first lien:

(A) on real property; or

(B) on a leasehold under a lease having a remaining term which at the time the mortgage is acquired does not expire until after the maturity date of the interest-bearing obligations secured by the mortgage

Mortgage lender—Any bank or trust company, savings bank, mortgage company, mortgage banker, credit union, national banking association, savings and loan association, building and loan association, life insurance company, or other financial institution authorized to transact business in the state that is approved as a mortgage lender by the agency.

Mortgage loan—An interest-bearing obligation secured by a deed of trust, a mortgage, bond, note, or other instrument which is a first lien on real property in the state.

Municipality—Any city, town, or village in this state.

Person—Any individual partnership, association, corporation, governmental subdivision, firm, trust, or agency.

Persons and families of low income—Persons and families determined by the board to require assistance as is made available by the Act because of insufficient personal or family income taking into consideration, without limitation, such factors as:

(A) the amount of the total income of such persons and families available for housing needs,

(B) the size of the family;

(C) the cost and condition of housing facilities available;

(D) the ability of the persons and families to compete successfully in the private housing market and to pay the amounts required by private enterprise for sanitary, decent, and safe housing; and

(E) standards established for various federal programs determining eligibility based on income.

Family of moderate income—A family:

(A) that is determined by the board to require assistance, taking into account the factors listed in the definition "persons and families of low income" of this section; and

(B) that does not qualify as a family of low income.

Public agency—Any board, authority, agency, department, commission, political subdivision, municipal corporation, district, public corporation, body politic, or instrumentality of the state including without limitation any county, home-rule charter city, general-law city, town, or village, any housing authority, any state-supported educational institution of higher learning, any school, junior college, hospital, water, sewerage, waste disposal, pollution, road, navigation, levee, drainage, conservation, reclamation, or other district or authority, and any other type of political or governmental entity of the state.

Real property—All land, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable, therein including leasehold interests, terms for years, liens by way of judgment, mortgage, or otherwise.

Reserve fund—The Texas Housing Agency Reserve Fund which may be created pursuant to the Act and which may be established by the agency with the state treasurer of the State of Texas out of proceeds from the sale of the agency's bonds or other resources, as additional security for the agency's bonds.

Residential housing—A specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction, reconstruction, remodeling, improvement, or rehabilitation of land, buildings, and improvements thereto, for residential housing, and such other non-housing facilities as may be incidental or appurtenant thereto.

State—The State of Texas.

§121.3 (12) 01 00 003. Business Office and Mailing Address of the Agency. The agency's main office is located in the City of Austin, Texas. The agency may maintain other offices in the State of Texas as appropriate.

§121.4 (12) 01 00 001. Board Meetings. Regular meetings of the board of directors of the agency will be held at times and places specified by resolution of the board. The chairman of the board, the executive administrator of the agency, or any three of the board directors may call special meetings of the board after due notice is given to the other directors and parties as required by law. All meetings are to be held in compliance with the Open Meetings Act, Texas Revised Civil Statutes, Article 6252-17.

§121.5 (12) 01 00 005. Seal of Agency. The seal of the agency will be the words "Texas Housing Agency" encircling the oak and olive branches common to other official state seals.

§121.6 (12) 01 00 006. Secretary or State Liaison. The executive administrator or, in his or her absence, a representative designated by the administrator, shall serve as the liaison through whom all required documents may be submit-

ted on behalf of the board to the Secretary of State for filing and publication.

§1217 (112 01 00 007) Delegation of Responsibility The board may delegate to any attorney licensed to practice law in the State of Texas the responsibility to hear and to write a report to the board on any matter before the board, including but not limited to consideration of a petition to the board for the adoption of a rule.

§1218 (112 01 00 008) Public Records Information and data gathered, assembled, or maintained by the agency are public records available for inspection and copying during regular business hours, subject, however to the limitations to this availability provided in the laws administered by the agency and the Open Records Act (Texas Revised Civil Statutes, Article 6252-17a).

§1219 (112 01 00 009) Copies and Certificates

(a) Except as provided by the Open Records Act, the agency will furnish copies certified or otherwise, as requested, of any of its proceedings or other official act of record or any information in the agency's files. Certified copies shall be made under the hand of the executive administrator and affixed with the agency's seal. As long as requests for copies by a person do not become burdensome, there is no charge for single copies of a reasonable number of pages of documents furnished to:

- (1) a government agency when the subject of the documents is a matter within its jurisdiction; or
- (2) any person when the subject of the documents relates to a matter affecting that person and when furnishing copies serves a public purpose.

(b) In all other cases, the executive administrator will furnish copies at the rates published by the State Purchasing and General Services Commission or will arrange with a third party for copies to be made at the cost of the person requesting them. Fees for copies furnished by the agency shall not exceed those permitted in Texas Civil Statutes, Article 3913. Fees for copies made by a third party shall not exceed the cost charged to the agency by such third party, except for the addition of applicable taxes. Copies of transcripts prepared by a court reporter may be obtained directly from the court reporter, or will be obtained from the court reporter by the agency and provided to the person requesting the transcript at the charge made by the court reporter. All copies for which there is a charge must be paid for in advance.

§12110 (112 01 00 010) Use and Effect These sections may be used by the board as guides in the exercise of discretion where discretion is vested. They shall not be construed as a limitation or restriction on the exercise of discretion, nor shall they be construed to deprive the board of the exercise of any power, duties, and jurisdiction conferred by law, or to limit or restrict, the amount and character of data or information which may be required for the proper administration of the law.

Doc. No. 810694

Chapter 123. General

The Texas Housing Agency adopts §§123.1-123.22 (112.02.00.001-.022) of this title (relating to General). The subject matter of these sections include general require-

ments for participation of parties and other affected persons in the hearings of the agency. These sections include provisions for submission of documents and testimony, mailing of notice, conduct of parties and attorneys, as well as provisions for agency final decisions.

These sections are promulgated under the authority of Texas Revised Civil Statutes Annotated, Article 12691-6 (Supplement 1979).

§1231 (112 02 00 001) Submission of Documents A person desiring to file briefs, affidavits, written statements, protests, comments, exhibits, technical reports, or any other document shall submit the document no later than the time of the hearing on the matter, provided that the board or the executive administrator may grant additional time for the submission of documents.

§1232 (112 02 00 002) Effective Time of Notice Notice shall be effective when postmarked for delivery by first class or a higher class mail at the address reflected in the records of the agency.

§1233 (112 02 00 003) Computation of Time In computing the time prescribed or allowed by these sections, orders of the board, or any applicable statute, the period shall not include the day of the act, event, or default in question, but does include the last day of the designated period, unless it is on a Saturday, Sunday, or legal holiday, in which case the period runs until the next day that is not a Saturday, Sunday, or a legal holiday.

§1234 (112 02 00 004) Notice of Hearings Notice of all hearings shall be filed with the Secretary of State for publication in the *Texas Register*. In a contested case, all parties must be afforded an opportunity for hearing after notice of at least 10 days.

§1235 (112 02 00 005) Copy of Notice to Lieutenant Governor and Speaker When the agency files notice of a proposed rule with the Secretary of State, it shall also deliver a copy of the notice to the Lieutenant Governor and Speaker of the House.

§1236 (112 02 00 006) Material Available for Inspection When a notice of hearing is given, materials pertinent to the subject of the hearing, including documents, studies, and other data, shall be made available to the public for review and study. As additional materials are received, they shall be made available for public review and study.

§1237 (112 02 01 007) Mailing of Notice The notice of hearing shall be mailed to all persons who have made timely written requests for advance notice of agency actions and hearings. Failure to mail such notice, however, shall not invalidate any action taken or rules adopted. The executive administrator shall maintain a list of all persons who have requested notice of agency actions and hearings.

§1238 (112 02 00 008) Hearing Examiner The executive administrator may designate any attorney licensed to practice in this state as a hearing examiner. The examiner shall act independently of the staff in an impartial manner and shall be considered as assisting the board in its decision making.

§1239 (112 02 00 009) Testimony The testimony presented at a contested hearing must pertain to the subject matter described in the notice. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence

as applied in nonjury civil cases in the district court of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except when prohibited by statute; if it is of a type commonly relied upon by prudent men in the conduct of their affairs. The examiner shall give effect to the rules of privilege recognized by law. Objections to offers of evidence may be made and shall be noted in the record. Subject to these requirements, evidence may be received in written form if a hearing will be expedited and the interests of the parties will not be substantially prejudiced.

§123.10 (112.02.00.010) Conduct and Decorum

(a) Every party, witness, attorney, or other person shall comport himself or herself in all board proceedings with dignity, courtesy, and respect for the board, hearing examiner, and other participants.

(b) If he or she violates subsection (a) of this section, a party, witness, attorney, or other person may be excluded by the board from any hearing for such period and upon such conditions as are just, or may be subject to such other just, reasonable, and lawful disciplinary action as the board may prescribe.

§123.11 (112.02.00.011) Appearance Any person who may be affected by or is interested in the proposed action may appear at a public hearing. A person may appear in person or by his or her authorized representative. A representative shall disclose his or her authority to speak for the person represented.

§123.12 (112.02.00.012) Failure to Appear Except for good cause and extenuating circumstances, the applicant or petitioner shall appear at the public hearing. Failure to so appear may be grounds for withholding consideration of a matter or for denial without prejudice.

§123.13 (112.02.00.013) Affidavit by Representative Whenever it is necessary or proper for any party to an application or proceeding to make an affidavit, it may be made by either the party or the party's representative, unless otherwise provided by statute.

§123.14 (112.02.00.014) Attorney of Record An attorney of record is one who has appeared in a proceeding or whose name is subscribed to any application or other pleadings or to some agreement of the parties filed in the proceedings. The attorney shall be considered to have continued as attorney of record to the end of the proceeding with the board unless there is a statement to the contrary appearing in the record.

§123.15 (112.02.00.015) Lead Counsel A party represented by more than one attorney in a matter before the board may be required to designate a lead counsel who shall have control in the management of the matter, but all other attorneys for the party may take part in the proceeding in an orderly manner.

§123.16 (112.02.00.016) Motions A motion, unless made during a hearing, shall be made in writing, set forth the relief or order sought, and be timely filed with the board. If parties have been designated, a copy shall be furnished by the movant to each applicant, petitioner, and other party of record. Any reply to the motion shall be timely filed with the board with a copy served on the movant. Failure to furnish copies may be grounds for withholding consideration of the motions or replies. Unless otherwise directed by the board, motions

based on matters which do not appear of record must be supported by affidavit. When necessary in the judgment of the board, a hearing will be held to consider any motion.

§123.17 (112.02.00.017) Subpoenas and Depositions Subpoenas may be issued and depositions commissioned by the board in accordance with Texas Civil Statutes Article 6252-13a, Section 15.

§123.18 (112.02.00.018) Oral Presentation

(a) A person who wants to make an oral presentation shall so advise the hearing examiner. The hearing examiner shall administer oaths to each person who testifies and shall recognize and establish the order for presentation of evidence and argument.

(b) In order to prevent undue prolongation of a hearing, the hearing examiner, as appropriate, may limit the number of times a person may testify, the time period for presentations, and the time period for raising questions. The hearing examiner shall also have the authority to limit or exclude cumulative or unduly repetitious presentations.

§123.19 (112.02.00.019) Exhibits Exhibits will not be so large as to encumber the records of the agency. Exhibits will be limited to factual material and relevant to the issues involved. The original of each exhibit offered must be tendered to the court reporter for identification; one copy will be furnished to the hearing examiner; and one copy to each party of record or representative. In the event an exhibit has been identified, objected to, and excluded, the hearing examiner will determine whether or not the party offering the exhibit withdraws the offer, and if so, the examiner will return the exhibit to the party. If the excluded exhibit is not withdrawn, it will be given an exhibit number for identification and will be included in the record to preserve the exception.

§123.20 (112.02.00.020) Final Decisions All final decisions shall be taken by resolution adopted by the board, which shall be in writing or stated in the record. The affirmative vote of at least five directors is necessary to adopt a resolution. A final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The decision shall also include a ruling on each proposed finding of fact submitted by a party. Parties not present at the announcement of a final decision shall be notified by mail of the decision. Upon written request, a copy of the decision or order shall be delivered or mailed to any party or attorney of record.

§123.21 (112.02.00.021) Motions for Rehearing A motion for rehearing is a prerequisite to a judicial appeal. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the executive administrator within 25 days after the date of rendition of the final decision or order, and board action must be taken within 45 days after the date of rendition of the final decision or order. If board action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date of rendition of the final decision or order. The executive administrator may by written order extend the period of time for filing the motions and replies and taking board action, except that an extension may not extend the period for board action beyond 90 days after the date of rendition of the final decision or order. In the event of an extension, the motion for

rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date of the final decision or order. The parties may by agreement with the approval of the executive administrator provide for a modification of the times provided in this rule. The motion for rehearing in a contested case may be considered by the board at a regularly called meeting of the board, or by mail, telephone, telegraph, or other suitable means of communication.

§123.22 (112.02.00.022) *Reporter and Transcript* The proceedings of any hearing or any part of them in a contested case will be transcribed on written request of any party. The party will furnish his own stenographic reporter unless express approval to utilize a reporter retained by the agency is obtained from the executive administrator. The cost of the original transcript will be assessed against the party requesting the transcription. The original transcript will be delivered to the executive administrator within 15 working days after the close of the hearing and will become the property of the agency and a part of the record. A stenographic reporter may sell a copy of the transcript to any party or person requesting the same. The executive administrator may exclude any stenographic reporter from a hearing for late delivery or poor workmanship exhibited in previous hearings. The agency may make a stenographic record of any proceedings without notice to the parties, or it may record such proceedings electronically at its discretion.

Doc No 810695

Chapter 125. Board Meetings

The Texas Housing Agency adopts §§125.1-125.12 (112.03.00.001-.012) of this title (relating to Board Meetings). These sections concern the procedure for conducting a meeting of the board including provisions for persons who wish to participate in the meeting. The duties of the chairman, the vice-chairman, and the executive administrator, as well as other agency staff are described. Procedures for requesting board action, placing matters on the agenda, and other topics related to the conduct of board meetings are explained.

These sections are promulgated under the authority of Texas Revised Civil Statutes, Annotated, Article 12691-6 (Supplement 1979).

§125.1 (112.03.00.001) *Chairman* The chairman of the board or the vice chairman, in the chairman's absence, presides at the meetings of the agency. While presiding, the chairman directs the order of the meeting, recognizes persons to be heard, limits time and takes other action to clarify issues, and preserves order.

§125.2 (112.03.00.002) *Executive Administrator* The executive administrator attends all board meetings if possible and serves as a liaison between the board and the public.

§125.3 (112.03.00.003) *Transcript and Minutes*

(a) The executive administrator shall determine if a verbatim transcript is needed, and if so, the executive administrator shall arrange for a reporter. Such a transcript shall serve as minutes.

(b) If a reporter is not present, the executive administrator or a person designated by the executive administrator

shall prepare minutes reflecting all actions taken and board members present.

§125.4 (112.03.00.004) *Agenda* The agenda consists of items prepared by the staff prior to the hearing. Notice of all items to be considered is filed with the Secretary of State's Office, as required by statute.

§125.5 (112.03.00.005) *Registration Form* The executive administrator will provide registration forms for board meetings and hearings. Any person desiring to speak on any agenda item fills out the registration form prior to the convening of the meeting and before entering the hearing room.

§125.6 (112.03.00.006) *Quorum* A majority of the regular members of the board of directors constitutes a quorum. The board shall act and proceed by and through resolutions adopted by the board. The affirmative vote of at least five board members is necessary to adopt a resolution.

§125.7 (112.03.00.007) *Request for Action by the Board* Any person who desires to have a matter placed on the agenda for action by the board shall make such request in writing to the executive administrator at least 10 days prior to the date set for the regular meeting of the board. In matters other than contested cases, the applicant shall provide, along with the request in writing, 10 copies of all information, data, or other material which the person desires the board to consider. In the event it is not possible to file such request 10 days in advance of the meeting date, a request may be made for emergency action of the board.

§125.8 (112.03.00.008) *Placing Matters on Agenda* The executive administrator shall determine after receiving a written request for action whether the matter shall be heard at the time requested, having due regard for the nature and complexity of the matter to be presented. In no event shall any requested matter be placed on the agenda of the board for its regular meeting at a time later than five days prior to the date on which such meeting is scheduled unless the chairman, or the vice chairman in the event of the inability of the chairman to act, acting on the advice of the executive administrator, determines that an emergency situation exists requiring immediate action by the board.

§125.9 (112.03.00.009) *Public Hearing Prior to Presentation to Board* In the event the executive administrator determines that a public hearing is required by law or is appropriate in order to more fully develop evidence bearing on the matter to be presented, the executive administrator shall call and hold such hearing in the name of the agency prior to presenting the matter for board consideration.

§125.10 (112.03.00.010) *Presentation to Board without Prior Public Hearing* If a matter which is not a contested case within the meaning of Section 302) of the Administrative Procedure and Texas Register Act is brought before the board without prior public hearing, the board may:

- (1) hear and decide the matter with such time limitations on oral presentation as the board deems necessary;
- (2) postpone the matter for further hearing before the board; or
- (3) refer the matter for hearing before a hearing examiner who will report to the board at a later time.

§125.11 (112.03.00.011) *Public Appearances*

(a) Any person speaking before the board begins by stating his or her name and the name of any person repre-

sented. The person states his or her position in respect to the issue briefly and concisely. The person's statement will be supported by such facts as will assist the board to arrive at a final decision concerning the matter under consideration. Statistics or facts will be written, typed, or printed and submitted to the board. Briefs will be submitted under any procedural restrictions as the board announces at the hearing.

(b) Any testimony presented by a member of the public may be taken by the board under oath. Argument not reasonably deducible from facts before the board or which is merely critical of persons will be avoided.

(c) Persons wishing to speak before the board are subject to examination by members of the board or by the staff of the agency.

§125.12 (112.03.00.012) Order of the Hearing

(a) The chairman calls the hearing to order.

(b) After approval of the previous minutes, the chairman instructs the executive administrator to introduce the first item on the agenda.

(c) The executive administrator presents the agenda item or calls upon the appropriate staff member to make the presentation.

(d) Before a vote is taken on any item, the chairman may open the floor for discussion.

(e) If the floor is open for discussion, the chairman recognizes persons wishing to speak in a manner allowing equal opportunity for representation on both sides of an issue, and also regulates the order for the discussion of items.

(f) Upon completion of the staff presentation on an item and appropriate public comment, if any, the board upon motion of one of the directors takes action deemed necessary to dispose of the item.

(g) After consideration of the formal agenda has been completed, the board considers requests by the public as time permits, under the topic "Other Business."

Doc No 810696

Chapter 129. Nonrulemaking Hearings

The Texas Housing Agency adopts §§129.1-129.9 (112.05.00.001-.009) of this title (relating to Nonrulemaking Hearings). The subject matter of these sections include procedures to be followed by the agency in conducting hearings not related to its rulemaking function. The sections provide for requesting and calling hearings, powers of the presiding officer, presentation of evidence, testimony of witness, and other matters relating to nonrulemaking hearings.

These sections are promulgated under the authority of Texas Revised Civil Statutes Annotated, Article 12691-6 (Supplement 1979).

§129.1 (112.05.00.001) Calling the Hearing A hearing may be called any time the board or the executive administrator determines a hearing to be required by law or to be appropriate with respect to the sections, regulations, orders, or other actions of the board. In addition, any interested person may petition the executive administrator to call and hold a public hearing.

§129.2 (112.05.00.002) Petition for Hearing Other than a Petition for the Adoption of Rules A petition for hearing other than for the adoption of rules shall be made by filing in writ-

ing with the executive administrator a plain and concise statement of the purpose of the request and the action requested of the agency as a result of the hearing.

§129.3 (112.05.00.003) Action on Request for a Hearing After reviewing the petition and any other factors deemed necessary, the executive administrator shall decide whether to call a public hearing and provide written notification of the decision to the petitioner within 30 days after a receipt of the petition. The decision of the executive administrator to deny a request for hearing is appealable to the board within 30 days after notification of the decision. Such appeal is to be taken by written notification to the executive administrator.

§129.4 (112.05.00.004) Presiding Officer Hearings will be conducted by a member of the board, the executive administrator, or a hearing examiner, any and all of whom are at times referred to in these sections as the examiner or presiding officer. The examiner shall have authority to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence and amendments to pleadings. The examiner shall have the authority to recess any hearing from day to day. If the examiner is unable to continue presiding over a case at any time before the final decision, another examiner will be appointed who shall perform any function remaining to be performed without the necessity of repeating any previous proceedings.

§129.5 (112.05.00.005) Official Notice Official notice may be taken of judicially cognizable facts, and such notice may be taken of generally recognized facts within the area of the agency's specialized knowledge. Parties shall be notified of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The special skills and knowledge of the agency and its staff may be utilized in evaluating the evidence.

§129.6 (112.05.00.006) Documentary Evidence Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. On request, however, parties shall be given an opportunity to compare the copy with the original. When a large number of similar documents is offered, the examiner may limit those admitted to a number which is typical and representative, and may, in his or her discretion, require the abstracting of the relevant data from the documents and the presentation of the abstracts in the form of an exhibit; however, before making this requirement, the examiner shall see that all parties of record or their representatives are given an opportunity to examine the documents from which the abstracts are made.

§129.7 (112.05.00.007) Evidence in Uncontested Proceedings In any uncontested proceeding, the examiner may receive, unless prohibited by statute, any evidence of a form and character which would ordinarily be relied upon by a prudent person in the conduct of his or her affairs including, without limitation, affidavits, documents, and other forms of hearsay testimony deemed to be helpful, without regard to the legal rules of admissibility.

§129.8 (112.05.00.008) Admissibility of Prepared Testimony and Exhibits When the proceeding will be expedited and the interests of the parties will not be prejudiced substantially, evidence may be received in written form. The prepared testimony of a witness upon direct examination, either in narrative or question-and-answer form, may be incorporated

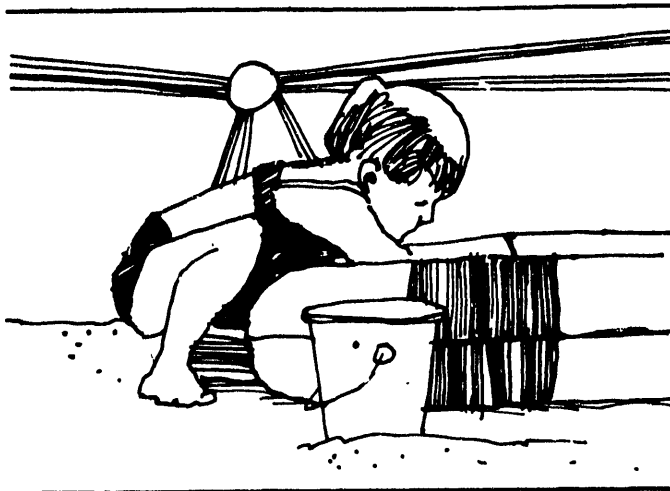
in the record as if read or received as an exhibit, upon the witness being sworn and identifying the same as a true and accurate record of what his testimony would be if he were to testify orally. The witness shall be subject to cross-examination and his prepared testimony shall be subject to a motion to strike either in whole or in part.

§129.9 (11-05-00-009) *Witnesses Limited* The examiner shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

Issued in Austin, Texas, on January 22, 1981.

Doc. No 810697 Earline Jewett
Executive Administrator
Texas Housing Agency

Effective Date: February 18, 1981
Proposal Publication Date: August 29, 1980
For further information, please call (512) 475-0812.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 311. Water Districts

Issuance of Bonds

The Texas Water Development Board adopts amendments to §311.46 (156.06.30.006) of this title (relating to Issuance of Bonds).

The following amendments are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

§311.46 (156.06.30.006) *Thirty Percent of District Construction Costs To Be Paid by Developer* As used in this section, a "developer" is as defined in Section 50.024(d).

(1) It has been determined by experience that some portion of the cost of district water, sewer, and drainage facilities should be paid by a developer to insure the

feasibility of construction projects by districts which have a ratio of debt (including proposed debt) to certified assessed valuation of more than 10%. This determination has resulted in the requirement that a developer contribute 30% of the cost of certain facilities unless the commission otherwise determines that the feasibility of the construction project is not dependent upon developer contributions. Therefore, the developer shall contribute to the district's construction program an amount equal to 30% of the construction costs for all water, sewer, and drainage facilities including attendant engineering expenses and fees with the following exemptions:

- (A) Waste water treatment plant facilities.
- (B) Water supply, treatment, and storage facilities.
- (C) That portion of water and waste water main and trunk lines, from the district's boundary to the interconnect, source of supply, or treatment facility as necessary to connect the district's system to a regional, city, or another district's system. Any oversizing to serve present or future development outside the district along these exempt lines shall be at no expense to the district under consideration.
- (D) In the case of a district providing water supply and waste water treatment service to other districts on a regional basis, wherein the participating districts share common water mains and waste water trunk lines, these common lines both inside and outside the participating districts boundaries shall be exempt. Participating districts shall share the costs of these conveyance lines on a pro rata basis.
- (E) Water and sanitary sewer main and trunk lines serving a program to serve more than 1,000 acres within the district.
- (F) Alternate water supply interconnect between two or more districts.
- (G) Districts which have a:
 - (i) "baa" rating or higher from Moody's or,
 - (ii) a "bbb" rating from Standard and Poor's.
- (2) The developer cost percentages specified under paragraph (1) of this section shall be reduced by:
 - (A) the ratio of lots sold or optioned to be sold prior to September 16, 1974, in the area scheduled for development under the bond application to the total number of lots programmed for utility service under the same bond issue application; or
 - (B) in the case of high density or commercial reserves sold as acreage, the ratio between the acres sold or optioned to be sold prior to September 16, 1974, in the area scheduled for development under the bond application to the high density and commercial acreage programmed for utilities under the same bond issue application.
- (3) A developer will not be required to contribute toward construction cost in districts which are within the limits of a city where the city and district are contracting in such a manner that the district becomes in effect the arm or alter ego of the city.
- (4) The developer's contribution toward construction cost shall be reduced by the amount the developer is required by a city, state, or federal regulatory agency to pay toward costs that are otherwise eligible for district financing under commission policies.
- (5) An independently prepared market study of the proposed district and surrounding area shall be filed with the commission at the time a petition for creation is filed. The market study should be updated for each bond issue proposed by the district. The market study shall include industry and

other attractions supporting district growth projections; past growth history of the market area; housing and commercial absorption rates; magnitude of market competition; projected building schedule; and complete justification of district growth potential. An outline for market study reports may be obtained from the department on request. This market study requirement is waived if the district has a:

- (A) "baa" rating or higher from Moody's or,
- (B) a "bbb" rating from Standard and Poor's,
- (C) a ratio of debt (including the proposed debt) to certified assessed valuation of 10% or less.

(6) The developer must provide a letter of credit, irrevocable development loan commitment, or other guarantee for street and road construction costs and applicable percent of construction and engineering costs for each bond application prior to advertisement for sale of the district's bonds unless the developer is totally exempt from cost participation, and road and street construction in the area to be developed is completed. This guarantee must provide assurance to the satisfaction of the commission that the developer has the financial capability to provide the required amount of funds for street and road construction and his share of utility construction. Actual payment of funds for utility construction by the developer to the district shall be within 10 days following the district's receipt of billing; the developer's pro rata share will be adjusted by the overruns or underruns on developer participation items and will be shared by the developer at the same percentage utilized in determining his initial contribution.

(A) With regard to street and road construction, the developer must enter into an agreement with the district, secured by a letter of credit, irrevocable development loan commitment, or other guarantee, specifying that if street and road construction is not completed within a reasonable and specified period of time after the district sells its bonds, the district may award a contract for completion of the streets and roads with financing to be accomplished by utilizing the developer's financial commitment; provided, however, the district shall not proceed in such a manner until the commission, after having given at least 10 days written notice to both the district and the developer, has reviewed the matter either on the petition of the district or on the motion of the executive director of the Texas Department of Water Resources, and has approved the district awarding the contract and utilizing the developer's financial commitment; and provided further, the commission may extend the time for the developer to complete the streets and roads if the developer renews the guarantee and adequately compensates the district for lost revenues and taxes resulting from failure to complete the streets and roads within the specified time. (See the example of one acceptable agreement and letter of credit in Appendix C of this chapter.)

(B) The developer shall include in the street and road construction contract a provision that places the responsibility on the contractor for repair and clean-up of broken manholes, buried valve boxes, broken sewer pipe, and all other damage to district facilities caused by construction of streets and roads.

(C) The district shall charge a district employee or consultant with the responsibility to frequently inspect and conduct operational tests of unused facilities and promptly report:

(i) undue facility and equipment deterioration, leaks, silting, infiltration, and other problems with utility systems resulting from nonuse;

(ii) damage caused by vandalism, or road, street, commercial, industrial, and/or housing construction in order to establish responsibility promptly.

(D) In instances where a contractor for underground facilities has otherwise satisfactorily completed his contract except for drainage inlets, manholes, and other adjustments in accordance with plans and specifications as approved by the commission, the district has assumed ownership of the contract and the contractor cannot proceed because of street or road construction delay, the district board of directors may delete the remaining incomplete bid items by change order, accept the construction, and close the contract provided the developer agrees in writing:

(i) to include the deleted items and adjustments in the street or road construction contract when accomplished or in a separate contract and shall pay all construction costs of these items in excess of the original contract price or the agreed deleted price, and

(ii) to pay the cost of reasonable measures necessary to initially prepare the district's underground facilities for the anticipated period of nonuse and to pay clean-up costs after nonuse.

Commission approval of change orders initiated under this provision which exceeds \$4,999 must be obtained by the district prior to implementation of the change order.

(7) The district (or district engineer) shall forward to the department's executive director copies of the board-approved monthly construction contract pay estimates, engineering fee statements, and/or other adequate documentation reflecting payment of the developer's share.

(8) If a district anticipates receipt of an acceptable bond rating prior to the bond sale identified in the bond application being considered, the district may, at its discretion, request a conditional waiver to the developer cost participation requirements as follows:

(A) At the time the district makes application for approval of project and bonds, the district may include a written request for a conditional waiver of the 30% developer cost participation and market study requirements to be considered by the commission at the time of the bond application hearing. The waiver request shall be accompanied by a written statement from the district's financial advisor indicating that, in his opinion, the district can reasonably be expected to qualify for an acceptable credit rating.

(B) The cost summary in support of this bond application must show the district bond issue requirement for both situations, i.e., the bond requirement if an acceptable bond rating is obtained, and the bond requirement if a bond rating is not obtained thereby requiring developer participation.

(C) If a conditional waiver is granted by the commission, no bonds shall be sold by the district unless such a credit rating is obtained.

(D) If an acceptable rating is not obtained and the district and the developer wish to proceed under the 30% cost participation rule, a written request shall be submitted for commission consideration; a statement of intent to provide letters of credit or other guarantee and a market study must accompany this request and bonds shall not be sold except on written order of the commission.

(9) A district may submit other information and data to demonstrate that all or any part of this section should not apply and request that it be waived.

APPENDIX C
EXAMPLE

STREET AND ROAD CONSTRUCTION AGREEMENT

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

THIS AGREEMENT is made and entered into as of this 1st day of December, 1980, by and between GREEN ACRES MUNICIPAL UTILITY DISTRICT of Travis County, Texas (the "District") and ALL AMERICAN HOMES, INC. (the "Developer").

Recital

The Developer is developing 300 lots in the Knot Holes West Subdivision which is located within the District. The District is preparing to sell its \$3,500,000 Waterworks and Sewer Systems Combination Tax and Revenue Bonds, Series 1980 (the "Bonds") for the purpose of acquiring and/or constructing water, sewage, and drainage facilities to serve the Knot Holes West Subdivision. In order for the District's taxable valuations to increase to a level to support the debt service requirements on the Bonds, the Developer must complete the streets and roads to serve its 300 lots in the Knot Holes West Subdivision in the District. The purpose of this Agreement is to assure the District that the Developer will construct all streets and roads to serve its 300 lots in the Knot Holes West Subdivision.

WITNESSETH

Green Acres Municipal Utility District and All American Homes, Inc. do hereby agree as follows:

1. The District agrees to proceed with the sale of the Bonds in accordance with the Order of the Texas Water Commission approving the Bonds and all applicable laws in an expeditious manner.

2. The District agrees that it will use the proceeds from the sale of such Bonds in accordance with the Order of the Commission approving the Bonds, including reimbursement to the Developer of funds advanced to or on behalf of the District.

3. The Developer agrees that it will cause the completion of all streets and roads to serve Developer's 300 lots within the Knot Holes West Subdivision in accordance with the plans and specifications prepared by ABC Engineers, Inc. and approved by the City of Megalopolis and Travis County not later than May 31, 1982.

4. The costs to construct the streets and roads to serve Developer's 300 lots in the Knot Holes West Subdivision are estimated to be \$2,000,000. To assure the District and the Texas Department of Water Resources that adequate funds will be available to the District in the event that All American Homes, Inc. fails to construct the streets and roads in accordance with the Agreement, the Developer will secure a letter

of credit from ROCK OF GIBRALTAR BANK, Megalopolis, Texas in the amount shown above in favor of the District which shall provide that in the event that the Developer fails to construct the streets and roads in accordance with the terms and conditions of this Agreement that the District shall have the right to award and/or to assume existing construction contracts for the completion of the streets and roads and to draw on the letters of credit for the purpose of making all payments due on the construction contracts for the streets and roads; provided, however, the District shall not proceed in such a manner until the Commission has reviewed the matter and approved the District awarding the contract(s) or assuming existing contract(s) and utilizing the letter of credit. Any draw on a letter of credit shall be accompanied by an approved pay estimate by the District's Engineer certifying that the amount is in order for payment. In the event that a letter of credit is not sufficient to pay the entire cost of constructing the streets and roads, the Developer shall be liable to the District for any costs in excess of the amount of the letter of credit.

5. Upon completion of the streets and roads to serve Developer's 300 lots in the Knot Holes West Subdivision in accordance with this Agreement, the District, upon written request by Developer and certification of completion by the District's engineer, shall authorize cancellation of the letter of credit for that section.

6. Developer and District agree that this Agreement is being entered into for the purpose of complying with the condition provided in the Commission's Order to permit the District to advertise for the sale of Bonds in compliance with the Commission's Order and in accordance with §311.461(6) (006(6)) of the Texas Water Development Board and as an inducement to the District to issue the Bonds.

Executed in multiple copies on the date shown above.

Green Acres Municipal Utility
District of Travis County,
Texas

By: _____
President, Board of Directors

Attest:

Secretary, Board of Directors

All American Homes, Inc.

By: _____
Title: _____

(Editor's note: See Appendix C, Example—Letter of Credit, page 562.)

Doc. No. 810709

APPENDIX C

EXAMPLE

DECEMBER 1, 1980

ROCK OF GIBRALTAR BANK

LETTER OF CREDIT

GREEN ACRES MUNICIPAL UTILITY DISTRICT
ONE HOLLOW LOG LANE
MEGALOPOLIS, TEXAS 77000

IRREVOCABLE CREDIT No. 1
AMOUNT \$250,000

GENTLEMEN:

YOU ARE HEREBY AUTHORIZED TO VALUE ON ROCK OF GIBRALTAR BANK FOR
ACCOUNT OF ALL AMERICAN HOMES, INC. UP TO AN AGGREGATE AMOUNT OF
----- TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ----- AVAILABLE
BY YOUR DRAFTS AT ----- SITE ----- TO BE ACCOMPANIED BY THE ORIGINAL OF
THIS LETTER OF CREDIT AND THE FOLLOWING DOCUMENTS:

1. Written statement signed by the President or Vice President of the Board of Directors of Green Acres Municipal Utility District that All American Homes, Inc. has failed to construct streets in Knot Holes West Subdivision in accordance with the terms of the Street And Road Construction Agreement dated December 1, 1980. (Required only for draft No. 1).
2. Written certification(s) by the engineer for Green Acres Municipal Utility District that payment is due to the contractor for construction of streets in Knot Holes West Subdivision in the amount shown on the draft(s).

Multiple drafts may be presented.

DRAFTS MUST BE PRESENTED TO DRAWEE BANK NOT LATER THAN May 31, 1983, ALL
DRAFTS MUST STATE ON THEIR FACE "DRAWN UNDER ROCK OF GIBRALTAR BANK IRREVOCABLE
CREDIT NO. 1".

WE HEREBY ENGAGE WITH YOU, THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE
TERMS OF THIS CREDIT WILL BE DULY HONORED, IF DRAWN AND PRESENTED FOR PAYMENT AT
OUR OFFICE IN MEGALOPOLIS, TEXAS, ON OR BEFORE THE EXPIRATION DATE OF THIS CREDIT.

VERY TRULY YOURS,

AUTHORIZED SIGNATURE

Chapter 353. Water Rates

The Texas Water Development Board adopts §§353.1-353.7 (156.08.00.001-.007) of this title (relating to Water Rates).

These sections are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

§.353.1 (156.08.00.001) Purpose The sections in this subchapter are intended to outline the manner of pleadings and procedures to be followed in regard to the rate-fixing authority of the department under Chapters 11 and 12 of the Texas Water Code.

§.353.2 (156.08.00.002) Definitions The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Rate— Any price or charge made for water, for the providing of water service, or for making water service available, including any contract provision relating to or affecting the price or charge.

Water customer— A person receiving or using water or asserting a right to receive or use water from a water supplier.

Water supplier— A person who owns, controls, or supplies water in a manner subject to the rate-fixing jurisdiction of the department.

§.353.3 (156.08.00.003) Petition for Rate Review Any water customer or water supplier may present to the department, by filing with the executive director, a written petition.

(1) If the petitioner is a water customer, the petition shall show the following:

(A) that the petitioner is entitled to receive or use the water;

(B) that the petitioner is willing and able to pay a reasonable and just price for the water;

(C) that the water supplier owning or controlling the water supply has a contract or other legal duty to supply water to the water customer or has water not contracted to others and available for the water customer's use; and

(D) that the water supplier owning or controlling the water supply fails or refuses to supply the available water to the petitioner or that the rate demanded for the available water is unreasonable or unjustly discriminatory.

(2) If the petitioner is a water supplier, the petition shall show the following:

(A) that the petitioner supplies or has supplied the water;

(B) that the petitioner is willing to be paid a reasonable and just price for the water; and

(C) that the rate tendered, if any, for the water is unreasonable or unjustly discriminatory.

§.353.4 (156.08.00.004) Deposit The petition shall be accompanied by a deposit of \$25.

§.353.5 (156.08.00.005) Notice of Petition Immediately upon the filing of a petition and deposit in accordance with §§353.3 and 353.4 (.003 and .004) of this title (relating to Petition for Rate Review and Deposit), the petitioner shall transmit by certified mail, return receipt requested, a copy of the petition to the water supplier or water customer complained of therein. Proof of service shall be filed with the executive director as soon as is practicable.

§.353.6 (156.08.00.006) Required Filings

(a) Unless extended by the executive director, within 30 days from receipt of a copy of a petition filed by a water customer, the water supplier shall submit to the executive director with service of copies by certified mail, return receipt requested, to the water customer, the following information and data:

(1) copy of contract, if any, between the water supplier and water customer;

(2) copy of contract, if any, through which the water supplier purchases water for resale from another person;

(3) copies of the three most recent annual financial statements of the water supplier including balance sheets and income and expense statements;

(4) information relating to utility reserves, bond coverage requirements, other debt service requirements, sinking fund reserves, and depreciation reserves;

(5) complete rate schedule or other information relating to categories of prices of the water supplier broken down by customer or class of customer,

(6) consumption figures both volume and demand for the system as a whole, for the water customer, and for the class of customer, if any, to which the water customer belongs;

(7) if available, summary of overall cost of service to the water customer or class of customer to which the water customer belongs;

(8) if available, breakdown of assets or portions of assets used or useful in providing service to the water customer or class of customer to which the water customer belongs;

(9) if available, breakdown of operation and maintenance expenses or portions thereof incurred in providing service to the water customer or class of customer to which the water customer belongs; and

(10) at the supplier's option, a summary of noncost of service considerations, if any, constituting a reasonable basis for the rate charged together with information documenting such considerations.

(b) Where the petition is filed by the water supplier, the information set out in subsection (a) of this section shall accompany the petition.

(c) The executive director may require the water supplier or the water customer to file such other information as necessary to complete his investigation.

(d) The party against whom the complaint is filed may file an answer to the petition within 30 days from receipt of a copy of the petition and serve a copy of the answer on the petitioner.

§.353.7 (156.08.00.007) Findings of Probable Grounds

(a) Upon receipt of the information required in §353.6 (.006) of this title (relating to Required Filings), the executive director shall have a preliminary investigation of the petition made and determined whether or not probable grounds exist for the petition.

(b) If after preliminary investigation, the executive director determines that no probable grounds exist for the petition, he shall issue an order so finding and dismiss the petition for lack of probable grounds. Where the petition is filed by the water supplier, the executive director may dismiss the petition for failure to submit the required filings under §353.6 (.006) of this title (relating to Required Filings).

(c) If after preliminary investigation, the executive director determines that probable grounds exist for the peti-

tion or the water supplier has failed to comply with §353.6(a) (.006(a)) of this title, the executive director shall refer the petition to the commission by forwarding to the chief clerk all pleadings and required filings.

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

Doc. No 810710 M Reginald Arnold II
General Counsel
Texas Department of Water Resources

Effective Date: February 18, 1981

Proposal Publication Date: November 14, 1980

For further information, please call (512) 475-7836.

NONCODIFIED

Texas Education Agency Relationships with the U.S. Government and Its Agencies

State Board of Education Leadership 226.74.01

The Texas Education Agency has adopted Rules 226.74.01.020 and .030 concerning state/federal relations in the area of education. Rule .020 sets out the responsibilities of the Texas Education Agency which include communicating a Texas position on educational issues to federal officials, providing information to school districts on proposed federal actions, and securing advice from state and local policymakers on proposed federal actions. Rule .030 establishes a Federal/State Relations Commission to advise the commissioner of education and the State Board of Education on federal activities.

These rules are adopted under the authority of Section 11.02, Texas Education Code.

.020. Role of the Texas Education Agency

(a) Based on state law and State Board of Education policy, the Texas Education Agency shall serve as the state educational entity responsible for describing the state position on national educational matters.

(b) The Texas Education Agency shall establish a procedure for:

(1) maintaining a timely information flow between the federal government (Congress and the administrative agencies) and the board;

(2) communicating to federal officials a Texas position based on state law and board policy;

(3) providing timely information to school districts regarding anticipated or proposed federal actions that will affect public education;

(4) securing advice from state and local educational policymakers regarding anticipated or proposed federal actions; and

(5) establishing a centralized function to serve as liaison with the federal and state governmental agencies and school districts on federal educational matters.

(c) Prior to the beginning of each new Congress, the board shall review all anticipated legislative or regulatory matters scheduled to be addressed. Where appropriate, the board will adopt a position statement to serve as the formal basis for providing information to federal officials.

.030. Federal State Relations Commission

(a) A Federal/State Relations Commission may be established to provide a mechanism for leaders in public school education to review the impact of federal actions on the educational system in Texas. This forum should provide the opportunity for participants to consider a single state position on issues that affect school district operations. Positions reached by the commission that represent consensus or near consensus shall be communicated in a timely manner to appropriate groups and individuals at the local, state, and national levels.

(b) The commissioner of education shall invite two members each who shall be representatives of urban, suburban, and community schools; school administrators and the teaching profession; one representative of post secondary institutions; one from a regional education service center; and one county superintendent to serve as members of the commission. The governor, lieutenant governor, the speaker of the House of Representatives, and the attorney general shall be invited to name one member each. Three members of the State Board of Education and three members of local school district boards shall be designated by the chairman of the State Board of Education to serve on the commission.

(c) The beginning and ending dates of service shall be at the discretion of the person making the nomination. The commission shall meet at the call of the commissioner of education. Members shall be responsible for expenses incurred while participating on the commission.

(d) The chairman of the commission shall be the chairman of the State Board of Education.

Issued in Austin, Texas, on January 16, 1981.

Doc. No. 810714 A O Bowen
Commissioner of Education

Effective Date: February 18, 1981

Proposal Publication Date: November 4, 1980

For further information, please call (512) 475-7077.



Texas Department of Mental Health and Mental Retardation

Texas Board of MH/MR

Duties 302.01.04

Under the authority of Section 2.11(b) of Article 5547-202, Texas Civil Statutes, the Texas Board of Mental Health and Mental Retardation has amended Rule 302.01.04.018 to read as follows:

018 Construction

- (a)-(d) (No change.)
- (e) Institutional repair, renovation, improvement, and construction projects financed from institutional operating funds which do not cost in excess of \$8,500 may be authorized by the head of the institution. All other such projects shall receive prior approval of the commissioner.
- (f) (No change.)

Issued in Austin, Texas, on January 28, 1981.

Doc. No. 810703 L. Gray Beck
Board Chairman
Texas Department of Mental Health and
Mental Retardation

Effective Date: February 18, 1981
Proposal Publication Date: March 7, 1980
For further information, please call (512) 454-3761

Other Agencies and the Public

Departmental Procedures for Outreach Programs 302.03.09

The Texas Department of Mental Health and Mental Retardation has withdrawn from consideration for adoption proposed Rules 302.03.09.001, .003, and .010. The text of the rules as proposed for amendment appeared in the January 23, 1981, issue of the *Texas Register* (6 TexReg 271).

Issued in Austin, Texas, on January 28, 1981.

Doc. No. 810701 Harry Deckard
Attorney at Law
Texas Department of Mental Health and
Mental Retardation

Filed: January 28, 1981, 4:40 p.m.
For further information, please call (512) 465-4591.

Teachers' Professional Practices Commission

Procedure

Complaints and Hearings 229.02.01.023, .024

The Teachers' Professional Practices Commission amends Rules 229.02.01.023 and .024 concerning complaints and hearings before the commission. The amendment to Rule .023 concerns deadlines for filing of a complaint. The amendment to Rule .024 provides that hearings may be held at one of the 20 regional education service centers in the state, rather than requiring that they be held in Austin.

These amendments are adopted under the authority of Section 13.208, Texas Education Code.

023 Filing of Complaint

(a) The complaint should be filed as near the immediate date of the allegation as possible. The formal complaint must not be filed to exceed 90 days from the date of the alleged violation. The date of postmark on the letter transmitting the complaint shall serve as the effective date of filing. These time provisions may be waived upon show of good cause by the complainant and majority vote of the commission.

(b) An alleged violation while on duty status may be unknown to anyone at the time of occurrence and be discovered subsequent to the termination of that duty status. The commission retains jurisdiction in such matters for one calendar year from the date of termination of active duty status. In such instances the date of discovery of the alleged violations serves as the initiating date for filing purposes pursuant to the time provisions of subsection (a) of this rule.

(c) An exception to subsections (a) and (b) is in cases where the complainant has adhered to local school board procedures in regard to grievances or complaints. In adhering to these procedures, complainant has exhausted all local district appeals ending with a hearing or response from the local school board. The complainant then has 30 days from the time of the final school board decision or response to file a complaint with the commission. All other provisions of subsection (a) remain in effect.

024 Action upon Complaint

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

(d) Upon receipt of the complaint, the chairperson will make the following determinations:

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

(3) Hearings may be conducted at one of the regional service centers if warranted. The following criteria will be used in this judgment:

(A) the number of witnesses for the complainant or person complained against;

(B) the distance from location of complaint incident to Austin;

(C) the convenience of transportation to and from Austin to the location of complaint incident;

(D) the availability of a court reporter at the location of the regional service center;

(E) availability of space at regional service center;

and
(F) convenience of transportation from home to regional service center for commission members, lawyers' staff, and professional practices' staff.

(e)-(f) (No change.)

Issued in Austin, Texas, on January 30, 1981.

Doc No 810753 A O. Bowen
Commissioner of Education

Effective Date: February 20, 1981
Proposal Publication Date: October 14, 1980
For further information, please call (512) 475-7077.

229.02.01.051

The Teachers' Professional Practices Commission amends Rule 229.02.01.051, concerning hearings before the commis-

sion. The amendments revise the procedure for developing the commission's recommendation to the commissioner of education after all testimony in a hearing has been heard. The rule was adopted on an emergency basis in the September 16, 1980, issue of the *Texas Register* (5 TexReg 3737) for 120 days. This emergency status was renewed in the January 13, 1981, issue of the *Texas Register* (6 TexReg 85) for an additional 60 days. This adoption of Rule .051 supersedes the rule as adopted on an emergency basis.

These amendments are adopted under the authority of Section 13.208, Texas Education Code.

051 Finding of the Commission

(a) At the conclusion of the testimony, the chairperson for the hearing will announce that the commission will adjourn to meet in executive session according to Article 6252.17, Section 2(g), Vernon's Texas Civil Statutes. The commission will reconvene in an open meeting for the purpose of declaring the findings of the commission and taking final action on the recommendation to the commissioner.

(b) The vote from the commission approving or disapproving the recommendation to the commissioner will be by a show of hands.

(c) If the proposed recommendation is not accepted by a vote of the commission, then the commission may adjourn to meet in executive session to arrive at another decision different from the one proposed and defeated.

(d) If the proposed recommendation is approved it will become the decision of the commission and will so stand.

(e) The chairperson should remind each party that the commission is only an advisory body and that its function is to make a recommendation to the commissioner of education.

(f) The recommendation to the commissioner will be one of the following:

(1) Dismissal of complaint. The commission finds that the individual is not in violation of the Code of Ethics

and Standard Practices for Texas Educators. The commission recommends to the commissioner of education that the complaint be dismissed and no further action be taken.

(2) Warning. The commission finds that the individual is in violation of the Code of Ethics and Standard Practices for Texas Educators. The commission recommends to the commissioner that the individual be informed by registered mail that his or her action is deemed "unprofessional practice" and that the letter constitutes an official warning. The letter should stipulate that no further action concerning the complaint will be taken, but that future conduct should be above question.

(3) Reprimand. The commission finds that the individual is in violation of the Code of Ethics and Standard Practices for Texas Educators. The commission recommends to the commissioner that the individual be informed by registered mail that his or her action is deemed "unprofessional practice" and that the letter constitutes an official reprimand.

(4) Suspension. The commission finds that the individual is in violation of the Code of Ethics and Standard Practices for Texas Educators. The commission recommends to the commissioner that certification of the individual be suspended for a specific period of time not to exceed one year.

(5) Cancellation. The commission finds the individual to be in violation of the Code of Ethics and Standard Practices for Texas Educators. The commission recommends to the commissioner that the professional certification of the individual be canceled.

Issued in Austin, Texas, on January 30, 1981.

Doc. No. 810754 A. O. Bowen
Commissioner of Education

Effective Date: February 20, 1981

Proposal Publication Date: September 16, 1980

For further information, please call (512) 475-7077

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

Texas Air Control Board

Friday, February 13, 1981, 8:30 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet in Room 209, 6330 Highway 290 East, Austin. According to the agenda, the committee will consider staff recommendations concerning the award of contracts, funded by one-time U.S. EPA monies to: study the feasibility of controlling significant stationary source volatile organic compound (VOC) emissions that are not covered by existing TACB regulations; evaluate the sensitivity of a photochemical dispersion model; perform a six-site ambient air pollutant monitoring program and meteorological field study in the Harris County area during the 1981 ozone season; perform an airborne air quality and aerometric sampling program also in Harris County during the 1981 ozone season; and evaluate the butanol referencing method for quantifying ambient odorant intensities. The status of proposals for contracts that may be awarded in the future also will be discussed.

Information may be obtained from Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 2, 1981, 4:14 p.m.
Doc. No. 810772

Friday, February 13, 1981, 9:30 a.m. The Regulation Development Committee of the Texas Air Control Board will meet in Room 332 (training room), 6330 Highway 290 East, Austin. According to the agenda, the committee will meet to review testimony and other records of the December 11, 1980, public hearings held in Austin, Houston, and Odessa. The committee will discuss and consider for recommendation to the board the proposed Rule 101.23--Alternate Emission Reduction ("Bubble") Policy.

Information may be obtained from Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 2, 1981, 4:14 p.m.
Doc. No. 810773

Friday, February 13, 1981, 10:30 a.m. The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. According to the agenda summary, the board will consider the

following: approval of minutes of January 9, 1981, meeting; election of chairman and vice chairman; reports; consideration of proposed agency contracts; consideration of proposed regulations--Rule 101.23 (131.01.00.023); hearing examiner's report; and new business.

Information may be obtained from Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 2, 1981, 4:15 p.m.
Doc. No. 810774

Friday, February 13, 1981, upon adjournment of the board meeting at 10:30 a.m. The Ad Hoc Committee for Review of Permit Fees of the Texas Air Control Board will meet in Room 332 (training room), 6330 Highway 290 East, Austin. According to the agenda, the committee will consider several aspects of permit fees in anticipation of making recommendations to the full board at its March meeting. The committee will receive comments from persons attending.

Information may be obtained from Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: February 2, 1981, 4:15 p.m.
Doc. No. 810775

State Board of Canvassers

Thursday, February 12, 1981, 4 p.m. The State Board of Canvassers will meet in the Governor's Reception Room, State Capitol. According to the agenda, the board will discuss the canvass of returns for special elections for state representative, District 57-C, and for state senator, District 27 (unexpired term).

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

Filed: February 2, 1981, 3:26 p.m.
Doc. No. 810771

Comptroller of Public Accounts

Friday, February 27, 1981, 10 a.m. The Motor Vehicle Sales Tax Division of the Comptroller of Public Accounts is rescheduling a public hearing to be held in the third floor auditorium, 111 West 6th, Austin, on proposed motor vehicle sales tax Rule .030 entitled Lease and Lease/Purchase of a Motor Vehicle.

Information may be obtained from Richard Montgomery, Drawer 88, Austin, Texas 78711.

Filed: February 2, 1981, 9:47 a.m.
Doc. No. 810765

Texas Commission for the Deaf

Saturday, February 14, 1981, 9:30 a.m. The Texas Commission for the Deaf will meet in Room 100 E of the John H. Reagan Building, Austin. According to the agenda summary,

the commission will call to order, make opening remarks, and consider the following items: approval of December 13, 1980, commission meeting minutes; report and recommendations of Interpreter Issues Committee; update from the board for the evaluation of interpreters; executive director's and staff report; report on state activities on the screening of the hearing impaired; the provision of interpreter services by the Texas Employment Commission. The commission will reconvene in executive session to discuss personnel matters.

Information may be obtained from Fred R. Tammen, P.O. Box 12904, Austin, Texas 78711, (512) 475-2492.

Filed: February 2, 1981, 4:11 p.m.
Doc. No. 810776

East Texas State University

Friday, February 6, 1981, 9 a.m. The East Texas State University Board of Regents will meet in the Board of Regents Conference Room, East Texas State University. According to the agenda summary, the board will consider the sale of land and approval of distribution facilities lease.

Information may be obtained from Charles Morrow, (214) 886-5024.

Filed: February 2, 1981, 11:14 a.m.
Doc. No. 810763

Texas Department of Health

Saturday, February 14, 1981, 9:30 a.m. The Congenital Heart Disease Program Advisory Committee of the Texas Department of Health will meet in the Commissioner's Conference Room G-107, 1100 West 49th Street, Austin. According to the agenda, the committee will review the findings of the statewide on-site evaluation activity; and consider applications of physicians desiring program approval.

Information may be obtained from Punam Myer, M.D., 1100 West 49th Street, Austin, Texas (512) 458-7241.

Filed: January 29, 1981, 2:28 p.m.
Doc. No. 810719

Texas Health Facilities Commission

Friday, February 13, 1981, 3:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need

South Texas Home Health and Hospice Service, Inc.,

Sandia

AS80-0922-004

Methodist Central Hospital, Dallas

AH80-0923-011

St. Anthony's Hospital, Amarillo

AH80-1007-007

Callahan General Hospital, Baird

AH80-0828-040

Southmore Medical Center, Pasadena

AH80-0905-027

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

AH80-0919-003

Bexar County Hospital, San Antonio

AH80-1020-012

Hickory Elm Convalescent Center, Inc., Burkburnett

AN80-0908-044

McAllen Methodist Hosp., McAllen

AH80-0613-013

Declaratory Ruling

Heights Physical Therapy Service, Inc., Houston

AS80-0118-028

A routine business meeting will follow the open meeting.

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

Filed: February 2, 1981, 9:55 a.m.
Doc. No 810764

Texas Historical Commission

Friday, January 30, 1981, 9 a.m. The board of the Texas Historical Commission made an emergency addition to the agenda of a meeting held at the La Posada Motor Motel, Laredo, to consider the following: new chairman's remarks to include recommendations of the commission's responsibilities including the official Texas Historical Marker Program; annual meetings; preservation workshops and other educational endeavors which would fulfill the commission's statutory mandate to work with all organizations and citizens in the state preservation program. The reason for the emergency addition was because of the former commission chairman being replaced and the replacement of several commission members.

Information may be obtained from Truett Latimer, P.O. Box 12276, Austin, Texas 78711, (512) 475-3092.

Filed: January 29, 1981, 2:10 p.m.
Doc. No 810717

Monday, February 9, 1981, 10 a.m. The Texas Antiquities Committee of the Texas Historical Commission will meet in Room 104 of the Texas Law Center, 1414 Colorado, Austin. According to the agenda summary, the committee will consider the following: approval of minutes of December 17, 1980, meeting; adoption of proposed rules for designation of state archeological landmarks; presentation of potential state archeological landmarks; report of work in progress; update on Platoro lawsuit; and minor revisions to recently established rules.

Information may be obtained from Cindy Hopkins, 105 West 16th Street, Austin, Texas, (512) 475-6328.

Filed: January 29, 1981, 2:17 p.m.
Doc No 810718

Texas Indian Commission

Monday, February 2, 1981, 8 a.m. The Texas Indian Commission held an emergency meeting in the Amarillo Room of the Capitol Ramada Inn, Austin, to act on resolution TIC

1-81; approve revised appropriations request for fiscal year 1982-83; and review legislative presentations and visitations. The reason for the emergency meeting was because of the notification by the Legislative Budget Board on January 28, 1981, that the Texas Indian Commission would be heard by Committees on Appropriation on February 2, 1981.

Information may be obtained from Walt Broemer, P.O. Box 510, Livingston, Texas 77351, (713) 327-3683.

Filed: January 30, 1981, 9:10 a.m.
Doc. No. 810732

INDIAN AFFAIRS



State Board of Insurance

Thursday, February 5, 1981, 2 p.m. The State Board of Insurance held an emergency rescheduled meeting in Room 408, 1110 San Jacinto, Austin, to make decisions on the following appeals: Wilkerson Funeral Service Insurance Company, and National Home Life Assurance Company. The emergency meeting (originally scheduled for February 10, 1981) was necessary because of scheduling conflicts and need for decisions as soon as possible.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: February 2, 1981, 9:53 a.m.
Doc. No. 810762

Tuesday, February 10, 1981, 10 a.m. The State Board of Insurance is rescheduling a meeting to be held in Room 408, 1110 San Jacinto Street, Austin, to make decisions on the following appeals: Wilkerson Funeral Service Insurance Company, and National Home Life Assurance Company. The meeting is rescheduled from February 4, 1981, at 10 a.m.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: January 30, 1981, 9:08 a.m.
Doc. No. 810733

Wednesday, February 11, 1981, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 5938--whether any and all insurance agent's licenses issued to James M. Barton, or to the James M. Barton Insurance Agency, should be suspended or revoked.

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

Filed: February 2, 1981, 1:33 p.m.
Doc. No. 810767

Thursday, February 12, 1981, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6284--application of American Bankers Insurance Company to acquire control of Imperial Insurance Company.

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

Filed: February 2, 1981, 1:34 p.m.
Doc. No. 810768

Texas Department of Labor and Standards

Wednesday, February 11, 1981, 10 a.m. The Texas Department of Labor and Standards will meet in Room 105 of the E.O. Thompson Building, Austin. According to the agenda summary, the department will discuss any aspects of the boiler inspection law that may be of concern this legislative session.

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

Filed: January 29, 1981, 3:06 p.m.
Doc. No. 810720

Legislative Audit Committee

Monday, February 9, 1981, 2:15 p.m. (upon adjournment of the House). The Legislative Audit Committee will meet in Room 241 of the speaker's office, State Capitol. According to the agenda, the committee will consider the following: committee organization; appointment of auditor; administration policies; discussion of proposed legislation; and any current audit concerns.

Information may be obtained from George W. McNeil, P.O. Box 12067, Austin, Texas 78711, (512) 475-4115.

Filed: January 30, 1981, 4:39 p.m.
Doc. No. 810755

Midwestern State University

Thursday, February 12, 1981, 9 a.m. The Midwestern State University Board of Regents will meet in the board room of the Hardin Administration Building, Midwestern State University, Wichita Falls. According to the agenda summary, the board will consider: reading and approval of minutes, old business, Executive Committee, Finance Committee, Personnel and Curriculum Committee, Student Affairs Committee, Athletics Committee, University Affairs Committee, and president's report.

Information may be obtained from Dr. Louis J. Rodriguez, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 211.

Filed: February 3, 1981, 9:31 a.m.
Doc. No. 810785

Board of Pardons and Paroles

Tuesday-Friday, February 17-20, 1981, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

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

Filed: February 3, 1981, 8:56 a.m.
Doc. No. 810783

Wednesday, February 18, 1981, 9 a.m. The Board of Pardons and Paroles will meet in the diagnostic unit of the Texas Department of Corrections, Huntsville. According to the agenda, a parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

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

Filed: February 3, 1981, 8:57 a.m.
Doc. No. 810784



TEXAS DEPARTMENT PUBLIC SAFETY

Texas Department of Public Safety

Thursday, February 12, 1981, 9 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet at 5805 North Lamar, Austin. According to the agenda, the commission will approve the minutes and consider budget matters, personnel matters, and other unfinished business.

Information may be obtained from James B. Adams, 5805 North Lamar, Austin, Texas, (512) 465-2000, Sta. 3700.

Filed: January 30, 1981, 12:47 p.m.
Doc. No. 810744

Public Utility Commission of Texas

Wednesday, February 11, 1981, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider final orders and hear oral argument in the following Dockets: 3522; 3439; 3454; 3470; 3494; 3506; 3569; 3216; 3431; 3519; 3521; 3335; 3488; 3523; 3548; 3549; 3557; 3560; 3571; 3592; 3593; 3595; 3596; 3598; 3599; 3622; 3625; 3630; and 3648.

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

Filed: February 2, 1981, 2:53 pm
Doc. No. 810769

Railroad Commission of Texas

Monday, February 2, 1981, 9 a.m. The Liquefied Petroleum Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division considered legal action against Butane Carburetion Service, Fort Worth, for operating without a license. This matter had to be considered on less than seven days' notice as a matter of urgent public necessity because of the immediate threat to the public health, safety, and welfare posed by unlicensed liquefied-petroleum gas operations.

Information may be obtained from Guy G. Matthews, P.O. Box 12967, Austin, Texas, (512) 445-1301.

Filed: January 30, 1981, 4:06 p.m.
Doc. No. 810750

Tuesday, February 3, 1981, 4 p.m. The Transportation Division of the Railroad Commission of Texas held an emergency meeting at 1124 South IH 35, Austin. According to the agenda, the division considered an application by Melton Truck Lines, Inc., Docket 023681ZZT. This meeting was necessary on less than seven days' notice as a matter of urgent public necessity because the case involved significant questions of policy regarding the commission's rate setting policy. The commission would have otherwise been precluded from fully considering these issues due to the statutory deadline for deciding the motion for rehearing.

Information may be obtained from Rory K. McGinty, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed: January 30, 1981, 11:40 a.m.
Doc. No. 810737

Monday, February 9, 1981, 9 a.m. The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. According to the agenda, the commission will go into executive session to discuss personnel ac-

tions for all divisions, and to consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Information may be obtained from Carla S. Doyne, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed: January 30, 1981, 11:41 a.m.
Doc No. 810738

Monday, February 9, 1981, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider Gas Utilities Dockets 2888, 2889, and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

Filed: January 30, 1981, 11:39 a.m.
Doc. No. 810739

Monday, February 9, 1981, 9 a.m. The Liquified-Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider the director's report.

Information may be obtained from Guy G. Matthews, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: January 30, 1981, 11:40 a.m.
Doc No. 810740

Monday, February 9, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burriss, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 30, 1981, 11:40 a.m.
Doc. No. 810741

Monday, February 9, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas makes additions to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the additions concern consideration of category determinations under Sections 102(c)(B), 102(c), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 30, 1981, 11:39 a.m.
Doc. No. 810742

Monday, February 9, 1981, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of application for exception to SWR 37 by Randolph Acoc, Geodyn (Austin Chalk), Giddings (Austin Chalk), Caldwell (Austin Chalk), and Wildcat (above 8300) Fields, Burleson County. Motion for rehearing.

Information may be obtained from Skipper Lay, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1282.

Filed: January 30, 1981, 4:47 p.m.
Doc No. 810756

Monday, February 9, 1981, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 30, 1981, 11:41 a.m.
Doc No. 810743

Texas Real Estate Commission

Monday, February 9, 1981, 9:30 a.m. The Texas Real Estate Commission will meet in Room 119 of the Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider the following: election of officers; consideration of motions for rehearing; final action on proposed rules; review of Rule 402.03.01.001(g); and, after reconvening at 1 p.m., rehearing in the matter of Guadalupe G. Vasquez.

Information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 475-4250.

Filed: January 29, 1981, 4:43 p.m.
Doc No. 810731

University of Texas

Friday, February 6, 1981, 10:30 a.m. The System Administration Committee of the University of Texas Board of Regents will meet in Asstbel Smith Hall, ninth floor, regents' meeting room, 201 West 7th Street, Austin. According to the agenda, the committee will resolve into executive session involving the evaluation, assignment, and duties of officers and employees of the University of Texas System pursuant to Vernon's Texas Civil Statutes, Article 6252-17, Section 2(g) including but not limited to the first report of the System Management Review Committee for the newly qualified members of the board; and conduct a meeting of the System Administration Committee.

Information may be obtained from Betty Anne Tiedford, P.O. Box N, Austin, Texas 78712, (512) 471-1265.

Filed: February 2, 1981, 10:58 a.m.
Doc No. 810761

Texas A&M University

Thursday, February 5, 1981, 8:30 a.m. The Planning and Building Committee of the Texas A&M University Board of Regents met in the MSC Annex, Texas A&M University, Col-

lege Station, to consider matters relating to the planning and building in the Texas A&M University System.

Information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas 77843, (713) 845-4334.

Filed: January 29, 1981, 4:04 p.m.
Doc No 810726

Thursday, February 5, 1981, 11 a.m. The Committee for Service Units of the Texas A&M University Board of Regents met in the MSC Annex, Texas A&M University, College Station, to consider the following: resolutions in honor of personnel; appointment to emeritus position; authorization of legislation for TFS; license agreements for TAES and TVMDL; and a budget change for TAES.

Information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas 77843, (713) 845-4334.

Filed: January 29, 1981, 4:05 p.m.
Doc No 810727

Thursday, February 5, 1981, 1:30 p.m. The Committee for Academic Campuses of the Texas A&M University Board of Regents met in the MSC Annex, Texas A&M University, College Station, to consider the following: appointment of personnel as professor emeritus; student fees; telephone system contract at Texas A&M University; appropriation of funds for repair of streets and purchase and installation of air conditioning units at Prairie View A&M University; SDIP application for Prairie View A&M University; appointment to Board of Visitors at Texas A&M University at Galveston (Moody College).

Information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas 77843, (713) 845-4334.

Filed: January 29, 1981, 4:05 p.m.
Doc No 810728

Thursday, February 5, 1981, 3 p.m. The Executive Committee of the Texas A&M University Board of Regents met in the MSC Annex, Texas A&M University, College Station, to consider the following: nominees for the positions of associate deputy chancellor for engineering, director of the Texas Forest Service, dean of the college of architecture and environmental design, Texas A&M University; complaint and appeal procedures for employees; confirmation of appointments, promotions, terminations, fiscal changes, and personnel actions; acceptance of gifts, recommendations for academic tenure; and acceptance of nominations for the position of President of Texas A&M University.

Information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas 77843, (713) 845-4334.

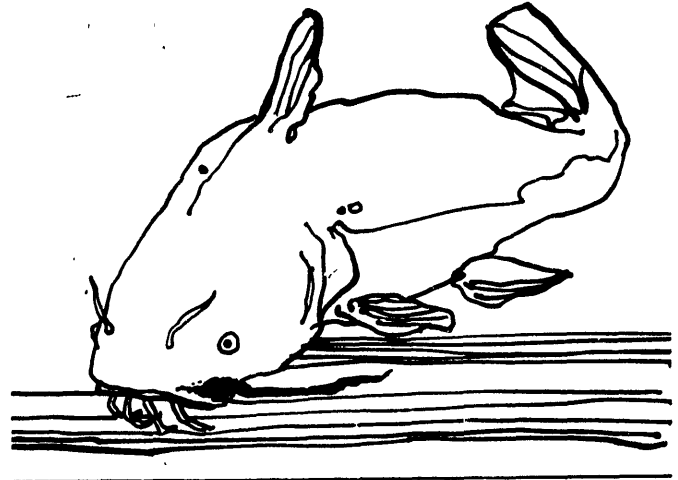
Filed: January 29, 1981, 4:05 p.m.
Doc. No. 810729

Friday, February 6, 1981, 8:30 a.m. The Texas A&M University Board of Regents will meet in the MSC Annex, Texas A&M University, College Station, to consider the following: planning and building projects; personnel matters;

fiscal matters; academic programs, student fees; license agreements; transfer of land; and contracts.

Information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas 77843, (713) 845-4334.

Filed: January 29, 1981, 4:05 p.m.
Doc No 810730



Texas Water Commission

Monday, February 9, 1981, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider: applications for bond issues; change order; use of surplus funds; petition for creation-setting of hearing date; water quality permits; amendments and renewals; adjudication matter; cancellation of permit; extension of time applications; final decisions on water right application; and filing and setting hearing dates.

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

Filed: January 29, 1981, 4:01 p.m.
Doc. No. 810725

Tuesday, February 24, 1981, 9:30 a.m. The Texas Water Commission will conduct a hearing in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on TA-3941 of Buckner Construction Company for a temporary permit to divert and use five acre-feet of water for a three-year period from Neches River, Neches River Basin, for industrial use (highway construction) purposes in Cherokee County.

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

Filed: January 30, 1981, 3:02 p.m.
Doc No 810745

Tuesday, February 24, 1981, 9:30 a.m. The Texas Water Commission will conduct a hearing in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on TA-3950 of Transcontinental Gas Pipe Line Corp., for a temporary permit to divert and use 14 acre-feet of water for a two-year period from Laguna Madre, Nueces-Rio Grande Coastal Basin for industrial (pipe line test) purposes in Kenedy County.

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

Filed: January 30, 1981, 3:02 p.m.
Doc. No 810746

Tuesday, February 24, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, for petition for organization of Fort Bend County Municipal Utility District 31, containing 436.483 acres.

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

Filed: February 2, 1981, 3:03 p.m.
Doc No 810770

Regional Agencies

Meetings Filed January 29, 1981

The Blanco County Appraisal District met at the Blanco County Appraisal District Office, 519 4th Street, Blanco, on February 3, 1981, at 6:30 p.m. Information may be obtained from Joy Brussel, P.O. Box 725, Blanco, Texas 78606, (512) 833-4414.

The Deep East Texas Council of Governments, Area Agency on Aging (Aging Advisory Council), will meet in Room 209 (auditorium), Science Building, Angelina College, Lufkin, on February 6, 1981, at 10 a.m. Information may be obtained from Martha Jones, P.O. Box 1170, Jasper, Texas 75951, (713) 384-5704.

The Hale County Appraisal District met at the Central Appraisal Office, 302 West 8th, Plainview, on February 5, 1981, at 7 p.m. Information may be obtained from Larry Hamilton, P.O. Box 26, Plainview, Texas 79072, (806) 293-4226.

Doc No 810716

Meetings Filed January 30, 1981

The Houston-Galveston Area Council, Project Review Committee, met at 3701 West Alabama, Houston, on February 3, 1981, at 9:30 a.m. Information may be obtained from Martha Pawley Grady, 3701 West Alabama, Houston, Texas 77027, (713) 627-3200, ext 336.

The South Texas Health Systems Agency, Health Education Committee Coastal Bend Subarea Health Advisory Council, will meet at City/County Department of Public Health, 1702 Horne Road, Corpus Christi, on March 9, 1981, at 6 p.m. Information may be obtained from Helen Eisler, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

Doc No 810734

Meetings Filed February 2, 1981

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

The Bexar County Appraisal District met at the Appraisal District Office, 533 South Main, San Antonio, on February 5, 1981, at 5 p.m. Information may be obtained from Bill Burnette, P.O. Box 9497, San Antonio, Texas 78204, (512) 224-8511.

The Coryell County Appraisal Board is rescheduling a meeting (rescheduled from February 3, 1981) to be held in the county courtroom, Coryell County, on February 10, 1981, at 7 p.m. Information may be obtained from Jerry (Nub) Donaldson, 500 Littlefield Building, Austin, Texas 78701, (512) 479-0300.

The East Texas Council of Governments, Executive Committee, met at the Stoneridge Plaza Office Building, 3800 Stone Road, Kilgore, on February 5, 1981, at 7 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Hale County Appraisal District, met at the Central Appraisal Office, 320 West 8th, Plainview, on February 5, 1981, at 7 p.m. Information may be obtained from Larry Hamilton, P.O. Box 26, Plainview, Texas 79072, (806) 293-4226.

The Hockley County Appraisal District, Board of Directors, will meet in the board room, South Plains College, Levelland, on February 16, 1981, at 7 p.m. Information may be obtained from Kent Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Palo Pinto Appraisal District will meet at 603 South Oak, Mineral Wells, on February 6, 1981, at 1 p.m. Information may be obtained from H. H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas 76067, (817) 325-3666.

The Panhandle Regional Planning Commission, Board of Directors, met in the PRPC conference room, first floor, Amarillo Building, Third and Polk, Amarillo, on February 5, 1981, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

The South Plains Association of Governments, Board of Directors, met at 1709 26th Street, Lubbock, on February 5, 1981, at 10 a.m. Information may be obtained from Glenda Robinson, 1709 26th Street, Lubbock, Texas 79411, (806) 762-8721.

The Tri-Region Health Systems Agency, West Central Texas Subarea Advisory Council, will meet at West Central Texas Council of Governments, 1025 East North 10th, Abilene, on February 11, 1981, at 7 p.m. The Tri-Region Health Systems Agency, North Texas Subarea Advisory Council, will meet in Room 216 of the Activity Center, 607 10th and Indiana, Wichita Falls, on February 12, 1981, at 7 p.m. Information may be obtained from Bob Caras and David Brown respectively, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698-9481.

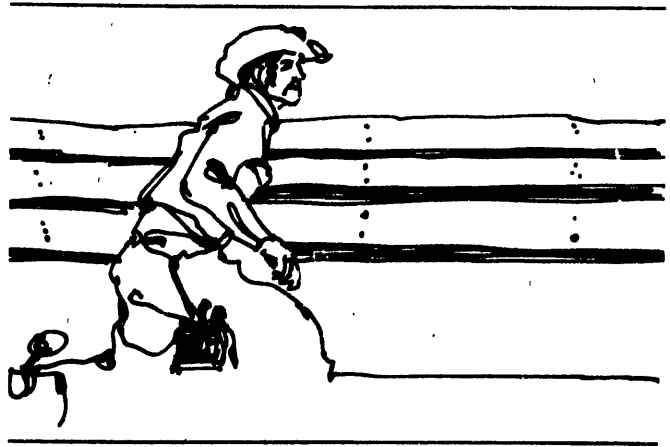
The Upshur County Appraisal District will meet at the Upshur County Appraisal District Office, Gilmer Middle School, Warren Street, Gilmer, on February 9, 1981, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 76544, (214) 843-3736.

Doc. No. 810760

Meetings Filed February 3, 1981

The Trinity River Authority of Texas, Basin Planning Committee, will meet in the executive conference room, Trinity River Authority's General Office, 5300 South Collins, Arlington, on February 9, 1981, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

Doc. No. 810786



Banking Department of Texas Applications To Purchase Control of State Banks

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

On January 28, 1981, the banking commissioner received an application to acquire control of Lorenzo State Bank at Lorenzo, by Raymond F. Barker of Kerrville; Lewis F. Brazelton III of Houston; and Don Graf, Harrold O. Harriger, Jimmie L. Mason, and Delbert L. Peterson, all of Lubbock. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on January 28, 1981.

Doc. No. 810715 Robert E. Stewart
 Banking Commissioner

Filed: January 29, 1981, 9:09 a.m.
For further information, please call (512) 475-4451.

State Banking Board Hearing

The Hearing Officer of the State Banking Board will conduct a consolidated hearing on Tuesday, February 10, 1981, at 9 a.m., at 2601 North Lamar, Austin, on the charter applications for Fulshear State Bank and Fulshear Bank, both to be located in Fulshear, Fort Bend County.

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

Issued in Austin, Texas, on January 29, 1981.

Doc. No. 810735 O. A. Cassity
 Assistant General Counsel
 Banking Department of Texas

Filed: January 30, 1981, 10:12 a.m.
For further information, please call (512) 475-4451.

Comptroller of Public Accounts Administrative Decisions

For copies of the following opinions selected and summarized by the administrative law judges, contact the administrative law judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Administrative Decision 10,859

Summary of Decision:

(1) A contingent liability is not a "debt" and therefore cannot be deducted from a corporation's surplus/taxable

capital for franchise tax purposes. (Franchise Tax Rule .015; Texas Business Corporation Act Annotated, Article 1.02, Sections 10 and 12.)

(2) The taxpayer is precluded from claiming that it exercised reasonable diligence in support of its penalty/interest waiver argument, since it admitted that it was aware of Franchise Tax Rule .015, but chose to ignore it on the grounds that it had a reasonable basis for doing so. Decision rendered August 29, 1980.

Summary of Administrative Decision 11,157

Summary of Decision:

(1) In most cases the fair market value of an undivided interest in realty should be discounted for inheritance tax valuation purposes to reflect the realistic possibility that a prospective buyer of such an interest would have to partition the property due to the potential for disagreement with the other co-owners over whether the property should be sold or exactly how it should be used.

(2) Contrary to the position of the Inheritance Tax Division, the relationship between the person who actually inherits such an interest and the decedent or the surviving co-owner(s) is irrelevant to the question of whether or how much discount should be allowed, since the "willing buyer" whose offer determines fair market value for inheritance tax purposes, must be considered a total stranger. Decision rendered October 9, 1980.

Issued in Austin, Texas, on January 28, 1981.

Doc. No. 810688- Bob Bullock
 810689 Comptroller of Public Accounts

Filed: January 28, 1981, 10:22 a.m.
For further information, please call (512) 475-1938.

Texas Education Agency Consultant Proposal Request

This consultant proposal request is filed under the provisions of Article 6252-11c, Vernon's Annotated Civil Statutes.

Description of Project. The Division of Adult and Community Education, Programs, Texas Education Agency, is now accepting proposals for special experimental demonstration projects and teacher training projects in the State of Texas for fiscal year 1982 (July 1, 1981, through June 30, 1982) under Adult Education Act, Public Law 91-230, and Texas Education Code, Section 11.18, Adult Education. Eligible applicants include public educational systems and public or private nonprofit entities. Proposals should be submitted to the Document Control Center, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701. Copies of the instructions for submitting proposals and a list of priorities may be obtained from Special Projects, Division of Adult and Community Education Programs, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701.

Person To Contact. Further information may be obtained by calling Dr. Ralph Mock or Dr. Pavlos Roussos at (512) 475-3891.

Deadline for Proposals. Proposals will be accepted until the close of business on Wednesday, April 15, 1981. It is anti-

icipated that applicants will be given notification of approval or nonapproval of applications by May 30, 1981.

Issued in Austin, Texas, on January 28, 1981.

Doc No. 810712 A. O. Bowen
Commissioner of Education

Filed: January 29, 1981, 9:12 a.m.
For further information, please call (512) 475-7077

Texas Energy and Natural Resources Advisory Council

Consultant Proposal Request

The Texas Energy and Natural Resources Advisory Council (hereafter referred to as TENRAC) is soliciting proposals by qualified firms to assess and evaluate two distinct types of energy conservation grant programs currently being administered by the Conservation Division. TENRAC is an equal opportunity agency and does not discriminate on the basis of race, color, national origin, sex, handicap, or age.

Scope of Services. The contractor will be responsible for conducting complete evaluations of the 1980 Innovative Energy Conservation Grant Program for Local Governments consisting of nine separate projects and the 1980 Comprehensive Community Energy Management Planning (CEMP) Program consisting of four separate projects. The contractor is expected to provide at a minimum the following services and deliverables:

(1) The contractor shall develop an evaluation format(s) for each type of grant program based on its review and assessment of the grant program guidelines; goals; objectives; workplans; and other relevant, available information.

(2) The contractor will review project monitoring reports received by TENRAC, schedule on-site evaluation visits for each project, and conduct each evaluation in a timely manner. Locations for the on-site evaluations of innovative grant projects are El Paso, Amarillo, Lubbock, Wichita Falls, Fort Worth, Waco, Belton, Austin, Baytown. Locations for the on-site evaluations of the CCEMP projects are El Paso, Abilene, Denton, and Austin.

(3) The contractor will prepare a complete evaluation report for each project including at a minimum grant objectives, grant activities, schedule of activities, organization, energy saving goals, problems encountered, cost of project, cost effectiveness results, and recommendations/ideas for project continuation or transfer to other communities.

(4) The contractor will prepare a case study report on a minimum of three or four innovative grant projects that are evaluated as successful.

(5) The contractor will prepare a case study on each successful CCEMP project.

(6) The contractor will prepare a summative evaluation report on each of the two types of grant programs that will assist TENRAC staff in determination of program value, goal and objective attainment, significant problem areas, and opportunities for program improvement.

(7) The contractor will visit each of the four CCEMP projects on an interim basis to familiarize project personnel with anticipated expectations and final evaluation methodology.

(8) The contractor will provide consultation and advice to the responsible TENRAC program coordinator and individual project personnel as needed during the course of this contract period.

Funding. The evaluation support requested herein is an element of the Texas SECP funded by a grant from the U.S. Department of Energy. Maximum project funding will not exceed \$40,000 for the evaluation of both types of grant programs. Contractors will be reimbursed for actual expenses incurred after contract award upon submission of these costs in the manner prescribed by the State of Texas and applicable federal standards. As a contractor to a federal grantee, the contractor shall comply with all applicable equal employment opportunity requirements of the federal government.

Schedule. The contractor will be retained for a period ending December 31, 1981. Individual innovative grant evaluations should be completed by mid April; case studies and summative program evaluations should be completed by May 1, 1981. Individual CCEMP project evaluations should be completed by November 1, 1981. The CCEMP case studies should be completed by November 1, 1981, and the summative CCEMP evaluation report completed by December 31, 1981.

Proposals. Proposals will be accepted from individuals or firms. Proposals should state the proposer's qualifications, anticipated workplan, and budget. A successful proposer must demonstrate knowledge and actual experience in areas related to energy conservation and management at state and local government levels. TENRAC reserves the right to interview each proposer before an award is made if such interview is deemed appropriate. Proposals will be judged on the following basis:

- (1) proposer's ability to perform satisfactory and timely work;
- (2) proposer's ability to demonstrate experience and qualified personnel who will be directly associated with the project;
- (3) proposer's availability to Austin where the TENRAC's project personnel are located;
- (4) proposer's previous work and experience.

Deadline for Submission of Proposals. Responses to the consultant proposal request must be delivered to the TENRAC office no later than 5 p.m. February 27, 1981, or postmarked no later than midnight February 26, 1981, and addressed to Texas Energy and Natural Resources Advisory Council, Room 504, 200 East 18th Street, Austin, Texas 78711. Each proposer should provide five copies of their proposal. Each packet of proposals should be labeled "Grant Evaluation Proposal." Questions concerning the proposals should be addressed to Larry Morgan at (512) 475-5407, or the above address. The contract for grant evaluation will be awarded on or about March 12, 1981.

This request for consulting service is filed pursuant to the provisions of Article 6252-11c, Texas Civil Statutes.

Issued in Austin, Texas, on February 2, 1981.

Doc No 810757 Larry Morgan, Coordinator for Local
Governments Program
Conservation Division
Texas Energy and Natural Resources
Advisory Council

Filed: February 2, 1981, 9:36 a.m.
For further information, please call (512) 475-5407

Contract Awards

The Texas Energy and Natural Resources Advisory Council furnishes this notice of contract award. The request for proposal appeared at 5 TexReg 3932. This notice of contract award does not come under Article 6252-11c, Vernon's Annotated Texas Statutes, but is furnished as public information.

Description of Project. Project 80-W-4-1 is a study to test a wind turbine producing electricity for stripper well pumps.

Contractor; Total Value; Period of Contract. The contractor is West Texas State University, Alternative Energy Institute, P.O. Box 248, Canyon, Texas 79016. The total value of the contract is \$21,563. The beginning date of the contract is January 7, 1981, and the ending date of the contract is August 31, 1981.

Due Dates for Reports. Progress reports are due March 31, 1981, and June 30, 1981; a draft final report is due August 1, 1981; and a final report is due August 31, 1981.

Doc. No. 810707

The Texas Energy and Natural Resources Advisory Council furnishes this notice of contract award. The request for proposal appeared at 5 TexReg 3077. This notice of contract award does not come under Article 6252-11c, Vernon's Annotated Texas Statutes, but is furnished as public information.

Description of Project. Project 80-L-11-5 is a study to investigate by parametric analysis and by computer simulation the hydrologic impact of the recovery of deep basin Texas lignites (at depths greater than 200 feet below the surface) by potential recovery techniques such as deep open-pit mining and in situ gasification.

Contractor; Total Value; Period of Contract. The contractor is the University of Texas at Austin, Austin, Texas 78712. The total value of the contract is \$30,305. The beginning date of the contract is January 7, 1981, and the ending date of the contract is August 31, 1981.

Due Dates for Reports. Progress reports are due the 10th of each calendar month; a draft interim report is due August 1, 1981; and a final interim report is due August 31, 1981.

Issued in Austin, Texas, on January 27, 1981.

Doc. No. 810708 Roy R Ray, Jr., Director
Technology Development Division
Texas Energy and Natural Resources
Advisory Council

Filed: January 29, 1981, 9:14 a.m.
For further information, please call (512) 475-0414.

Office of the Governor Budget and Planning Office Funding Recommendations

The Budget and Planning Office is publishing this notice of funding recommendations in accordance with the amended intrastate allocation procedures for federal Coastal Energy Impact Program assistance §§5.121-5.130 (001.60.11.001-011), which were approved by the acting deputy assistant administrator of the National Oceanic and Atmospheric Administration of December 29, 1980.

On May 23, 1981, a notice of financial assistance availability was published in the *Texas Register* to solicit applications from eligible state agencies and local governments. Applications for planning grants were received until June 18, 1980; applications for grants for environmental or recreational losses were received until July 15, 1980. Upon receipt, applications were reviewed by the Budget and Planning Office to verify eligibility under federal law and regulations and under state rules for this program. In addition, the Texas Coastal Program staff of the Texas Energy and Natural Resources Advisory Council reviewed the applications to ensure compatibility with the state's coastal management plans and activities. Applications were also submitted for review and comment by interested or affected state agencies and units of local governments in accordance with Office of Management and Budget Circular A-95.

The following list of applications have been recommended for funding by the National Oceanic and Atmospheric Administration, Office of Coastal Zone Management. Listed are the categories of assistance, names of the applicants, and amount of recommended federal funds.

(A) Planning grants. To prepare for the consequences of new or expanded energy facilities impacting the coastal zone, the following applications have been recommended for funding pursuant to federal regulations (15 Code of Federal Regulations 931.30 et seq.):

Applicant	Federal Amount Recommended
Budget and Planning Office	\$68,000
City of Aransas Pass	\$ 5,000
Cameron County	\$10,000
Galveston County	\$10,000
Golden Crescent Council of Governments (Calhoun County)	\$10,000
Golden Crescent Council of Governments (Jackson County)	\$10,000
Golden Crescent Council of Governments (Victoria County)	\$10,000
Harris County	\$10,000
City of Kingsville	\$ 4,000
Matagorda County	\$10,000
Nueces County	\$10,000
City of Port Arthur	\$10,000
City of Sinton	\$ 5,000
South Texas Water Authority	\$ 6,000

(B) Grants for environmental and recreational losses. To aid in preventing, reducing, or repairing damage to or loss of valuable environmental or recreational resources due to coastal energy activity, the following applications have been



recommended for funding pursuant to federal regulations (15 Code of Federal Regulations 931.70 et seq.):

Applicant	SAI Number	Federal Amount Recommended
Aransas County Navigation District 1	0-10-50-018	\$ 200,000
City of Bay City	0-10-50-019	\$ 247,193
City of Beaumont	0-10-50-020	\$ 300,000
Brownsville Navigation District	0-10-50-021	\$ 120,000
Calhoun County	0-10-50-022	\$ 484,000
City of Fulton	0-10-50-023	\$ 217,500
Galveston County	0-10-50-024	\$ 200,000
City of Galveston	0-10-50-025	\$ 202,000
City of Gregory	0-10-50-026	\$ 50,000
Harris County	0-10-50-027	\$1,350,000
City of Kingsville	0-10-50-028	\$ 89,085
Nueces County	0-10-50-029	\$1,250,000
City of Port Aransas	0-10-50-030	\$ 210,000
City of Port Arthur	0-10-50-031	\$ 130,000
City of Portland	0-10-50-032	\$ 200,000
City of Rockport	0-10-50-033	\$ 40,000
City of Victoria	0-10-50-034	\$ 158,065

Recommendations for funding of construction projects are conditional upon the applicant's submission of a preliminary engineering report, environmental impact assessment, and all required federal and state permits.

Issued in Austin, Texas, on January 30, 1981.

Doc. No. 810752 Paul T. Wrotenbery, Director
Budget and Planning Office
Office of the Governor

Filed: January 30, 1981, 4:30 p.m.

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

Texas Health Facilities Commission

Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of January 28-30, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(b), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

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

Navarro County Memorial Hospital, Corsicana (1/29/81)

AH81-0126-056

EC—Request to renovate existing space to provide one radiology room and a separate film processing room, and purchase radiology equipment

Northshore Medical Plaza, Houston (1/29/81)

AH81-0126-070

EC—Request to acquire an ultrasound real-time unit for use in conjunction with the existing B-Mode scanner

Bellaire General Hospital, Houston (1/29/81)

AH81-0126-052

EC—Request to acquire a portable Cavitron carbon dioxide surgical laser for use in surgery

Kemp Care Center, Inc., (1/29/81)

AN81-0116-012

EC—Request to construct a 32-foot by 60-foot brick veneer building to be utilized for activity area, storage, kitchen, an office, and a new laundry

Lifemark Recovery Center of Katy (1/30/81)

AO81-0128-002

DR—Establish that neither a certificate of need nor an exemption certificate is required to construct, equip, and operate a 64-bed freestanding, nonmedical alcoholism rehabilitation facility in Katy

Harris County Hospital District, Houston (1/30/81)

AH81-0127-019

DR—Establish that neither a certificate of need nor an exemption certificate is required to purchase several vacant buildings; plans for their ultimate use have not yet been made

Issued in Austin, Texas, on February 2, 1981.

Doc. No. 810758 Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: February 2, 1981, 9:54 a.m.

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

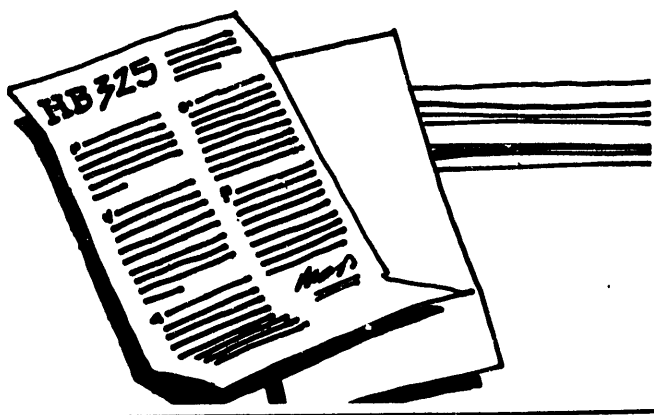
Legislative Information System of Texas

Toll-Free Telephone Number

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

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

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 471-3026.



North Central Texas Council of Governments

Consultant Proposal Request

Contact Person. John Promise, director of environmental resources, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011, (817) 640-3300.

Due Date. March 2, 1981, 5 p.m. in the office of John Promise, director of environmental resources, North Central Texas Council of Governments, P.O. Drawer COG, 1201 North Watson Road, Arlington, Texas 76011.

Background. In 1979, Tarrant County and the Cities of Arlington and Fort Worth teamed to conduct a joint study of municipal solid waste resource recovery for one or more of the 37 cities in the county. The Phase I planning effort was selected for funding by the U.S. Environmental Protection Agency (EPA) as part of its national resource recovery program. Phase I consisted of a feasibility analysis of various resource recovery alternatives, including life cycle cost estimates of the most promising resource recovery approaches and a comparison of these costs to disposal costs associated with landfilling. The Phase I final report, published in July 1980, indicated that, from a cost comparison basis, the two

methods are competitive and that recovery in Tarrant County is a feasible alternative.

The governing bodies of the three entities have agreed to proceed to the procurement planning phase and have provided the local matching shares. A planning grant for Phase II has been received from the U.S. EPA. The Tarrant County Resource Recovery Task Force, comprised of senior staff representatives from Tarrant County, Arlington, and Fort Worth, provides overall leadership and supervision. The NCTCOG is under contract to Tarrant County to coordinate the project, assist in project management activities, and conduct the public participation program.

Work elements in the procurement planning phase include, for example, negotiation of a letter of intent to purchase energy with the most promising markets, selection of the site, and development of the financing package. The financial advisor will be responsible for contributing to the development of procurement and implementation strategies by the project consultant, advising the task force directly with regard to the evaluation and selection of various alternatives, and preparing the financing package.

The financial advisor portion of procurement planning is to be accomplished by a consultant. The contract to be awarded will be for a sum of no more than \$20,000. Copies of the consultant proposal request providing detailed information on this project are available on request from the contact person indicated above.

Contract Award Procedures. The task force is responsible for ranking the consultants. Based on the written responses to the consultant proposal request, the task force will select three consultants as finalists. These finalists will be invited to present their qualifications and scope of services at an oral interview.

After the interview, the task force will evaluate the written and oral responses to the consultant proposal request with consideration to the following factors:

- (1) approach of the firm;
- (2) proposed method of accomplishing the required work;
- (3) skills and experience of assigned personnel;
- (4) capacity to perform the work;
- (5) avoidance of personal or organizational conflicts of interest.

The task force will rank the consultants, and a detailed scope of services and fee will be negotiated with the top-ranked consultant. In the event that a mutually agreeable contract cannot be developed, negotiations will then be conducted with the second-ranked consultant. The resulting contract will be reviewed by the task force and the U.S. Environmental Protection Agency and execution will be approved by the Tarrant County Commissioners Court as the contracting agency.

The contract itself will be between the consultant and Tarrant County. The U.S. Environmental Protection Agency requires that consultants be advised that any contract awarded under this consultant proposal request and selection process is expected to be funded in part by a grant from the U.S. Environmental Protection Agency. Neither the United States nor any of its departments, agencies, or employees is or will be a party to this consultant proposal request or any resulting contract. This procurement will be subject to appropriate federal regulations.

Replies must be received by NCTCOG no later than 5 p.m. March 2, 1981.

Issued in Arlington, Texas, on January 28, 1981.

Doc. No. 810706 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: January 29, 1981, 9:16 a.m.
For further information, please call (817) 640-3300.

Texas Department of Public Safety

Consultant Proposal Request

Background. The Texas Department of Public Safety in accordance with state statutory requirements and regulations invites proposals for consultant services for the continuation of the development and implementation of a personnel system consistent with Equal Employment Opportunity guidelines that will provide for the selection, assignment, and promotion of qualified personnel. LFWF, Inc. conducted a job analysis, job requirements validation, and career development study for the department commencing in 1975. Copies for review are available at the DPS headquarters in Austin, Texas.

Description of Services To Be Performed. In order to capitalize on the results of past research and complete the next segment of the validation of the DPS selection processes, this consultant proposal request concerns the following:

(1) Develop and validate an entry examination for the police communications operator selection process.

(2) Update and broaden previously conducted job analysis, including positions newly authorized, positions not previously analyzed, recommending deletion of obsolete and/or nonapplicable job descriptions, and updating all other positions.

(3) Recommend reasons and guidelines for the adoption and implementation by the Department of Public Safety upon completion of the project.

(4) A Personnel Officer III will have the primary responsibility to maintain and continue a current and accurate ongoing job analysis of positions within the department during the period of this grant. The selected contractor must work with and inform this personnel officer regarding methodology, reasoning, and other matters utilized in performing and arriving at the recommendations on this project.

The successful bidder for this grant must agree to accept the overall validity and professional quality of the previous project and continue the study in the most logical manner, and follow and be consistent with Guidelines on Employee Selection Procedures, Title 29, Chapter XIV, Parts 1604-1608, inclusive, Code of Federal Regulations; Testing and Selection Employees by Government Contractors, Title 41, Chapter 60, Part 60-3, Code of Federal Regulations. Bidders are encouraged to include whatever degree of detail deemed appropriate, but must include the following:

(1) A general description of an approach to the proposed engagement, including a project plan and schedule (time frame) of at least the major tasks to be performed.

(2) The qualifications of the organization; its background and experience in tests validation, prior research and engagement experience, and the expertise personnel that will be assigned to the proposed engagement; the willingness to be interviewed in Austin deemed necessary by the department; and name and address of clients for whom similar services have been performed will be helpful for the evaluation.

(3) Any conditions or contractual requirements deemed necessary for inclusion in an anticipated contractual agreement, such as method for payment (i.e., monthly, quarterly, completion lump sum).

(4) Provisions for periodic consultation with an Advisory Committee to be appointed and paid by the department should be included.

Progress Reports. Monthly progress reports will be required to be submitted to the Texas Department of Public Safety and copies will accompany our quarterly reports to Criminal Justice Division. A list by name and date of individuals contacted must be included with monthly reports.

Period of Contract; Funding. All materials, supplies, office help, and travel expense will be furnished by the consulting firm and included in the contract price. The Texas Department of Public Safety has a need to complete this project by September 30, 1981. Requests for proposals with a range of \$42,000 to \$56,000 will be considered; however, professional and contract services exceeding \$56,000 will automatically be eliminated.

Notification of intent to submit a proposal by letter or telephone as soon as possible will be appreciated. A minimum of eight copies is required for each proposal. Please refer questions, intention, and proposal to W. R. Meredith, personnel director, Texas Department of Public Safety, P. O. Box 4087, Austin, Texas 78773, (512) 465-2000, extension 3343. Proposals must be received prior to 5 p.m. February 18, 1981.

Selection Criteria. Selection of the contractor will be made by a committee selected within the department. Each member of the committee scores points from one to 10 in each applicable area as the proposals are studied and all scores are added. Points will be scored according to the firm's stated ability of the task to be performed, prior experience of organization and personnel assigned to project, interest prior to proposal being submitted, organization's fulfillment of the needs of the project. The selection committee reviewing the proposals for this project will give serious consideration to firms with in-depth understanding and familiarity with the task to be performed and related departmental policies, procedures, and historical development of current DPS applications. An oral interview may be required of the firms receiving the three highest scores, if the committee deems necessary, before final determination is made.

Issued in Austin, Texas, on January 23, 1981.

Doc No. 810711 James B. Adams
Director
Texas Department of Public Safety

Filed: January 29, 1981, 9:13 a.m.
For further information, please call (512) 465-2000.

Texas Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of January 26-30, 1981.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of how the requester or persons represented by the requester would be affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

Week Ending January 30, 1981

Western Geophysical Company of America, Galveston; domestic sewage facility; Pelican Island, north of the Galveston Harbor Channel in Galveston County; 11264-01; renewal

Kidd Properties, Inc., Denison; domestic sewage facility; south-west of Denison in Grayson County; 10961-01; renewal

Joe Santos, doing business as Rio Valley Estates, El Paso; domestic sewage facility; south of the Montoya Connection Road, north of El Paso; 11469-01; renewal

L.W.C. Corp., doing business as Kings Row Mobile Home Park, Lufkin; domestic sewage facility; near the southeastern city limits of Lufkin in Angelina County; 11360-01; renewal

City of Humble (south plant); domestic sewage facility; south of the intersection of Jetero Boulevard and U.S. Highway 59 in Humble, Harris County; 10763-02; renewal

City of Humble (South Dennis plant); domestic sewage facility; South Dennis Avenue between Isaacs Road and FM Road 1960 in Harris County; 10763-01; renewal

Issued in Austin, Texas, on January 30, 1981.

Doc No. 810747 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed, January 30, 1981, 3:01 p.m.
 For further information, please call (512) 475-1311.

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