

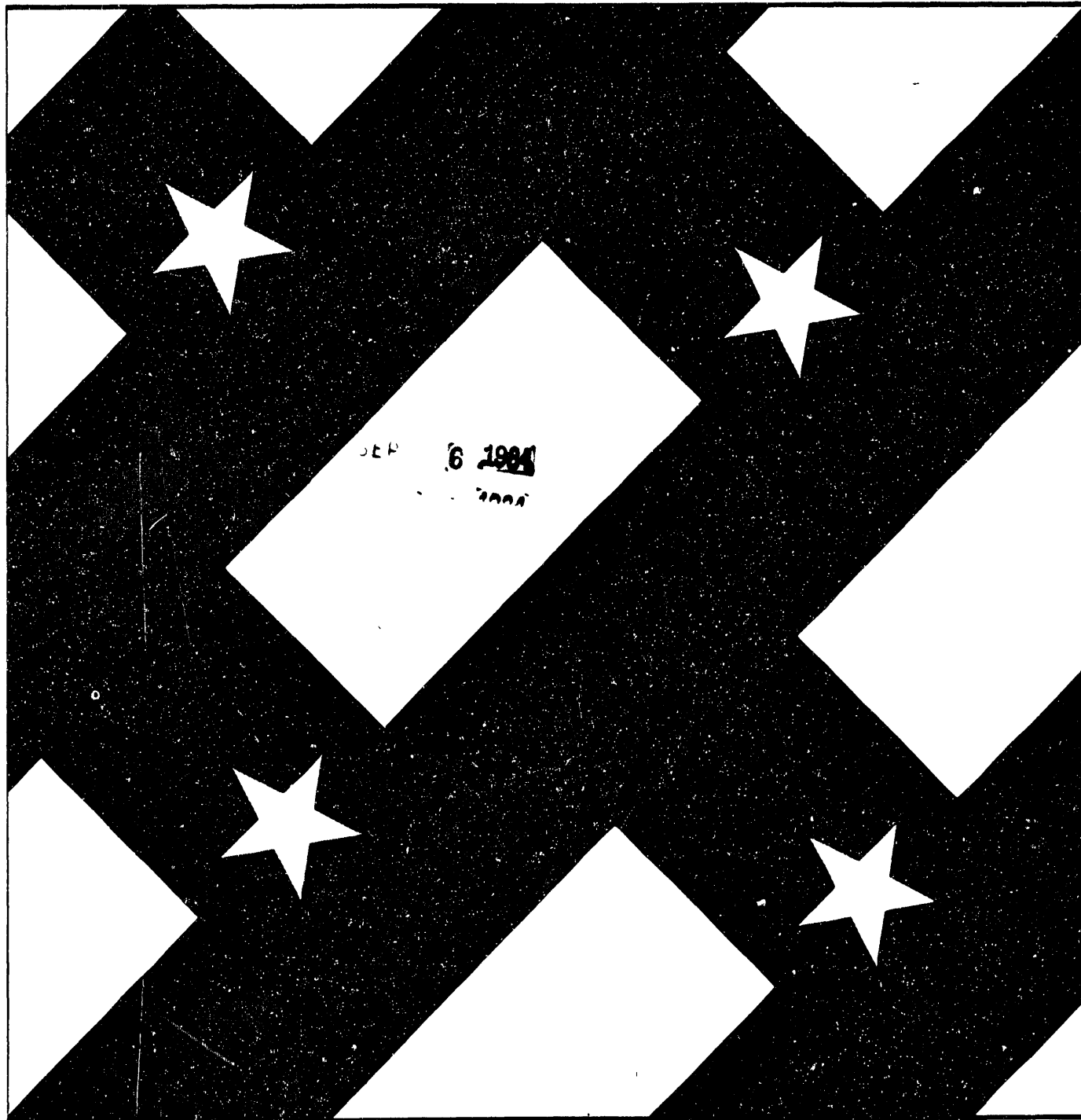
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# Texas Register

Volume 9, Number 65, August 31, 1984

Pages 4643 - 4702



## Highlights

The Comptroller of Public Accounts adopts on an emergency basis amendments concerning motor fuels tax  
 Effective date - August 22 page 4647  
 The Texas Amusement Machine Commission proposes amendments in a chapter concerning

coin-operated machines Earliest possible date of adoption - October 1 page 4650

The Texas Department of Human Resources proposes repeals, amendments, and new sections in a chapter concerning child protective services Earliest possible date of adoption - October 1 page 4651

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State.

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

**How To Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 TexReg 3."

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

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

**1** indicates the title under which the agency appears in the *Texas Administrative Code*.

**TAC** stands for the *Texas Administrative Code*.

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



## Texas Register Publications

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# The Governor

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

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

## Appointments Made August 21

### Battleship Texas Commission

For a term to expire February 1, 1985:

Caroline K. Gregory  
3719 Inwood  
Houston, Texas 77019

For terms to expire February 1, 1987:

Thomas Mitchell  
818 Magdalene Drive  
Houston, Texas 77024

Joe S. Cathey  
802 Peggy  
Deer Park, Texas 77536

For terms to expire February 1, 1989:

Frank E. Tritico  
11931 Kimberley Lane  
Houston, Texas 77024

Rosalie L. Kuntz  
P.O. Box 3147  
Pasadena, Texas 77501

To be chairman for a term to expire February 1, 1989:

Denny G. Hair  
1003 Eastlake  
Houston, Texas 77034

Ms. Gregory, Mr. Mitchell, Mr. Cathey, Mr. Tritico, Ms. Kuntz, and Mr. Hair are being appointed to this created authority pursuant to House Bill 586, 68th Legislature, 1983.

### State Board of Plumbing Examiners

To represent the public for a term to expire September 5, 1985:

Mervin Phlegm  
2306 Broadway  
Houston, Texas 77012

Mr. Phlegm is being appointed pursuant to Texas Civil Statutes, Article 6243-101, §4(a).

For a term to expire September 5, 1989:

Jay Lee Drymalla  
1802 Bowie  
Columbus, Texas 78934

Mr. Drymalla is being reappointed.

To represent the public for a term to expire September 5, 1989:

Mario Estrada  
173 North San Ignacio  
San Antonio, Texas 78207

Mr. Estrada is being appointed pursuant to Texas Civil Statutes, Article 6243-101, §4(a).

### Advisory Hospital Council

For terms to expire July 17, 1987:

Terrie Lynn Brown  
12023 Riverview  
Houston, Texas 77077

Ms. Brown is replacing Bobby Brown of Daingerfield, whose term expired.

James E. Bullard  
124 Nueces  
Hereford, Texas 79045

Mr. Bullard is replacing Sister Seraphine Ferrero of Waco, whose term expired.

For terms to expire July 17, 1989:

A. J. Gallerano  
13515 St. Mary's Lane  
Houston, Texas 77079

Mr. Gallerano is replacing Lincoln Williston IV of Austin, whose term expired.

Elizabeth L. Kimmel  
810 Fair Oaks, Apartment 105  
Houston, Texas 77023

Ms. Kimmel is being reappointed.

### Texas Board of Licensure for Nursing Home Administrators

For a term to expire January 31, 1989:

Jean Trebert  
7360 Oakstone Drive  
Dallas, Texas 75249

Ms. Trebert is replacing Harold McDonald of San Antonio, whose term expired.

Issued in Austin, Texas, on August 21, 1984.

TRD-848729      Mark White  
Governor of Texas

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

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

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

# Emergency Rules

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

### Chapter 3. Tax Administration Subchapter L. Motor Fuels Tax

#### 34 TAC §3.175

The Comptroller of Public Accounts adopts on an emergency basis an amendment to §3.175, concerning the liquefied gas tax decal. The section is amended to reflect the increase in tax rates adopted by the 68th Legislature, 1984. The increases were effective August 1, 1984. This section is adopted on an emer-

gency basis so that it will reflect the change in the statute which is already effective. Normal rule-making action would delay accurately reflecting the statute for approximately two months.

This amendment is adopted on an emergency basis under the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

#### §3.175. *Liquefied Gas Tax Decal.*

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

(c) Rate schedule.

(1) The following rate schedule (based on mileage driven the previous year) applies:

<u>Registered Gross Weight</u>	<u>Less than 5,000 Miles</u>	<u>5,000 to 9,999 Miles</u>	<u>10,000 Miles And Over</u>
Class A: Less than 4,000 pounds	\$ <u>48</u> [24]	\$ <u>96</u> [48]	\$ <u>144</u> [72]
Class B: 4,000 to 10,000 pounds	<u>54</u> [27]	<u>108</u> [54]	<u>168</u> [84]
Class C: 10,001 to 15,000 pounds	<u>78</u> [39]	<u>156</u> [78]	<u>240</u> [120]
Class D: 15,001 to 27,500 pounds	<u>84</u> [42]	<u>168</u> [84]	<u>336</u> [168]
Class E: 27,501 to 43,500 pounds	<u>114</u> [57]	<u>228</u> [114]	<u>456</u> [228]
Class F: 43,501 and over	<u>120</u> [60]	<u>240</u> [120]	<u>600</u> [300]

(2) A special use liquefied gas tax decal and tax is required for the following types of vehicles.

Class T: Transit carrier vehicles operated

by a transit company . . . . . \$660 [330]

Class Y: Motor vehicles designed for carrying fewer than 10 passengers and used for the trans-

portation of persons for compensation . . . \$408 [204]



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

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

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

# Proposed Rules

## TITLE 10. COMMUNITY DEVELOPMENT

### Part I. Texas Department of Community Affairs

#### Chapter 1. Administration

#### Subchapter B. Block Grants

#### 10 TAC §1.13

The Texas Department of Community Affairs (TDCA) proposes new §1.13, concerning the implementation of a formal complaint system to investigate complaints received about programs funded by federal block grants administered by the TDCA. The new section governs the responsibilities of the TDCA and its contractors under this system and sets the time limits for responding to complaints.

A. M. Mahrous, Fiscal Management Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Douglas C. Brown, general counsel, has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is implementation of a formal complaint system to investigate complaints received about programs funded by federal block grants administered by the TDCA, and to better monitor and ensure compliance with federal and state law. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Douglas C. Brown, General Counsel, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 6252-13e, §6, which provide the Texas Department of Community Affairs with the authority to maintain a procedure for investigating complaints about programs funded by federal block grants administered by the TDCA.

#### §1.13. Complaint System.

(a) A recipient who has a comment or complaint about the quality of services funded by a block grant administered by the department may submit such comment or complaint in writing to the director of the division within the department which is responsible for administering the block grant.

(b) The director of the division to which the comment or complaint is submitted shall transmit a copy of the comment or complaint to the entity which is the subject of the comment or complaint and to the department's Legal Division within five calendar days after the date the comment or complaint was received by the division.

(c) The entity shall complete its investigation of the comment or complaint and submit its findings, in writing, to the appropriate division director within 20 calendar days after the date the entity received the comment or complaint or notify the division director, within such period, of the date the investigation can be completed.

(d) The appropriate division director shall notify the complainant of the division's and the entity's findings before the 31st day after the date the comment or complaint was received by the division, or the division

shall notify the complainant, within such period, of the date the investigation can be completed.

(e) The department shall consider the history of complaints regarding an entity in determining whether to renew a contract for the use of block grants funds by the entity.

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

Issued in Austin, Texas, on August 21, 1984

TRD-848733 Douglas C Brown  
General Counsel  
Texas Department of Community  
Affairs

Earliest possible date of adoption  
October 1, 1984

For further information, please call (512) 443-4100,  
ext. 210.

**TITLE 16. ECONOMIC  
REGULATION  
Part V. Texas Amusement  
Machine Commission  
Chapter 85. Coin-Operated Machines  
Annual Occupational Tax and Tax  
Permits**

**16 TAC §85.2**

The Texas Amusement Machine Commission proposes amendments to §85.2, concerning the coin-operated machine tax. The amendments are proposed to conform to new legislation.

Jim Lusk, executive director, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. There is an anticipated increase in state revenue of \$4,733,940 in fiscal year 1985, \$4,591,920 in fiscal year 1986, and \$4,500,082 each year in fiscal years 1987-1989. The increase is due to a change in the occupation tax from \$15 to \$30. The proposed amendment has no anticipated fiscal implications for units of local government. Compliance with this rule will not affect any size business, as the rule only prorates quarterly the amount of occupation tax as set by statute. This enables the machine owner to pay the tax based on the number of quarters of the calendar year each machine is in operation.

Mr. Lusk also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a clearer understanding of the rule through its conformance with the tax set by statute. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jim Lusk, Executive Director, P.O. Box 13226, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Title 132, Chapter 8, which provides the Texas Amusement Machine Commission with the authority to promulgate rules.

**§85.2. Coin-Operated Machine Tax.**

(a) All permits for coin-operated machines are payable annually in advance. Prior to the placement by an owner of a coin-operated machine in operation at a location, there shall be attached or affixed thereto a valid permit for the machine. Each coin-operated machine is subject to the occupation tax when placed in operation on location and, since the tax is payable in advance, the following tax rate schedule [schedules] will be applicable to a coin-operated machine which is placed in operation on location during any quarter of the calendar year:

- (1) First quarter—January 1 to December 31—\$30;
- (2) Second quarter—April 1 to December 31—\$22.50;
- (3) Third quarter—July 1 to December 31—\$15;
- (4) Fourth quarter—October 1 to December 31—\$7.50.

[(1) Tax rate schedule 1—all coin-operated machines for music, skill, or pleasure, except those machines that show a motion picture:

- [(A) First quarter—January 1 to December 31—\$15
- [(B) Second quarter—April 1 to December 31—\$11.25
- [(C) Third quarter—July 1 to December 31—\$7.50
- [(D) Fourth quarter—October 1 to December 31—\$3.75

[(2) Tax rate schedule 2—all coin-operated machines for music, skill, or pleasure that show a motion picture.

- [(A) First quarter—January 1 to December 31—\$1,500
- [(B) Second quarter—April 1 to December 31—\$1,125
- [(C) Third quarter—July 1 to December 31—\$750
- [(D) Fourth quarter—October 1 to December 31—\$375]

(b) (No change.)

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

Issued in Austin, Texas, on August 20, 1984.

TRD-848746 Jim Lusk  
Executive Director  
Texas Amusement Machine  
Commission

Earliest possible date of adoption:  
October 1, 1984

For further information, please call (512) 835-6833.



**16 TAC §85.4**

The Texas Amusement Machine Commission proposes amendments to §85.4, concerning the assignment of tax permits. The amendments are proposed to conform with the coin-operated machine laws of Texas.

Jim Lusk, executive director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule

Mr. Lusk also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is a clearer understanding of the rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal may be submitted to Jim Lusk, Executive Director, P.O. Box 13226, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Title 132, Chapter 8, which provide the Texas Amusement Machine Commission with the authority to promulgate rules.

**§85.4. Assignment of Tax Permits** Each coin-operated machine shall be registered with the commission by make, type [model], and serial number. A tax permit issued by the commission shall be affixed to each such registered machine. Each coin-operated machine shall have a serial number which is clearly visible on the outside surface of the machine. If a coin-operated machine is not manufactured with a serial number, the machine owner [a licensee] shall assign a serial number to the machine and either stamp or engrave the assigned number on the machine.

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

Issued in Austin, Texas, on August 20, 1984

TRD-848747 Jim Lusk  
Executive Director  
Texas Amusement Machine  
Commission

Earliest possible date of adoption  
October 1, 1984

For further information, please call (512) 835-6833.

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Resources**

**Chapter 49. Child Protective Services**

The Texas Department of Human Resources (DHR) proposes new §§49.101-49.104, 49.301-49.343,

49.501-49.513, 49.701-49.703, 49.901-49.904, 49.1101-49.1109, 49.1301-49.1312, 49.1501-49.1505, 49.1701-49.1746, 49.1901, and 49.1902, concerning the Child Protective Services Program. The DHR proposes the repeal of §§49.7001-49.7015, 49.7101-49.7131, 49.7134-49.7146, 49.7149-49.7154, 49.7201-49.7227, 49.7301-49.7330, 49.7332-49.7402, 49.7501-49.7519, 49.7528, 49.7529, 49.7531-49.7538, 49.7540-49.7546, 49.7601-49.7616, 49.7701, 49.7801-49.7809, 49.7901-49.7904, 49.8001-49.8003, and 49.8006.

The DHR is repropounding the new sections governing the Child Protective Services Program in Texas. These sections were originally proposed in the March 6, 1984, issue of the *Texas Register*. The DHR received several public comments requesting the addition of several sections and significant changes to the sections as originally proposed. Since new sections cannot be added to adopted rules without first proposing them, the DHR decided, after consultation with the Texas Register Section of the Office of the Secretary of State, to withdraw the original proposals and repropound the entire set of new sections and repeals

Many changes have been made to this proposed set of rules based on public comments received on the first proposal. The DHR has clarified its rules concerning disposition of cases for the child abuse and neglect reporting and inquiry system, definitions for abuse, neglect, and other harm to children, refusal of services and consequences of refusal; administrative reviews of client complaints and fair hearings; access for the investigation, types of in-home child protective services and provision of these services, purchase of services to prevent removal or to reunify families; return of a child after temporary placement; affidavit of relinquishment of parental rights; relationship between administrative reviews and six-month court reviews; and visitation between parents and the child.

The DHR is proposing the addition of several sections concerning service planning for children and their families, review of service planning; eligibility and priorities for court-related services, search for missing parents, notification to parents about a change in a child's placement, and purchased protective services.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the new rules and repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeals or of enforcing or administering the new rules.

Mr. Hawes also has determined that for each year of the first five years the rules and repeals are in effect the public benefit anticipated as a result of the repeals and of enforcing the rules is clarification of the expectations and requirements in the Child Protective Services Program, particularly those affecting the community. There is no anticipated economic cost to individuals as a result of the repeals or of complying with the rules as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—368, Texas Department of Human Resources

sources, 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

## Subchapter A. Administration

### 40 TAC §49.101-49.104

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

#### §49.101. *Fiscal Resources for Child Welfare Contracts.*

(a) To be reimbursed, the child welfare board must:

- (1) be registered on an individual provider registration form;
- (2) certify monthly expenses for foster care;
- (3) submit DHR-approved forms to state office for payment.

(b) After the effective date of the contract, the county's expenditures (excluding the AFDC foster care reimbursement) must equal or exceed the amount the county appropriated or spent (whichever is less) before the effective date of the contract.

(c) Funds, other than revenue sharing funds, that the DHR receives from the county may not be federal funds or used as federal matching funds. The county must keep fiscal documents to ensure that claims for federal matching funds meet applicable federal requirements. The county must keep these documents three years after the date it submits a final expenditure report. If audited during the three-year period, the county must keep the documents until any audit exceptions are reconciled.

§49.102. *Confidential Information.* Information about a child protective services client is confidential and may not be released except as stipulated by statute, federal regulation, Texas Department of Human Resources (DHR) rules, policies in DHR handbooks, court direction, or attorney general's opinion.

§49.103. *Public Information.* A child protective services client may review all information in the client's case record except the identity of the complainant, information exempted from disclosure under the Open Records Act, and information exempted under other state laws.

§49.104. *CANRIS Dispositions and Retention Schedules.* The Child Abuse and Neglect Reporting and Inquiry System (CANRIS) disposition categories, their definitions, and the corresponding schedules for retention of identifying information in the CANRIS computer files follow.

(1) Adjudicated. The worker has documented that a civil or criminal court has made an affirmative adjudication of child abuse or neglect in the reported situation. Identifying information about individuals in a CANRIS report with an adjudicated disposition is retained in CANRIS for five years after the investigation

is completed, or until the youngest child in the report is 18 years old, whichever is longer.

(2) Reason to believe. The worker and supervisor have concluded, based on applying logical reasoning to available information, that abuse or neglect has occurred in the reported situation. This does not include situations in which staff is uncertain about the findings, cannot determine if abuse or neglect occurred, or finds no actual abuse or neglect or threat of abuse or neglect. Identifying information about individuals in a CANRIS report with a reason to believe disposition is retained in CANRIS for five years after the investigation is completed.

(3) Unfounded. The worker and supervisor have concluded, based on applying logical reasoning to available information, that abuse or neglect did not occur or they are unable to conclude that abuse or neglect did occur in the reported situation. Identifying information about individuals in a CANRIS report with an unfounded disposition is retained in CANRIS for six months after the investigation is completed.

(4) Moved. The individuals involved in the reported situation moved and could not be located before any conclusion concerning the occurrence of abuse or neglect could be reached. Identifying information about individuals in a CANRIS report with a moved disposition is retained in CANRIS for five years after the report is finalized.

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

Issued in Austin, Texas, on August 23, 1984.

TRD-848748

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption:

October 1, 1984

For further information, please call (512) 450-3766.

## Subchapter C. Eligibility for Child Protective Services

### 40 TAC §§49.301-49.343

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

#### §49.301. *Definitions for Abuse, Neglect, and Other Harm to Children.*

(a) The definitions for abuse, neglect, and other harm apply only to living children under 18 years old who

are not married or have not had the disabilities of minority removed by a court.

(b) The abuse and neglect situations to which the Texas Department of Human Resources (DHR) child protective services are directed involve abuse or neglect of a child by a person responsible for the child's health or welfare. This includes the child's parents, guardian, or caretaker to whom the parent or court has delegated responsibility for providing care to the child.

(c) The definitions of abuse and neglect apply to actual or threatened abuse or neglect. Threatened abuse or neglect means that there is substantial risk of abuse or neglect, including any reasonably foreseeable harm to the child.

**§49.302. Abuse.** Abuse is nonaccidental infliction or threat of infliction of physical, emotional, or mental harm to a child.

**§49.303. Exploitation.** Exploitation is a situation in which a person who is responsible for a child's health or welfare does, or threatens to do, one of the following:

- (1) involves the child in illegal or immoral activities;
- (2) forces the child to perform work, in or outside the home, which interferes with the child's health or which causes the child to be in violation of state education or child labor laws.

**§49.304. Sexual Abuse.** Sexual abuse is any sexually oriented act or practice by a person responsible for the child's health or welfare which threatens or harms the child's physical, emotional, or social development.

**§49.305. Sexual Exploitation.** Sexual exploitation is allowing or encouraging a child to engage in prostitution, as defined by state law, by a person responsible for the child's health or welfare; and allowing, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child as those acts are defined by state law, by a person responsible for the child's health or welfare.

**§49.306. Neglect.** Neglect is nonaccidental failure or threatened failure to provide a child with the physical, medical, and emotional requirements for life, growth, and development by a person responsible for the child's health or welfare.

**§49.307. Other Harm.** Harm to children other than abuse or neglect includes the following.

(1) **Truancy** A child has violated the compulsory school attendance laws on three or more occasions or the parent is the major cause of the failure of a child to be enrolled in school as required by the Texas Education Code.

(2) **Runaway** A child is voluntarily absent from the home three or more times without the consent of the parent or guardian, or the parent is the major cause of the child being absent from the home. To be considered as a runaway, the child must be gone for a substantial length of time or have no intention of returning.

(3) **Children in need of supervision (CHINS).** Children, 10-17 years old, who are before a juvenile court for offenses under the Texas Family Code, §54.04(d)(1) (A), (B), or (C) or §51.03(b). CHINS offenses include the following.

(A) **Status offenses.** These offenses would not be considered criminal if committed by an adult. Status offenses include truancy, runaway, simple possession of alcohol, possession of inhalants where local ordinance prohibits possession by minors and not by adults, and curfew violations.

(B) **Misdemeanor offenses punishable by fine only.** These offenses would be considered criminal if committed by an adult. They include thefts under \$200, public intoxication, possession of marijuana without intent to sell, gambling, obscenity, public indecency, deviant sexual intercourse or sexual contact under certain circumstances, cruelty to animals, and theft of service.

(4) **Unmarried school-age parents.**

(5) **Social studies required by a court order or under the Human Resources Code, Chapter 45, Interstate Placement of Children.** In a disputed conservatorship suit, an adoption suit, or a placement into Texas from another state, the Texas Department of Human Resources (DHR) may be required to study potential placements for the child to assess whether harm to the child could occur.

(6) **Potential abuse or neglect.** Children are in a situation with a potential for abuse or neglect, but actual or threatened abuse or neglect has not occurred.

**§49.308. Right to Refuse Services and Consequences of Refusal.**

(a) A parent's absence or refusal to accept services offered by the Texas Department of Human Resources (DHR) does not change the DHR's legal responsibility to protect children. Parents must not be coerced or defrauded into accepting services but must be notified of the steps the DHR may take to protect the children if the parents refuse services.

(b) Parents have the right to refuse services offered by the DHR unless a court has ordered the services.

(c) If parents refuse to allow the DHR to investigate, the DHR may request the county or district attorney to petition the court for an order that requires the parents to allow the investigation. The DHR may also seek a court order that removes the child from the home and names the DHR as the child's managing conservator.

**§49.309. Administrative Reviews of Client Complaints.** Child protective services clients have the right to an administrative review of any complaint about the Texas Department of Human Resources' (DHR) child protective services. An administrative review is conducted by staff at a higher level than the worker within a reasonable time after the client requests the review. If dissatisfied with the results of the review, the client may request a fair hearing.

**§49.310. Fair Hearings.**

(a) Child protective services clients have the right to a fair hearing if services they request are denied, reduced, or terminated, or if the Texas Department of Human Resources (DHR) does not act on their request with reasonable promptness.

(b) When the DHR staff informs a client that requested services have been denied, reduced, or terminated or will not be provided with reasonable promptness, staff must also inform the client:

(1) that the client may request a fair hearing to question DHR action,

- (2) the procedures for requesting a fair hearing, and
  - (3) that the client may be represented at the hearing by others including legal counsel.
- (c) DHR staff assists the client in completing the form for requesting a fair hearing.

**§49.311. Eligible Individuals.**

(a) Children and their families are eligible for services to prevent further abuse/neglect or removal or services to reunify families if they meet the following criteria. The finding of the investigation is reason to believe or adjudicated, and there must be a service plan that identifies both of the following:

(1) continuing problems the parents or children have which contribute to the abuse or neglect.

(2) available services the DHR will provide that are appropriate to remedy the problems. Services are not appropriate if either of the following is documented:

(A) provision of the service could be reasonably expected to result in harm or danger to the child, or

(B) provision of the service could be reasonably expected not to correct the family's problems related to the abuse or neglect or the effect of those problems on the child.

(b) Children and families are eligible for these services for six months unless the children are in the DHR's conservatorship or placed in substitute care. Eligibility is redetermined every six months through the case planning process. Families become ineligible for services if parental rights are terminated by a court order.

**§49.312. Eligibility for Community Services Purchased for Child Protective Services Clients.** Children and their families are eligible for purchased protective services if the following criteria are met:

(1) the child or the child's family is receiving services delivered by child protective services staff;

(2) the service plan for the child or the family indicates that purchased services are appropriate to remedy the problems contributing to the abuse or neglect;

(3) the child or the child's family meets the eligibility criteria for the specific purchased service;

(4) for placement services, the child meets the criteria for placement as stipulated in Title 2 of the Texas Family Code.

**§49.313. Limitations on Purchased Services.** Provision of purchased services is based on available funding for purchased services and available community resources.

**§49.314. Authorization and Reauthorization of Services.** To receive purchased child protective services, a client must be authorized for the service by the Texas Department of Human Resources

**§49.315 Foster Care Maintenance Resources.**

(a) Foster care assistance is financial and medical coverage provided by Aid to Families with Dependent Children (AFDC) foster care, medical assistance only (MAO) foster care, or state-paid foster care. All other financial resources to which a child is entitled must be used before AFDC, MAO, or state-paid foster care is used to pay for the cost of a child's foster care.

(b) AFDC foster care is a program for children who meet categorical requirements for AFDC financial as-

sistance and other program requirements. Program benefits include Medicaid coverage and foster care payments.

(c) MAO foster care provides Medicaid benefits to needy children who meet the financial requirements but are not otherwise eligible for AFDC or state-paid foster care. Foster care payments are provided through contractual arrangements with local counties.

(d) State-paid foster care provides foster care maintenance payments and Medicaid coverage to children who meet the requirements contained in §49.316 and §49.318 of this chapter and title (relating to Eligibility Requirements for AFDC, MAD, and State-Paid Foster Care Assistance and Additional Eligibility Requirements for State-Paid Foster Care Assistance).

**§49.316. Eligibility Requirements for AFDC, MAO, and State-Paid Foster Care Assistance.** The child must meet all of the following criteria to be eligible for Aid to Families with Dependent Children (AFDC), medical assistance only (MAO), or state-paid foster care:

(1) Responsibility for placement and care. The Texas Department of Human Resources (DHR) must have the responsibility for the child's placement and care. This requirement is met if:

(A) the child is placed in the DHR's managing conservatorship by written court order issued under Title 2, Texas Family Code; or

(B) the child is placed by the DHR under the statutory authorization of the Texas Family Code, Chapter 17.03(a)(3), (4), (5), or (6).

(2) Age. The child must be less than 18 years old. Foster care assistance is continued through the month the child becomes 18. An 18-year-old foster child may continue to be eligible if the child is a full-time student (as defined by the school) in high school or is regularly attending vocational or technical training as an equivalent to high school attendance. The child must be expected to graduate from high school (or training) before or during the month of the child's 19th birthday. If the child graduates before the month of the 19th birthday, foster care assistance continues only through the graduation month. Foster care assistance is continued through the month the child becomes 19 if the child graduates in that month.

(3) Citizenship. The child must be a citizen of the United States or an alien lawfully admitted for permanent residence. A child of unknown parentage, who is in the United States when he is less than five years old, is considered a United States citizen unless a determination is made before the child is 21 years old that the child was not born in the United States.

(4) Placement. The child must be receiving care in Texas in a licensed, certified, or verified foster home or a licensed, private, nonprofit child caring institution approved for DHR foster care assistance.

(5) Resources. The child must not have equity in real or personal property in excess of \$1,000.

(6) Income. The child's monthly income must be less than the daily rate paid to the child care facility for the child's maintenance. Countable income includes child support; supplemental security income (SSI); retirement, survivors, and disability insurance (RSDI); Veterans Administration (VA) benefits; any other dependent or survivor's income; Indian heritage; or other income from

private sources. The following types of income are not counted in determining eligibility:

(A) earnings of a child who is:

(i) a full-time student;

(ii) a part-time student and not a full-time employee. Full-time employment is 30 hours or more per week.

(B) money given as a gift on an irregular basis by the parent to the child;

(C) educational loans or grants, such as scholarships, to the child if provided for purposes other than regular maintenance.

(7) Lump-sum income. Nonrecurring lump-sum payments received after certification for foster care assistance are generally considered as countable income. Exceptions are detailed in §§3.3208-3.3213 of this title (relating to Retirement, Survivors, and Disability Insurance (RSDI) Benefits; Veteran's Benefits; Unemployment Compensation Benefits; Worker's Compensation Benefits; Retirement Benefits; and Disability Insurance Benefits) in the AFDC chapter of rules. If the lump-sum payment plus other countable income for a month is equal to or greater than the cost of foster care maintenance, the child is ineligible for a period of time. The period of ineligibility is determined by dividing the amount of the lump-sum payment and other countable income by the monthly cost of care. The resulting whole number is the number of months the child is ineligible for foster care assistance. Any remaining amount from this division is considered as income the first month after the period of ineligibility.

(8) Social security number. The child must have a social security number. The child meets this requirement if an application for a number has been made.

**§49.317. Additional Eligibility Requirements for AFDC Foster Care.** Besides the general requirements for foster care eligibility, a child must meet other criteria to be eligible for aid to families with dependent children (AFDC) foster care. These criteria are:

(1) AFDC status. The child must meet one of the following.

(A) the child was a recipient of AFDC during the month that court proceedings were initiated which resulted in the child's removal from the home;

(B) the child would have received AFDC during the month court proceedings were initiated if application had been made;

(C) the child lived with a qualified relative sometime during the six months before the month that court proceedings were initiated. The child would have received AFDC if the child had been living with the relative during the month that court proceedings were initiated. Court proceedings are considered initiated when one of the following occurs:

(i) a petition alleging abuse or neglect or other need for protection is filed.

(ii) the child is removed under the statutory authority and emergency removal provisions of the Texas Family Code, §17.03.a(3), (4), (5), or (6).

(2) Managing conservatorship. The DHR must retain managing conservatorship continuously from the time of the court order through the child's placement.

(3) Judicial determination. Except in emergency removals, the court must make a determination that the

DHR made reasonable efforts to prevent removal and to reunify the family.

(4) Relationship and domicile. The child must have been living with a person who meets the AFDC relationship requirements during the month court proceedings were initiated or during the six months before the month court proceedings were initiated.

(5) Need. The child's family must have been living at subsistence level or below according to AFDC income standards. If the child has a stepparent living in the home, the stepparent's income is considered according to the rules governing stepparent income for AFDC eligibility.

**§49.318. Additional Eligibility Requirements for State-Paid Foster Care Assistance.** Besides the general requirements for foster care eligibility, a child must meet the following criteria to be eligible for state-paid foster care:

(1) the child must not be eligible for AFDC foster care;

(2) the child must be placed in foster care after August 31, 1979;

(3) for children placed in foster care after August 31, 1979, and before June 16, 1981, a petition for termination of parental rights of one or both parents under the Texas Family Code, §15.02, must have been filed;

(4) the court order naming the DHR as the child's managing conservator must be issued under an article other than the Texas Family Code, §15.02(1)(J). The suit, resulting in the DHR being named the managing conservator, must have been initiated on the DHR's behalf.

**§49.319. Effective Date of Eligibility.** A child is eligible for aid to families with dependent children, medical assistance only, or state-paid foster care on the earliest date that all applicable eligibility requirements are met.

**§49.320. Eligibility in Medical Facilities before Placement.** A child in a medical facility is eligible for aid to families with dependent children (AFDC), medical assistance only (MAO), or state-paid foster care if the child meets the eligibility requirements for foster care and all of the following conditions apply.

(1) the attending physician determines that the child needs medical facility care

(2) the DHR has responsibility for care and placement of the child;

(3) the medical facility is an approved Title XIX facility;

(4) plans are made to place the child in a foster care facility directly from the medical facility. The child must be placed in the foster care facility unless something occurs precluding placement, such as a change in the court order or the child dies in the medical facility.

**§49.321. AFDC Domicile for Children Relinquished at Birth and Children Born to Incarcerated Mothers.** Aid to families with dependent children domicile is met at the time of birth if the mother relinquishes her rights to the child or if the mother is incarcerated. Eligibility is effective the date of birth if all other eligibility requirements are met and court proceedings are initiated during the month of birth.

**§49.322. Eligibility in Placements Provided by Relatives.**

(a) Children placed with relatives whose homes are licensed or verified to provide foster care are eligible for aid to families with dependent children, medical assistance only, or state-paid foster care if other eligibility requirements are met.

(b) The effective date of eligibility may not be earlier than the date the home is licensed or verified.

**§49.323. Eligibility during Absences from the Foster Care Facility.** A child is eligible for aid to families with dependent children, medical assistance only, and state-paid foster care during an absence from the foster care facility if the following conditions are met:

(1) the absence does not exceed 30 days. The child may be absent for up to 90 days if the regional director for families and children approves the extended absence in writing.

(2) the child plans to return to the facility.

(3) the facility is retaining space for the child.

(4) the Texas Department of Human Resources is not paying someone else or another facility for the child's care.

**§49.324. Redetermination of Foster Care Eligibility.**

The Texas Department of Human Resources (DHR) must redetermine a child's eligibility for aid to families with dependent children, medical assistance only, and state-paid foster care at least every six months or earlier if the child's circumstances change. The DHR does not redetermine eligibility when the child moves to another facility unless the move affects eligibility or the rate of foster care payment.

**§49.325. Redetermination of Deprivation of Parental Support.**

For aid to families with dependent children foster care, the child must continue to be deprived of parental support. Deprivation of parental support is based on current circumstances in the home from which the child was removed. Children whose parental rights have been terminated are considered permanently deprived of parental support effective the date of termination.

**§49.326. Eligibility Extension When Redetermining Deprivation.**

If the parent who was absent from the home because of estrangement or incarceration returns home, the child may continue to be eligible for aid to families with dependent children (AFDC) foster care benefits for three months. The child must meet other eligibility requirements for AFDC foster care.

**§49.327. Eligibility for Four Months of Medicaid Coverage following Denial of AFDC Foster Care.**

A child in foster care is eligible for Medicaid benefits for four calendar months after the denial of aid to families with dependent children (AFDC) foster care if the child:

(1) was denied AFDC foster care because of the child's earned income

(2) continues to be employed during the four-month period.

**§49.328. Foster Care Assistance Payments.**

(a) To receive foster care assistance payments, private child care facilities must be approved by the Texas Department of Human Resources (DHR) for participation.

(b) The DHR's foster care rates are set at a flat or uniform rate for each category of child care. In the flat rate structure, rates are set based on an analysis of cost reports and available appropriated revenues.

(c) Foster care assistance payments are intended to cover the child's basic needs. The DHR establishes the rates for foster care payments. The rates include allowances for lodging, food, clothing, personal and incidental expenses for the child, recreation, travel, and transportation. The rates for exceptional care facilities also include allowances for psychological services; therapeutic or social services; and any health, medical, or psychiatric services which are provided as part of the facility's program. Exceptional care facilities are those licensed as residential treatment centers, therapeutic camps, and institutions exclusively serving the mentally retarded.

(d) To participate in the DHR's foster care program, all non-DHR private, nonprofit facilities must complete a contract with the DHR.

(e) If the DHR requests, these facilities also must submit a completed cost report. The DHR uses cost reports to set foster care rates. Reimbursement for a child care facility is contingent on the completion and submission of the cost report to the DHR. If a facility chooses not to complete the cost report, the facility's foster care rate will remain the same as the rate specified on the contract form at the time the facility decides not to complete the cost report. The facility must provide written notice of this decision to the DHR. These facilities will not receive rate increases until they complete a cost report.

(f) A facility that does not submit a cost report and does not provide written notification of the intent not to submit the report is subject to vendor hold of the facility's reimbursement.

(g) The DHR may exempt a facility from the cost report requirement if extenuating circumstances make it impossible or impractical for the facility to comply. Exemptions may be granted if the facility is newly opened and licensed, financial records are lost or destroyed, or the number of children placed by the DHR is so small that the information in a cost report is insignificant to the facility's overall budget.

**§49.329. Effective Dates of Foster Care Assistance Payments.**

(a) The effective date for beginning foster care payments is the date the child meets all eligibility requirements for foster care assistance.

(b) The effective date for discontinuing payments for foster care is the date before the day the child leaves the facility.

(c) The Texas Department of Human Resources does not pay two different facilities for foster care assistance for the same child on the same date.

**§49.330. Billing and Payment for Foster Care Assistance.**

(a) The child's countable income is deducted from the foster care assistance rate on a month-to-month basis.

(b) Foster care providers use the purchase voucher for individual providers form and the foster care pre-bill form to claim payment for aid to families with dependent children (AFDC) and state-paid foster care assistance. In counties with a child welfare contract, the child welfare board pays the foster care facility. The Texas Department of Human Resources (DHR) reimburses the

county for payments for eligible children. In counties without child welfare contracts, the DHR pays the foster care providers directly.

(c) If counties pay for foster care for medical assistance only (MAO) foster care children or use children's private funds, the county must pay the same rate as the DHR pays. If a county pays a higher rate than the DHR pays, the county must supplement the DHR's payment with local funds.

**§49.331. Effect of SSI Eligibility on State-Paid Foster Care.**

(a) A child who receives SSI benefits is eligible for state-paid foster care if the cost of foster care exceeds the SSI payment and the child meets the eligibility requirements for state-paid foster care.

(b) The Texas Department of Human Resources deducts the SSI income from the monthly payment for state-paid foster care.

**§49.332. Effect of SSI Eligibility on AFDC Foster Care.** A child is not entitled to receive both SSI benefits and Aid to Families with Dependent Children foster care assistance.

**§49.333. Effect of SSI Eligibility on MAO Foster Care.** A child is not entitled to receive both SSI benefits and medical assistance only foster care assistance.

**§49.334. Foster Care for Refugee or Entrant Foster Children.** Foster care assistance, including Medicaid coverage, is available for eligible refugee or entrant foster care children. Children are eligible for this assistance for only 18 months after entering the United States.

**§49.335. Eligibility Criteria for Receipt of Refugee or Entrant Foster Care.**

(a) To receive refugee or entrant foster care assistance, a child must meet the following criteria:

(1) Age. The child must be less than 18 years old and meet the Aid to Families with Dependent Children (AFDC) definition for a refugee or entrant.

(2) Income. The child's monthly income must be less than the Texas Department of Human Resources (DHR) rate for the child's foster care maintenance. Only the income actually available to the child while in the United States is counted.

(3) Resources. The child must not have available to him in the United States, equity in real or personal property in excess of \$1,000.

(4) Placement. The child must be receiving care in Texas in a licensed, certified, or verified foster home or a licensed, private, nonprofit child care institution approved to participate in the DHR's child care program.

(5) Managing conservatorship. The child must be placed in the DHR's managing conservatorship.

(6) United States residence. The child must have lived in the United States for less than 18 months.

(7) AFDC foster care. The child must not be eligible for AFDC foster care.

(b) The DHR redetermines the child's eligibility for refugee or entrant foster care every six months and when the child's circumstances change.

**§49.336. Rate of Payment for Refugee or Entrant Foster Care.** The rate of payment for refugee or entrant foster care is based on the Texas Department of Human Resources' rates for foster care assistance.

**§49.337. Eligibility Requirements for Adoption Subsidies.** For a child to receive an adoption subsidy, the following requirements apply.

(1) The child must be in the Texas Department of Human Resources' (DHR) managing conservatorship at the time of adoptive placement.

(2) The DHR unit responsible for placing the child must first try to place the child without the subsidy unless the child is being adopted by the child's foster parents.

(3) The child must meet one of the following criteria at the time of adoptive placement.

(A) be six years old or older;

(B) be two years old or older and a member of a racial or ethnic minority;

(C) have a professionally diagnosed physical, mental, or emotional handicap; or

(D) belong to a sibling group needing placement in the same home.

(4) The child's income must be less than the DHR's daily rate for foster care maintenance for a child his age in a foster family home.

(5) The child must be less than 18 years old. The child may receive a subsidy through the month of his 18th birthday.

(6) The child must not be receiving foster care benefits in the adoptive home.

(7) The adoptive parents must apply for the subsidy before consummation of the child's adoption.

(8) The adoptive parents must meet the DHR's standards and criteria for adopting a child.

(9) The adoptive parents must be contributing to the child's financial support.

**§49.338. Additional Eligibility Requirements for Title IV-E Subsidy.** For a child to receive a Title IV-E subsidy, the following additional requirements apply.

(1) The child's adoption must be consummated. The consummation must have occurred after September 30, 1982.

(2) During the month that court proceedings were initiated resulting in the child's removal from the home, one of the following must apply.

(A) The child received Aid to Families with Dependent Children (AFDC).

(B) The child would have received AFDC if application had been made.

(C) The child lived with a qualified relative sometime during the six-month period before the month court proceedings were initiated. The child would have received AFDC if the child had been living with the relative during the month court proceedings were initiated.

(3) The child was deprived of parental support according to AFDC eligibility requirements immediately before parental rights were terminated.

(4) If the child does not meet the requirements of paragraph (2) and paragraph (3) of this section, then the child must have been eligible for SSI at the time the adoption petition was filed.

**§49.339. Determination of Subsidy Payments**

(a) The subsidy paid to adoptive parents is determined on a case-by-case basis. The determination is based on the special needs of the child, the child's income, and the circumstances of the parents. The maximum amount of subsidy payment available to a child in a continuous

12-month period may not exceed the yearly cost of foster family care minus the child's income. Income deducted from the subsidy payment includes benefits received for the child from SSI, RSDI, VA, child support, any other dependent or survivor's income, or other income from private resources.

(b) The Texas Department of Human Resources (DHR) does not deduct income from the following sources:

- (1) earnings of a child if the child is:
  - (A) a full-time student, or
  - (B) a part-time student and not a full-time employee.

(2) money given as a gift to the child on an irregular basis.

(c) When negotiating the amount of subsidy needed, the DHR staff and the parents must also consider the following:

(1) The adoptive parents must apply their income and resources toward meeting the child's needs

(2) The adoptive parents must provide documentation of the child's need for services and costs of services if they request a subsidy for services for the child. If the parents cannot provide actual cost figures, the DHR accepts projected reasonable cost figures. The DHR does not provide subsidies to cover the cost of medical services for children who are Medicaid recipients if Medicaid covers the cost of the services. The DHR also does not provide subsidies for the cost of medical services if the services are reimbursable from other health coverage available to the parents or child.

(3) If a subsidy is needed for legal fees incurred for the child's adoption, actual cost may be provided. The parents must provide to the DHR documentation of these costs.

(4) When a subsidy is needed primarily for routine support, the subsidy must not exceed 90% of the monthly foster family care rate minus the child's income.

**§49.340. Effective Dates of Subsidy Benefits**

(a) The Texas Department of Human Resources (DHR) approves and provides subsidies for no longer than 12 months at a time

(b) The DHR uses the following to determine the earliest period that the child is entitled to a subsidy.

- (1) the first month after the month of placement if the adoptive parents apply before or during the month of placement and other eligibility requirements are met,
- (2) the month the adoptive parents apply if they apply after the month of placement and other eligibility requirements are met,
- (3) the date the child's adoption was consummated for children eligible for a Title IV-E subsidy

(c) When a child's eligibility for Title IV-E subsidies is pending consummation of the adoption, the child may receive state-paid subsidies before consummation.

(d) The DHR does not authorize subsidies for any month that the child is receiving foster care benefits

**§49.341 Application and Right to Notification**

(a) To apply for or renew a subsidy, the adoptive parents must complete and submit to the Texas Department of Human Resources (DHR) an application form for each child

(b) The adoptive parents are entitled to written notification from the DHR about the decision on the sub-

sidy. The DHR must notify the adoptive parents about:

- (1) an approval of the subsidy;
- (2) a denial of the subsidy and reasons for the denial;
- (3) a delay in processing the application and the reasons for the delay.

(c) Adoptive parents may request a fair hearing if their claim for a subsidy is denied, reduced, or delayed by the DHR.

**§49.342 Beginning the Subsidy.** Adoptive parents and the Texas Department of Human Resources staff must sign an adoption subsidy agreement before subsidies are paid.

**§49.343 Reporting Changes.** The adoptive parents must immediately report to the DHR any changes in circumstances which may affect eligibility for the subsidy or the amount of the subsidy

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

Issued in Austin, Texas, on August 23, 1984

TRD-848749      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption:  
October 1, 1984

For further information, please call (512) 450-3766.

**Subchapter E. Intake and Investigation Services**

**40 TAC §§49.501-49.513**

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

**§49.501. DHR Responsibility for Receipt of Reports of Children Alleged to Be Abused or Neglected.** The Texas Department of Human Resources must provide for the receipt of reports 24 hours a day, seven days a week.

**§49.502 Factors Affecting Priorities.** Priorities for intake and investigation services are based on the following:

(1) worker and supervisory staff's evaluation, based on referral information, of the degree of harm or threat to the child. The degree of harm is evaluated by assessing two factors.

(A) the severity of the harm or threatened harm. The nature of the harm is a factor considered in determining severity;



(B) the immediacy of the danger or harm, including its actual occurrence. The child's age and condition and information about the alleged perpetrator are considered in determining immediacy;

(2) the legal base for providing the services;

(3) DHR's and the community's resources for providing the services.

**§49.503. Priority I Intake and Investigation.**

(a) Priority I intake is for children who are alleged or found to be abused or neglected to the extent that they are in immediate threat of death or serious physical harm, or for whom court-ordered services must begin immediately.

(b) Within at least 24 hours after receiving a priority I report:

(1) the DHR must begin protective services for the child. The investigation must be conducted by staff at the child protective Specialist I level or above. Volunteers may assist in the investigation by making collateral contacts;

(2) the supervisor must be informed about the report and must approve the intended action or the action that has been taken;

(3) the DHR must orally notify law enforcement officials about the abuse or neglect report. The DHR must send a written report to law enforcement officials within five calendar days after receiving a Priority I report.

**§49.504. Priority II Intake and Investigation.**

(a) Priority II intake is for other children who are alleged or found to be abused or neglected or for whom a court orders services.

(b) Within at least 10 calendar days after receiving a Priority II report, the DHR must begin child protective services for the child. The investigation must be conducted by staff at the child protective Specialist I level or above. Volunteers may assist in the investigation by making collateral contacts, under the direction of the qualified DHR staff.

(c) The DHR must notify law enforcement officials about Priority II reports orally or in writing within three calendar days after receiving the reports, unless the report involved sexual abuse. The DHR must orally notify law enforcement officials within 24 hours after receiving a report involving sexual abuse. The DHR must send a written report to law enforcement officials within five calendar days after the DHR receives the initial report.

(d) If the DHR determines during an investigation that a Priority II report is actually a Priority I report, the DHR must orally notify law enforcement officials within 24 hours after making this determination.

**§49.505. Priority III Intake and Investigation.** Priority III intake is for children who are not alleged or found to be abused or neglected, for whom services are not court ordered, or for whom services are ordered by an out-of-state court.

**§49.506. Access for the Investigation.** The first and subsequent visits to the home or other locations to interview the parents and child and to examine the child may be announced or unannounced. The DHR must determine the best method for contacting the parents or caretakers based on the nature of the allegation and the protection needs of the child. At the first contact with the parents, DHR staff must identify themselves, explain the nature

of the complaint or the reason for the contact, and the DHR's role and responsibilities regarding the investigation.

**§49.507. Investigation Interviews.** The worker must interview the following persons during the investigation:

(1) the parents;

(2) other persons who are responsible for the health or welfare of the children and who are alleged to be responsible for the abuse or neglect;

(3) the children, if they can communicate;

(4) collateral sources.

**§49.508. Purchase of Physical Examinations.**

(a) If other resources are not available, the DHR may use child welfare earned funds to purchase physical examinations of children during investigations of abuse or neglect.

(b) Purchased physical examinations must be performed by a licensed physician. The maximum allowable expenditure for the examination and medically necessary diagnostic services is \$150 per child, per incident.

(c) Child welfare earned funds must not be used to purchase treatment or the physician's professional time required for court testimony.

**§49.509. Findings of the Investigation.**

(a) After the investigation, the DHR must decide if abuse or neglect occurred, if the family should receive ongoing services, or if the case should be closed.

(b) DHR staff must include the following in their assessment of the investigation:

(1) a finding based on verified and documented facts. The finding may be adjudicated, reason to believe, unfounded, or moved. The definitions for these findings are in §49.104 of this title (relating to CANRIS Dispositions and Retention Schedules);

(2) the effects of abuse or neglect on the child;

(3) a decision about continued protective services;

(4) all of the elements identified in the Texas Family Code, §34.05(b).

**§49.510. Notification about Results.** The DHR must explain the findings of the investigation to:

(1) the parents or caretakers, and

(2) the alleged victim who was interviewed about the alleged abuse or neglect.

**§49.511. Investigation of Lack of Medical Care because of Religious Beliefs.** The DHR must investigate allegations of lack of medical care because of religious beliefs if the child's condition meets the criteria for Priority I or Priority II reports.

**§49.512. Notification to Parents, Managing Conservators, or Legal Guardians of Abuse or Neglect in a Facility.** The DHR must notify parents, managing conservators, or legal guardians of children who are found to have been abused or neglected in a facility.

**§49.513. DHR Managing Conservatorship of Children in Regulated Care.**

(a) If the finding of an investigation involving children in DHR's managing conservatorship is documented as adjudicated or reason to believe, the DHR must notify:

(1) the court having jurisdiction;

(2) the attorney ad-litem;

(3) the guardian ad-litem if one is appointed; and

(4) the child's parents, if parental rights are not terminated.

(b) If the finding of an investigation concerning children in DHR foster care or adoptive homes is documented as adjudicated or reason to believe, the DHR must consider removal of the child from the facility and must review for approval continued certification and placement of any other children in the facility.

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

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### **Subchapter G. In-Home Child Protective Services**

#### **40 TAC §§49.701-49.703**

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

#### **§49.701. Type of Service.**

(a) In-home child protective services are services provided to families and children in their own homes to help prevent further abuse or neglect and to prevent removal of children. If the child is not in immediate danger of permanent harm, the parents are willing and capable of improving the problem situation, and services are to be continued, the Texas Department of Human Resources (DHR) must work with the family to improve the care of the child and to provide or arrange for other services as needed. In-home protective services also include working with parents while children are voluntarily placed by the parents with relatives or other people.

(b) In-home protective services are provided for children living with relatives if:

(1) the parents, not the DHR, place the child with the relatives; or

(2) the child is already living with the relatives when the DHR began the case.

#### **§49.702. Provision of Services.**

(a) The DHR provides in-home protective services to the child and the child's family when the following conditions exist:

(1) the finding of an investigation is reason to believe or adjudicated, and

(2) there is a service plan that identifies the child's need for continued protection and services the DHR will provide that are appropriate to remedy the problems.

(b) The DHR does not provide in-home protective services, either through direct-delivery or purchased services, for cases classified as Priority III. Volunteers may provide services for these cases if volunteers are available.

**§49.703. Family Service Plan.** The DHR must establish a family service plan for children and families who receive in-home protective services. The DHR must:

(1) complete the plan within 45 days after determining the need for in-home protective services;

(2) develop the plan with the parents or caretakers unless they are absent or refuse to participate and obtain the parent's or caretaker's signature on the plan;

(3) identify in the plan the family's problems and the effects of the problems on the family and child;

(4) identify in the plan possible solutions to the problems and objectives for the family, including ways to improve the child's care and specific services to be arranged through other resources in the community or provided by the DHR;

(5) obtain supervisory approval and signature on the initial plan and updates to the plan;

(6) update the plan when significant changes occur within the family;

(7) review and update the plan with the family at least every six months.

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

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### **Subchapter I. Purchased Protective Services to Prevent Removal or to Reunify Families**

#### **40 TAC §§49.901-49.904**

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

**§49.901. Services Purchased.** To prevent removal of children and to reunite families, the Texas Department of Human Resources (DHR) may provide the following services:

- (1) protective homemaker services;
- (2) protective day care;
- (3) community-based treatment services.

**§49.902. Protective Homemaker Services.** Protective homemaker services are supervision and care given to children and families in their homes by trained and supervised homemakers. These services may be provided during a crisis or as part of an ongoing plan. Homemaker services may be provided for any length of time during a day.

**§49.903. Protective Day Care.** Protective day care is out-of-home care in licensed facilities, under contract with the DHR, and is provided to children for less than 24 hours at a time. Protective day care is provided to prevent or remedy child abuse or neglect by ensuring adequate care and supervision of children.

**§49.904. Community-Based Treatment Services.** Community-based treatment services include assessment and evaluation; treatment planning, treatment; individual, group, and family therapy; and parenting training for eligible children, parents, or caretakers.

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

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## Subchapter K. Court-Related Services

### 40 TAC §§49.1101-49.1109

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-

to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

**§49.1101. Eligibility and Priorities.** The Texas Department of Human Resources (DHR) initiates court-related services only to children and parents who are eligible for these services and are within the priorities for services.

**§49.1102. Legal Rights of Parents and Children.** While providing court-related services, the DHR protects the legal rights of parents and children as follows.

(1) The DHR must inform the parents and children of planned court action. If the DHR suspects that the parents may try to move to avoid the court action, the DHR may inform them of the court action after taking possession of the child under the authority of a statute or court order.

(2) The DHR must inform the parents of their right to obtain the services of an attorney to represent them at court hearings.

(3) The DHR must inform the parents of their right to attend court hearings.

**§49.1103. Removal by Court Order.** To remove a child from the home, the DHR must present the situation to a court, unless the child's situation requires emergency removal or unless the parents consent to the removal.

**§49.1104. Diligent Search for Missing Parents.** The DHR must make a diligent search for each missing legal and biological parent of the child of whom the DHR has managing conservatorship.

**§49.1105. Voluntary Protective Placement.**

(a) The DHR may make a voluntary protective placement only if all the following exist.

(1) The parents and the DHR have explored and ruled out any other suitable relative, family friend, private agency, or other plan for the care of the child.

(2) There is enough space in licensed or certified foster homes or institutions for other children who are being served by the local unit and who are the responsibility of the DHR by court order.

(3) The county agrees to pay for the cost of the child's care if the cost is more than the parent's contribution or the child's income.

**§49.1106. Return of Child after Temporary Placement.** Upon notice from the parent requesting the return of the child, the DHR must return the child or, if return would further endanger the child, seek a court order to continue the protective placement.

**§49.1107. Affidavit of Relinquishment of Parental Rights.** The DHR accepts an affidavit of relinquishment of parental rights only when the parent designates the DHR as the managing conservator and consents to the DHR placing the child for adoption.

**§49.1108. Enforcement of Child Support Orders.** Parents have a right to be notified if the DHR is pursuing enforcement of child support orders and to be represented by an attorney.

**§49.1109. Collection and Disbursement of Child Support.** The DHR must use child support collected for

children in substitute care for the care and maintenance of the child.

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

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## **Subchapter M. Substitute Care Placement Services**

### **40 TAC §§49.1301-49.1312**

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

#### **§49.1301. Payments for Out-of-State Placement.**

(a) Children placed in another state are not eligible for AFDC foster care, MAO foster care, or state-paid foster care benefits. Adoption subsidy payments may be made for out-of-state placements.

(b) County funds may be used to pay for foster care in another state if the county approves the out-of-state placement.

#### **§49.1302. Service Plans for Children and Their Families.**

(a) The DHR provides services according to detailed service plans for children in substitute care and their families. The DHR must develop the service plans to meet the following purposes:

(1) Ensure a structured, time-limited process that provides the best opportunity for the child to return home.

(2) Ensure that service plans and activities progress toward a permanent placement for the child.

(b) Service plans may be changed anytime to reflect changes in the case. All persons involved in development of the service plan must be notified of changes.

#### **§49.1303. Service Plan for Children.**

(a) The DHR must document in the child's service plan the reason for choosing the type of substitute care placement for the child, how it will meet the child's needs, and notification to the parents about any changes made in the child's placement while the service plan was being developed.

(b) The DHR must include in the child's service plan a projected date for the child's return home or for the completion of the permanency plan.

(c) The following persons must be asked to participate in developing the service plan:

- (1) the child's worker in the conservatorship unit;
- (2) the worker supervising the placement, if different from paragraph (1) of this subsection;
- (3) the child;
- (4) the child's parents, unless parental rights are terminated, or other appropriate relatives;
- (5) foster parents or other caretaker;
- (6) other professionals and volunteers who are providing services to the child or the child's family;
- (7) the attorney ad litem.

#### **§49.1304. Service Plan for Families.**

(a) The DHR must develop a service plan for families of children in substitute care unless the parents cannot be found, parental rights are terminated, or an affidavit of relinquishment has been executed.

(b) The DHR must develop the family's service plan with the parents within 30 days after the child's placement and must obtain the parent's signature on the plan unless the parents are absent or refuse to cooperate.

(c) If the DHR cannot establish the family's service plan with the parents because the parents are absent, hostile, or uncooperative, the worker must establish the family's service plan without the parents.

(d) The DHR must include the following in the service plan:

- (1) a description of services provided before the removal of the child which were provided to prevent the substitute care placement;
- (2) identification of the problems which caused removal of the child;
- (3) changes that must take place before the DHR will recommend that the court return conservatorship to the parents;
- (4) services to be provided to accomplish the changes and who will provide the services;
- (5) the role of the worker, other service providers, and the parents in achieving the changes;
- (6) a proposed time limit for achieving the changes;
- (7) a plan for the parents to visit, telephone, and write to the child;
- (8) the family's plan for the financial support of the child, including payment of child support and availability of insurance;
- (9) specific conditions or stipulations in the court order;
- (10) consequences if changes are not achieved.

**§49.1305. Review of Service Plans for Children.** Every six months, the DHR must review the status of a child in substitute care to determine the continued need for and appropriateness of the child's placement. The DHR must ensure that the child's parents are allowed to participate in the reviews.

#### **§49.1306. Administrative Reviews.**

(a) If a periodic court hearing cannot be held or is delayed, the DHR must conduct an administrative review of the service plan at least every six months. Un-

less parental rights are terminated or the parents are deceased or cannot be located, the DHR must notify both parents about the review and allow their participation. A panel of DHR staff, including the worker and supervisor, must conduct the administrative review. The panel must include a person not directly or administratively responsible for the case or for services to the child or family.

§49.1307. *Changes in Service Plans Because of Subsequent Placements.* Parents have a right to be notified about a change in the child's placement unless parental rights are terminated or the parents are absent.

§49.1308. *Review of Service Plans for Families.* The DHR must review the family's service plan at least every six months, and must involve the parents in the review unless parental rights are terminated or the parents are deceased, absent, or refuse to cooperate.

§49.1309. *Family Planning Services for Children in Substitute Care.* Children have the right to request and receive contraceptive services, except sterilization, without the consent of parents or the managing conservator.

§49.1310. *Medical and Dental Services to Children in Substitute Care.* Children in substitute care have a right to regular, preventive, and emergency medical and dental health care.

§49.1311. *Visits and Contacts Between Children and Biological Parents.* Children and parents have the right to contact each other regularly unless parental rights are terminated or relinquished or the court has restricted contacts. Parents have the right to be notified about changes or restrictions in visitation plans.

§49.1312. *Transfer of Money Owed to Children Placed for Adoption.* When the adoption is consummated, the DHR must transfer to the adoptive parents any money that is being held by the DHR and is owed to the child.

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

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## Subchapter O. Foster and Adoptive Home Development

### 40 TAC §§49.1501-49.1505

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to ad-

minister a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

#### §49.1501. *Decision on Foster Home Applications.*

(a) To be accepted as a foster home, the home must meet the minimum standards and the Texas Department of Human Resources (DHR) must have determined, through the foster home screening and study, that the parents can provide adequate care for the DHR foster children.

(b) Foster parents and foster parent applicants have a right to an administrative review of the decision to not approve their application to be foster parents or to close the foster home.

§49.1502. *Adoptive Home Screening.* The DHR's policies for screening and approval of adoptive homes are as follows.

(1) Age. Age is evaluated in relation to life expectancy and maturity. The applicants' life expectancy must be long enough for the applicants to be able to raise the child to adulthood. Applicants who are nearing retirement age usually are only considered and approved for adolescent and teenage children.

(2) Marriage. If married, both spouses must apply and their license or declaration of marriage must be recorded.

(3) Length of marriage. Couples must be married at least two years before the DHR accepts an adoption application. The DHR may allow exceptions to this policy only to meet the needs of a specific child.

(4) Single parents. Single parents are evaluated in terms of their ability to nurture and provide for a child without the assistance of a spouse. Placement with a single parent is considered the best plan for some children.

(5) Fertility. Fertility studies are required only if the DHR believes the couple needs to know more about their fertility before they adopt a child. The couple's fertility is important only in relation to resolution of their feelings about their infertility and their ability to accept and parent a child not born to them.

(6) Handicaps. Handicaps are evaluated in relation to the applicants' adjustment to the handicap and the limits, if any, the handicap imposes on the applicants' ability to care for a child.

(7) Residence. Adoptive home studies are started only if the applicants will live in the community long enough for the DHR to complete a study and make a placement. Exceptions are made in unusual situations which involve a child with special needs if another licensed child placing agency in the new community agrees to complete the adoption services.

(8) Adoption by foster families. Foster families are evaluated using the same criteria applied to any other adoptive applicants. The evaluation focuses on the family's demonstrated skill and ability to parent the children the DHR has placed in the family's care.

(9) Race/ethnicity. While adoptive parents whose race or ethnicity is the same as a child's are usually best able to meet the child's psychological needs, consideration may be given to other arrangements to meet the needs of a specific child.

(10) Financial. While there are no specific income limitations, the applicants' income must be sufficient to meet the applicants' needs and the child's minimum maintenance needs. Income is also evaluated in terms of past and present management.

(11) Health. The applicants' physical and mental health must be sufficient to assume parenting responsibilities. Physical and mental conditions are considered to protect the child against another loss of parenting through death, incapacity, or repetition of abuse or neglect

(12) Religion. There are no specific religious requirements. Applicants are evaluated based on:

(A) their willingness to respect and encourage a child's religious affiliation;

(B) their willingness to provide a child opportunity for religious, spiritual, and ethical development;

(C) the health protection they plan to give a child if their religious beliefs prohibit certain medical treatment.

**§49.1503. Processing Adoption Applications.** Adoption applications are accepted and processed according to the needs of children in the DHR's care. The DHR processes applications according to the following priorities and in the order listed:

(1) applications for specific children who are waiting for placement regardless of the dates of other pending applications;

(2) applications for children who are characteristic of the children in the region waiting for placement or registered on the adoption resource exchange;

(3) applications for children who are likely to be in need of placement by the DHR.

**§49.1504. Approval of Adoptive Home Study.** The DHR evaluates applicants based on the applicants' ability to care for specific children needing placement. The DHR approves home studies based on an evaluation of the applicants' total situation; their flexibility in all areas of life; their sensitivity and understanding of children's needs; and their ability to meet the developmental, maintenance, and protection needs of children in the DHR's managing conservatorship.

**§49.1505. Administrative Review.** Adoptive applicants are entitled to an administrative review of the decision not to approve their adoptive home for placement of a child.

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

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## Subchapter Q. Purchased Protective Services

40 TAC § 549.1701-49.1746

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

**§49.1701. The Contract Document.** Before the provider delivers purchased services, the provider and the commissioner of the Texas Department of Human Resources (DHR) must sign a written contract which includes:

- (1) a child protective services contract form, and
- (2) a plan of operation.

**§49.1702. The Plan of Operation.** There are certain requirements which must be included in the plan of operation:

- (1) a brief narrative statement of the need for the contracted service;
- (2) a description of the work to be performed by the provider. The services and the unit of service must be defined;
- (3) estimates of the quantity of services to be delivered. These may be expressed in terms of the numbers of clients, units of service, or other objectives;
- (4) the provider's office address and the sites for service delivery;
- (5) a budget that describes the basis for payments to the provider;
- (6) a plan for a performance evaluation of the provider;
- (7) a description of the billing procedure;
- (8) the statement "The provider agrees to report to the DHR within 24 hours all instances of suspected child abuse and neglect";
- (9) other service specific requirements;
- (10) other provisions consistent with DHR policy and determined to be appropriate by staff who negotiates the contract

**§49.1703. Plan Changes and Amendments.** A contract is not changed except by a formal, written plan change or amendment. A plan change is an alteration to the plan of operation and includes changes in program description, budget, exhibits, and supportive documents. An amendment is any change in the contract form or increases to the unit rate in unit rate contracts. Substantial changes in the plan of operation such as large increases in the budget or the addition of new services must be accomplished by an amendment

**§49.1704. Payment Determination.** In determining unit rates or developing cost reimbursement budgets to pay a provider for contracted services, the DHR considers reasonable and necessary costs incurred by the provider

for the service as limited by 45 Code of Federal Regulations Part 74, and any amendments to it.

**§49.1705. Cost Reimbursement Method.**

(a) The budget for a child protective services contract consists of a detailed listing of the items and their maximum cost for which the DHR agrees to reimburse the provider.

(b) In the cost reimbursement method, the DHR agrees to reimburse the provider for all actual and allowable costs incurred for the listed items up to the limit in the approved budget. In this method, the provider's claim varies each month with the actual expenses incurred during the month. The DHR pays the provider based on the claim for approved cost, rather than on the amount of service delivered during the month.

**§49.1706. Unit Rate Method.** In the unit rate method, the DHR agrees to pay the provider a set price for each unit of service the provider delivers under the terms of the contract. In this method, the provider claims payment based on the unit rate multiplied by the volume of service delivered rather than the actual allowable costs incurred by the provider.

**§49.1707. Unit Rates for Emergency Shelters or Group Home Services Contracts.** In contracts for emergency shelter or group home services, the contract budget may include unit rates for:

- (1) retention of a set number of spaces available for emergency placement of children. The rate is paid to the provider whether or not a child is placed in the retained space;
- (2) spaces in the facility occupied by eligible children placed by DHR staff.

**§49.1708. Foster Care Assistance Funds in Emergency Shelter or Group Home Services Contracts.** Purchased emergency foster care funds are not used to replace any other foster care assistance funds available to meet the needs of children in emergency placements.

**§49.1709. Local Funds.** The DHR may include local funds in the budgets for protective services contracts. Before budgeting local funds in the contract, the DHR must ensure that the funds are not from federal sources and that they will be used for allowable cost items.

**§49.1710. Billing Requirements for Providers Using the Purchase of Services System.**

(a) Providers using the purchase of services system bill the DHR monthly using the following forms.

- (1) State of Texas purchase voucher.
- (2) Purchase voucher expenditure report. This form is required only if the budget for the contract is cost reimbursement or if retainer unit rates are used.
- (3) Purchased service delivery report. This form is used if the provider registers the client in the social services management system (SSMS). Provider registration of clients is not required.
- (4) Purchased service delivery report (input). This form is used if the purchased service delivery report is not used.

(b) The DHR contract management staff may require other documentation of service delivery before approving claims.

**§49.1711. Billing Requirements for Providers Using the Administrative Claim System.** Providers using the administrative claim billing system bill the DHR monthly using the State of Texas purchase voucher. The DHR contract management staff may require that other documentation of service delivery or cost reports accompany the claim.

**§49.1712. Eligibility.**

(a) Purchased services are available without regard to income. Purchased services are based on the clients' need for the services. Availability of services is subject to funding limitations or resources in a geographic area. The DHR must authorize the service for a specific client.

(b) Only children and families in active protective services cases may receive purchased protective services. The DHR staff must have registered the case in SSMS before a provider delivers purchased services. Eligibility ends when:

- (1) the case is closed in SSMS by DHR staff,
- (2) the time limit authorized on the eligibility form for the client expires, or
- (3) services are no longer needed.

**§49.1713. Referral of Clients.**

(a) The DHR refers clients to and authorizes service delivery by providers by completing the eligibility for services without regard to income form. This authorization must:

- (1) be completed before service delivery;
- (2) contain a time limited authorization (no longer than six months);
- (3) be kept on file by the provider as documentation of DHR authorization.

(b) The DHR must inform the provider in writing if authorization for services ends before the date on the eligibility form. This would occur if the case is closed or if contracted services are no longer needed.

**§49.1714. Protective Homemaker Services.** The DHR develops contracts for homemaker services with providers who:

- (1) if providing emergency homemaker services, can deliver services on an on-call basis, 24 hours a day, seven days a week;
- (2) are one of the following:
  - (A) public agencies (units of government);
  - (B) private nonprofit agencies;
  - (C) private for-profit agencies.

**§49.1715. Plan of Operation for Protective Homemaker Contracts.** Besides the general requirements for items included in protective services contracts, the plan of operation for protective homemaker contracts includes the provider's:

- (1) plan for providing basic orientation to the homemaker before service delivery and at least 40 hours a year of in-service training to each homemaker;
- (2) commitment that the emergency homemaker will be available 24 hours a day, seven days a week, and a clear indication of how long the emergency care will be given;
- (3) description of the method used to select homemakers to ensure that they:
  - (A) are qualified in:
    - (i) care of children,

- (ii) home management skills,
- (iii) performance of household duties, and
- (iv) purchase and preparation of food;
- (B) respect and understand people of different races, cultures, and backgrounds;
- (C) are in good physical health,
- (4) commitment that homemakers will be placed only if parents or caretakers consent to the services or a court order allows the homemaker to enter the home and care for the children until the parents return, the children are removed, or the services are no longer needed;
- (5) commitment that service planning will be coordinated with the DHR worker assigned to the case.

**§49.1716. Emergency Foster Care.**

- (a) The DHR purchases emergency foster care services from the following types of providers:
  - (1) public agencies,
  - (2) private nonprofit agencies,
  - (3) a person who operates a foster family home or foster group home
- (b) An emergency foster care facility may be any size.

**§49.1717. Plan of Operation for Emergency Foster Care Contracts**

- (a) Besides the general requirements for items included in a protective services contract, the emergency foster care provider must include the following in the plan of operation.
  - (1) certification or license number and category of standards being met,
  - (2) number of spaces available for DHR children;
  - (3) for group homes or institutions, a stipulation that children under five years old will not be placed for more than five workdays unless the child has a sibling over five years old in the shelter, and that children under 12 months old will not be placed for more than 96 hours if an unusual circumstance, such as medical need, requires extending the time limits, the circumstance must be documented;
  - (4) commitment that the facility accepts children 24 hours a day, seven days a week,
  - (5) commitment that a child does not stay in the facility more than 30 days during one placement without approval from the DHR,
  - (6) commitment that DHR child protective services staff must place or approve placement of a child in spaces available for DHR children,
  - (7) statement that a physical examination of the child will be obtained within 48 hours or 30 days, depending on the type of license the facility has,
  - (8) an estimate of the amounts and sources of other funds to be used to pay for the cost of services. Other funds may include, but are not limited to, county funds; SSI, AFDC, or state-paid foster care, or child support,
  - (9) the number and qualifications of staff,
  - (10) discussion of the facility's capability to provide for the special needs of children placed in an emergency shelter,
  - (11) discussion of how the facility staff will assist DHR staff in assessing the needs of children placed in the facility

(b) Children placed under voluntary placement agreements do not receive purchased emergency foster care services

**§49.1718. Foster Group Home Services.**

- (a) The DHR purchases foster group home services from the following types of providers:
  - (1) public agencies,
  - (2) private nonprofit agencies;
  - (3) a person who operates a group home.
- (b) A foster group home may be one of the following types of facilities:
  - (1) a DHR group home;
  - (2) a group home operated and verified by another licensed child placing agency;
  - (3) an independent group home.
- (c) To be considered for purchased foster group home services, the facility:
  - (1) must be approved for use in DHR's child placement program, and
  - (2) if providing group home services to mentally retarded or emotionally disturbed children, must be verified as meeting the minimum standards for therapeutic group homes or the minimum standards for habilitative group homes

**§49.1719. Plan of Operation for Foster Group Home Contracts.**

- (a) Besides the general requirements for items included in the protective services contract, the foster group home provider must include in the plan of operation:
  - (1) the number of spaces available for children placed by DHR;
  - (2) estimates of the source and amount of any income other than purchased protective services funds;
  - (3) the statement that the facility's capacity is for seven to 12 children who are
    - (A) between 10-17 years old, or
    - (B) mentally retarded or emotionally disturbed;
  - (4) the statement that the facility is licensed to operate as a.
    - (A) foster group home,
    - (B) therapeutic group home, or
    - (C) habilitative group home;
  - (5) the number and qualifications of staff.
- (b) Purchased foster group home services are provided only to children who are in the DHR's conservatorship
- (c) Children placed under a voluntary placement agreement may not receive purchased foster group home services

**§49.1720. Community-Based Treatment Services. The DHR may purchase community-based treatment services from**

- (1) public agencies (unit of government);
- (2) private nonprofit agencies,
- (3) private for-profit agencies,
- (4) individuals

**§49.1721. Plan of Operation for Community-Based Treatment Services Contracts. The contract with the community-based treatment services provider includes a statement about the number and qualifications of staff**



who deliver services under the contract, including the stipulation that staff is licensed as required by state law

**§49.1722. *Camping.*** The DHR purchases camping experiences for children in protective services cases. Two types of camping programs are purchased—therapeutic camping and youth camping. Children in active protective services cases are eligible for camping services.

**§49.1723. *Travel to and from Camp.*** The DHR must approve foster children's travel plans to and from camp. The court must be notified and may approve out-of-state travel for children in the DHR's conservatorship.

**§49.1724. *Basis for Payment for Therapeutic Camps.***

(a) Funds available for purchased therapeutic camping do not replace other funds which are available to pay for therapeutic camping. If the therapeutic camp is a substitute care placement, only the services which the child requires beyond regular care and maintenance in the facility may be purchased through the contract.

(b) Other funds available for therapeutic camping services include:

- (1) AFDC foster care;
- (2) state-paid foster care;
- (3) county funds;
- (4) SSI;
- (5) child support;
- (6) other income available for the care of the child.

(c) The total payment to the therapeutic camp provider will not exceed the provider's usual charge for service.

**§49.1725. *Youth Camp.*** The Texas Department of Health must license the youth camp before the DHR signs a contract with the camp.

**§49.1726. *Basis for Payment for Youth Camps.*** Payment for youth camps is based on a daily rate, not to exceed the usual rate charged by the camp.

**§49.1727. *Referrals to Therapeutic and Youth Camps.*** Providers of camping services may bill the DHR only for services delivered to children referred by the DHR.

**§49.1728. *Plan of Operation for Camping Contracts.*** Besides the general requirements for protective services contracts, the provider of camping services must include in the plan of operation:

- (1) a statement that the provider has the appropriate license, or that the youth camp has applied for a license in a timely manner to the Texas Department of Health,
- (2) an estimate of the cost of service and amount of other funding available to pay for services,
- (3) a statement that the DHR's payment for a child does not exceed the camp's usual fee,
- (4) the average length of stay for children referred by the DHR;
- (5) a brief description of the type of program offered.

**§49.1729. *Court-Ordered Social Studies.***

(a) The DHR may develop purchased protective services contracts for provision of court-ordered social studies from:

- (1) public or private nonprofit agencies,
- (2) individuals.

(b) Court-ordered social study contracts include the following activities:

- (1) establishing contact with referred families;
- (2) collecting documents requested by the court;
- (3) interviewing families and children who are subjects of the order;
- (4) contacting references and collateral sources;
- (5) preparing reports of findings in a format requested by the court or by the DHR;
- (6) meeting with DHR staff to interpret the findings;
- (7) testifying when required.

**§49.1730. *Plan of Operation for Court-Ordered Social Study Contracts.***

(a) The provider must include in the plan of operation:

- (1) the provider's qualifications,
- (2) requirements the DHR places on the provider concerning time frames between referral and submission of the reports and the format for the reports.

(b) The budget for court-ordered social study contracts may be cost reimbursement or unit rate.

**§49.1731. *Adoption Services.***

(a) The DHR purchases adoption services for children who are in the DHR's managing conservatorship and who meet one of the following criteria:

- (1) are six years old or older,
- (2) are any age and a member of a minority race or have a racially mixed background,
- (3) have a professionally diagnosed physical, mental, or emotional handicap,
- (4) are siblings who need to be placed together.

(b) Regions may contract with one or more private, licensed agencies depending on factors such as the number of children needing placement, availability of funds, and the private agency's capability to place particular children. Adoption by DHR foster parents is not a purchasable service.

**§49.1732. *Purchased Adoption Services.*** The DHR purchases the following adoption services:

- (1) recruitment and screening of adoptive families,
- (2) adoptive placement services, including:
  - (A) the adoptive home study and processing the application for adoption,
  - (B) placement services, including presentation of the child and preplacement visits with the adoptive family,
  - (C) post-placement services before consummation of the adoption.

**§49.1733. *Plan of Operation for Adoption Services Contracts.*** Besides the general requirements for protective services contracts, the child placing agency must include the following in the plan of operation:

- (1) Referral
  - (A) The children (by age, race, handicaps) the agency intends to serve.
  - (B) The condition that DHR staff will refer children who are legally free for adoption and who meet the criteria stipulated in the region's adoption contract.

procedures. Exceptions to this process will be stipulated in the regional adoption contract procedures

(C) An agreement by the DHR and the agency concerning the information that constitutes a referral.

(D) The stipulation that DHR staff will help the agency's staff obtain access to the child, foster parents, and others who have been involved with the child so the agency can assess the child's needs

(E) The stipulation that the DHR is responsible for direct supervision of the child in foster care until an adoptive home is selected for the child, unless the child is in a foster home supervised by the agency. The DHR keeps the child on the adoption resource exchange (ARE), and if another home is available before the agency offers a suitable home, the DHR may withdraw the referral and proceed with the available adoptive placement.

(2) Recruitment.

(A) The agency's responsibility for recruiting, screening, studying, and approving possible adoptive homes for the children referred by the DHR. The agency must not agree to place a child with a family until completion of the adoptive home study and approval of the family for adoption

(B) The agreement by the DHR to provide recruitment material about the child and documentation of any limitations concerning the methods the agency may use and areas of coverage.

(C) The stipulation that the DHR will notify each agency about other agencies to which the child is referred.

(3) Screening The stipulation that any adoption inquiry referred to the agency by the DHR is subject to the agency's usual screening and application process.

(4) Home study.

(A) An agreement that the content of the adoption home study will meet the minimum standards for child placing agencies.

(B) The stipulation that the agency will not charge a fee to families studied for a child with special needs for whom the DHR needs a placement

(5) Placement services

(A) The agreement that the DHR will provide staff to work with children to prepare them emotionally and physically for adoption and to prepare the children's records, including the adoption readiness summary, to comply with licensing standards.

(B) The stipulation that the DHR will provide the agency with a copy of the child's complete record, including all legal documents

(C) Designation of DHR staff and the agency's staff (by name and position) that will be involved in reviewing and approving the placements. The plan stipulates that written approval is required before presentation of the child to the adoptive family. (Referral of a special needs child to an agency using the Spaulding method is considered as approval for presentation of the child to the adoptive family )

(D) The stipulation that DHR staff will continue providing services to the foster parents caring for the child unless the child is in the care of the agency. In that case, the supervising agency will continue to provide these services.

(E) The agreement for the DHR worker responsible for the child to allow the agency worker to meet with the child and the child's caregivers before the adoptive placement.

(F) The stipulation that the agency will provide the adoptive family with the written information on the child required by the minimum standards for child placing agencies.

(G) The agreement that the DHR and the agency will cooperate in processing adoption subsidies.

(6) Post-placement services.

(A) The stipulation that the agency will provide support services after placement and until the adoption is consummated. These services are provided in the adoptive home, the agency's office, or other designated place. If a placement requires more than usual support and attention, the agency will provide necessary services.

(B) The stipulation that the DHR retains managing conservatorship of children until the adoption is consummated. If a placement is not consummated within a year, the DHR and the agency will review the placement and develop a time-limited service plan.

(C) The agreement by the agency to send written reports on the placement every two months to the DHR worker. The agency may send reports more frequently and may supplement the written reports by telephone and letters.

(D) The agreement that the agency will help adoptive parents and their attorney in the consummation process, including preparation of the court report.

(E) The stipulation that the DHR will provide written consent for the adoption if the following conditions are met:

(i) the DHR and the agency agree that the adoption should be consummated;

(ii) the agency has supervised the adoptive placement for six months;

(iii) the agency has sent at least three written reports about the placement to the DHR.

(F) An agreement by the agency to provide the DHR with a copy of the adoption decree.

(G) The stipulation that if an adoptive placement is disrupted, the DHR will work with the agency to plan for another placement for the child. This includes reviewing possible resources before deciding on another placement. The DHR and the agency must specify in the regional adoption contract procedures the staff who is authorized to approve new placement plans.

(H) The DHR's responsibility, as managing conservator, to provide for children whose adoptive placement is disrupted.

(I) An agreement that the agency will inform adoptive parents about adoption subsidies and help them to apply for subsidies, if appropriate.

(7) Post-consummation services An agreement that the agency will provide services after the adoption is consummated if there are problems with the adoption. The agency agrees to provide these services to the extent possible within the agency's resources and to assist the family in locating other resources.

*§49.1734. Recruitment and Screening Services Providers.* The DHR purchases recruitment and screening services as a separate service only from Councils on

Adoptable Children (COAC), or from other parent and community groups. Recruitment and screening services are purchased from agencies licensed to place children only as a part of the package of placement services.

**§49.1735. Adoptive Placement Services Providers.**

(a) The DHR purchases adoptive placement services only from private agencies licensed to place children for adoption. Staff in the private agencies must have experience in adoptive placement. A person with a master's degree in social work must supervise staff.

(b) The DHR may purchase adoptive placement services from child placing agencies affiliated with churches that limit placement to specific religious groups. The agency, however, must respect the religious affiliation of the child and must provide services to children of all religious faiths.

**§49.1736. Unit of Service and Basis for Payment For Recruitment and Screening.**

(a) The provider must use the cost reimbursement method to determine the unit rate in contracts for recruitment and screening. Regional contract management staff negotiates with the provider to determine the most appropriate unit of service. The contract specifies the unit of service.

(b) In purchased adoption contracts with agencies licensed to place children, both recruitment and screening and adoptive placement services are included as part of the package of placement services. No separate payment is made for recruitment and screening provided by these agencies.

**§49.1737. Unit of Service and Basis for Payment for Adoption Placement Services**

(a) The budget for adoptive placement services includes the following units of service:

- (1) placement of a child,
- (2) consummation of the adoptive placement,
- (3) subsequent adoptive placements.

(b) The child placing agency may claim only for completed units of service.

(c) For payment purposes, the DHR may consider the placement of a sibling group as a single placement, or may adjust the payment depending on the individual situation. The total payment does not exceed the amount specified in §49.1738 of this title (relating to Rate Setting in Adoption Contracts) multiplied by the number of siblings. The plan of operation must specify the method to be used for payment for the placement of sibling groups.

(d) If a placement is disrupted and the child is placed in another adoptive home by the agency, this is a subsequent placement and is considered an extension of services for which the DHR contracted. For subsequent placements, the DHR pays one-half the rate of the first placement.

(e) The contract may specify that placements consummated after the contracted period are reimbursable if the placement was made during the contracted period.

**§49.1738. Rate Setting in Adoption Contracts**

(a) The DHR pays the child placing agency for placements on the following basis:

Service	Maximum Payment	Documentation
Placement	\$1,600	Placement agreement signed by adoptive parents
Consummation	\$ 700	Adoption decree
Subsequent placement	\$ 800	Placement agreement signed by adoptive parents

(b) The DHR does not pay more than the agency's cost for providing the service, or the cost of the service if provided by the DHR direct delivery staff.

(c) The DHR recommends using the following formula to compute the cost of adoption services.

$$\frac{\text{Total Adoption Related Expenses (previous fiscal year)*}}{\text{Total Consummated Adoptions (previous fiscal year)}} = \text{Cost per consummated adoption}$$

\*Includes salaries, fringe benefits, travel, and overhead

Compute the total and adjust upward 5.0% to allow for adjustments in salary, fringe benefits, and travel at the end of the fiscal year.

**§49.1739. Reimbursement Fees.** The child placing agency must not charge adoptive families reimbursement or fees for adoption services. The agency must not solicit donations from the families.

**§49.1740. Development of Community and Parent Groups.** The DHR contracts for the development of community and parent groups.

**§49.1741. Types of Contractors.** The DHR purchases development of community and parent group services only from:

- (1) public agencies,
- (2) private nonprofit agencies;
- (3) nonprofit incorporated organizations.

**§49.1742. Plan of Operation for Contracts for the Development of Community and Parent Groups.** Besides the general requirements for protective services contracts, the provider must include the following in the plan of operation:

- (1) identification and location of the group;
- (2) identification of the agencies and organizations sponsoring the group,
- (3) a statement of the group's purpose;
- (4) a plan that shows how the services will benefit the families and children who come to DHR's or the group's attention because of child abuse or neglect.

**§49.1743. Budget for Development of Community and Parent Groups Contracts**

(a) Salary and fringe benefit expenses are not included in the contract budget for development of community and parent groups. Exceptions must be approved by the assistant commissioner for protective services for families and children.

(b) The contract budget details the amount the DHR agrees to pay the provider and the basis for payment.

**§49.1744. Volunteer Programs.**

(a) The DHR contracts with organizations that sponsor self-help or volunteer programs. The DHR contracts only with organizations whose target population includes abusive or neglectful families or families whose

situations are conducive to abuse or neglect. Persons served by the organizations do not have to be in protective services cases.

(b) The plan of operation for contracts with volunteer agencies includes at least:

(1) qualifications for volunteers related to their job responsibilities;

(2) the agency's procedures for recruiting, screening, training, and supervising the volunteers. These should include:

(A) if the DHR will provide any training;

(B) if the DHR will provide any supervision or case monitoring;

(3) the agency's methods for obtaining references and criminal history statements from volunteers;

(4) the scope of volunteer services offered;

(5) the training and qualifications of staff of the volunteer services agency;

(6) the types of referrals or requests for services from the DHR that the agency accepts;

(7) methods used by the agency for reviewing service plans and documentation;

(8) methods used by the agency for notifying the DHR if more abuse or neglect is suspected, or if the family becomes uncooperative and continued DHR child protective services are warranted;

(9) methods used by the agency for sharing information and records, type of information to be shared, and use of release forms from clients and others;

(10) the DHR's responsibility to notify the client about the referral to a volunteer services agency, to make quarterly visits if the case is found to be Priority I or Priority II at the end of the investigation and will receive ongoing DHR services, and to notify the client when DHR services are terminated.

**§49.1745. Training Contracts** Contracted training providers include:

- (1) public agencies,
- (2) private nonprofit agencies;
- (3) private for-profit agencies;
- (4) educational institutions;
- (5) individuals

**§49.1746. Plan of Operation for Training Contracts.** Besides the general requirements for protective services contracts, the training provider must include the following in the plan of operation:

(1) identification and qualifications of the trainer;

(2) purpose of the training;

(3) implementation plan, including time frames, description of the curriculum, or scope of study, as applicable;

(4) estimated number of persons to receive the training, including child protective services staff, other DHR staff, foster parents, members of parent and community groups, members of other agencies and organizations, or volunteers;

(5) a clear statement about the type of training activity.

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

Issued in Austin, Texas, on August 23, 1984.

TRD-848756

Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption:

October 1, 1984

For further information, please call (512) 450-3766.



## Subchapter S. Interstate Placement of Children

40 TAC §49.1901, §49.1902

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The new sections also are proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship

**§49.1901. Requests for Placement.**

(a) Any person requesting approval to place a child from Texas into another state under the interstate compact on the placement of children (ICPC) must submit to the Texas Interstate Placement Section (TIPS) an application prepared according to instructions issued by TIPS. This rule applies to any person acting as or on behalf of a "sending agency" as defined in the Interstate Compact on the Placement of Children, Article II.

(b) Any person requesting approval to place a child into Texas under the ICPC must submit an application through the administrator of the ICPC in the other state, if the other state has enacted the ICPC. If the other state has not enacted the ICPC, the person requesting approval must submit an application prepared according to instructions issued by TIPS. This rule applies to any person acting as or on behalf of a "sending agency" as defined in the Human Resources Code, Chapter 45, §45.001(4).

**§49.1902. Courtesy Supervision of a Child from Another State** If a court has given legal responsibility for a child to a public agency and TIPS has approved the placement, the DHR must provide supervision when requested as long as the ICPC agreement for the child is in effect. The DHR provides quarterly contact for the

child in an ICPC placement, and a DHR supervisor must approve less than monthly contact.

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

Issued in Austin, Texas, on August 23, 1984.

TRD-848757      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption  
October 1, 1984

For further information, please call (512) 450-3766.

### Subchapter SSS. Legal Base for Child Welfare Services

40 TAC §§49.7001-49.7015

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, Chapter 41, which authorizes the department to enforce laws for the protection of children, and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

- §49.7001 Confidentiality of Child Welfare Records
- §49.7002 Consent for Medical Care
- §49.7003 Eligibility for Protective Services for Children
- §49.7004 Right to Refuse Services
- §49.7005 Eligibility of Protective Services Clients for Other Social Services.
- §49.7006 Child Protective Services Goals and Objectives
- §49.7007 Child Protective Services Priorities.
- §49.7008 Priority I Services and Responsibilities.
- §49.7009 Priority II Services and Responsibilities.
- §49.7010. Priority III Services and Responsibilities.
- §49.7011 Child Welfare Earned Funds Contracts.
- §49.7012 Contract Package
- §49.7013 Rate Determination
- §49.7014 Payment Procedures
- §49.7015 Contract Changes.

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

Issued in Austin, Texas, on August 23, 1984

TRD-848758      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption  
October 1, 1984

For further information, please call (512) 450-3766.

### Subchapter TTT. Protective Service for Children

40 TAC §§49.7101-49.7131, 49.7134-49.7146, 49.7149-49.7154

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children, and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

- §49.7101. Investigation of Reports of Abuse or Neglect of Children Residing on a Military Base.
- §49.7102 Abused and Neglected Children.
- §49.7103 Child Abuse Hotline
- §49.7104 Clarification of Report of a Child in Need of Protective Services
- §49.7105 Child Abuse and Neglect Reporting and Inquiry System (CANRIS)
- §49.7106 Investigation of Reports of Abuse or Neglect.
- §49.7107. Investigation of Reports of Abuse or Neglect in a Non-State-Operated Child Caring Facility
- §49.7108. Investigation of Reports of Abuse or Neglect in a Facility Operated by a State Agency Other than DHR
- §49.7109 Investigation of Reports of Child Abuse or Neglect in a DHR Foster Family or Adoptive Home
- §49.7110 Investigation of Reports of Child Abuse or Neglect in a DHR Foster Group Home.
- §49.7111. Self-Support Services for Unmarried or School-Age Parents
- §49.7112 Harm or Injury to Children for Whom DHR Is Obligated to Notify a Law Enforcement Agency
- §49.7113 Department Work with the Family when Law Enforcement Has Been Notified of the Child's Harm or Injury
- §49.7114 Documented Arrangements with Local Officials
- §49.7115 Truant and Runaway Children
- §49.7116. Children in Need of Supervision (CHINS).
- §49.7117 Unmarried and School-Age Parents
- §49.7118 Receipt of Report of a Child In Need of Protective Services
- §49.7119. Investigation of Reports that Public School Personnel Have Abused a Child
- §49.7120 Investigation of Reports Not Alleging Abuse or Neglect
- §49.7121 Investigation of Lack of Medical Care because of Parents' Religious Beliefs
- §49.7122. Investigation of Reports Involving Handicapped Persons
- §49.7123 Deaf Persons
- §49.7124. Law Enforcement Investigations of Criminal Child Abuse and Neglect
- §49.7125. In-Home Protective Services for Children.

- §49.7126. *Plan of Services for In-Home Protective Services for Children.*
- §49.7127. *Social, Financial, and Therapeutic Services for Solving Problems.*
- §49.7128. *Work with Parents or Relatives To Keep the Child with Family Members.*
- §49.7129. *Decision Making about Case Closure, Removal of the Child, or Seeking Assistance in Case Planning from the Community.*
- §49.7130. *Emergency Homemaker Services.*
- §49.7131. *Child Welfare Earned Funds—Emergency Homemaker Services.*
- §49.7134. *Community Treatment Services.*
- §49.7135. *Providers of Community Treatment Services.*
- §49.7136. *Camping Experiences.*
- §49.7137. *Therapeutic Camping.*
- §49.7138. *Youth Camping.*
- §49.7139. *Out-of-State Camping.*
- §49.7140. *Contract with Provider.*
- §49.7141. *Psychiatric and Psychological Services.*
- §49.7142. *Psychiatric and Psychological Examinations and Short-Term Treatment.*
- §49.7143. *Abuse, Neglect, or Court-Ordered Services for Truant, Runaway, or CHINS Youth.*
- §49.7144. *Runaway Children.*
- §49.7145. *Alternate Living Arrangements.*
- §49.7146. *Self-Support Services.*
- §49.7149. *Abuse or Neglect Services to Unmarried or School-Age Parents.*
- §49.7150. *Day Care for Children in Protective Services Caseloads.*
- §49.7151. *Protective Day Care.*
- §49.7152. *Child Protective Services Worker's Day Care Plan of Services.*
- §49.7153. *Protective Day Care Resources.*
- §49.7154. *Payment Procedures for Facilities Providing Day Care.*

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

Issued in Austin, Texas, on August 23, 1984

TRD-848759      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption.  
October 1, 1984

For further information, please call (512) 450-3766.

### **Subchapter UUU. Removal and Court-Related Services**

40 TAC §§49.7201-49.7227

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to en-

force laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship

- §49.7201. *Planning for Removal.*
- §49.7202. *Legal Procedures for Removal.*
- §49.7203. *Social Services to the Family and Child during the Removal of the Child from His Home.*
- §49.7204. *Placements with Relatives.*
- §49.7205. *Removal by Court Order.*
- §49.7206. *Jurisdiction of the Child.*
- §49.7207. *DHR Central Record File.*
- §49.7208. *Transfer of Court Proceedings.*
- §49.7209. *Jurisdiction of Parents Living Out-of-State.*
- §49.7210. *Service of Citation.*
- §49.7211. *Diligent Search for Missing Parents.*
- §49.7212. *Managing Conservatorship.*
- §49.7213. *Managing Conservatorship and Child Support.*
- §49.7214. *Responsibility of Managing Conservator for Reports to the Court.*
- §49.7215. *Possessory Conservatorship.*
- §49.7216. *Termination of the Parent-Child Relationship.*
- §49.7217. *Emergency Orders.*
- §49.7218. *Removal without a Court Order.*
- §49.7219. *Taking Possession to Deliver Child to Parents*
- §49.7220. *Emergency Removal.*
- §49.7221. *Voluntary Protective Placement.*
- §49.7222. *Screening Voluntary Protective Placement Requests.*
- §49.7223. *Temporary Voluntary Protective Placements.*
- §49.7224. *Permanent Voluntary Protective Placements.*
- §49.7225. *Affidavit of Relinquishment of Parental Rights and Affidavit of Status of Child.*
- §49.7226. *Legal Rights of Parents and Children.*
- §49.7227. *Court Reports and Court-Ordered Social Studies*

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

Issued in Austin, Texas, on August 23, 1984

TRD-848760      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
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For further information, please call (512) 450-3766.



**Subchapter VVV. Foster Care Placement Services**

**40 TAC §§49.7301-49.7330,  
49.7332-49.7402**

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children, and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship

- §49.7301 *Foster Care Placement Services.*
- §49.7302 *Preparation for Placement.*
- §49.7303 *Foster Care Intake Study*
- §49.7304 *Choosing the Foster Care Facility.*
- §49.7305 *Court-Ordered Placements in Specific Facilities.*
- §49.7306 *Out-of-State Placement of Children in DHR's Managing Conservatorship.*
- §49.7307 *Services to Children in Foster Care*
- §49.7308 *The Service Plan*
- §49.7309 *Supervision of Placements of Children.*
- §49.7310 *Delegation of Supervisory Responsibility.*
- §49.7311 *Permanent Planning Services*
- §49.7312 *Permanency Planning Alternatives.*
- §49.7313 *Return to the Child's Own Home or Relatives*
- §49.7314 *Adoption.*
- §49.7315 *Transfer of Managing Conservatorship.*
- §49.7316 *Permanent Foster Family Care.*
- §49.7317 *Emancipation*
- §49.7318 *Permanent Custodial Care.*
- §49.7319 *Arranging for Counseling, Therapy, and Remedial Services.*
- §49.7320 *Day Care for Foster Children.*
- §49.7321 *Services to Foster Children Receiving SSI.*
- §49.7322 *Money Earned by Foster Children*
- §49.7323 *Clothing for Foster Children*
- §49.7324 *Vacation and Holiday Planning for Foster Children.*
- §49.7325 *Travel by Foster Children*
- §49.7326 *Payment for Travel for the Placement or Return of Children in DHR's Managing Conservatorship*
- §49.7327 *Death of a Foster Child*
- §49.7328 *Discipline in Foster Care.*
- §49.7329 *Emergency Evacuation of Foster Children*
- §49.7330 *Vocational Planning and Self-Support Services*
- §49.7332 *Pregnancy of Adolescents in DHR's Managing Conservatorship*
- §49.7333 *Family Planning Services for Youth in DHR's Managing Conservatorship*
- §49.7334 *Abortion for Adolescents in DHR's Managing Conservatorship*
- §49.7335 *Marriage of Youth in DHR's Managing Conservatorship.*
- §49.7336 *Foster Care Services for 18 Year Olds.*
- §49.7337 *Medical Services for Children in Foster Care.*
- §49.7338 *Diagnostic or Treatment Services.*
- §49.7339 *Emergency Medical Services*
- §49.7340 *Consent for Medical Care for Children in Foster Care.*
- §49.7341 *Medical Records.*
- §49.7342 *Court-Related Services to Children in Foster Care*
- §49.7343 *Annual Report to the Court.*
- §49.7344 *Periodic Court Hearings on Foster Care.*
- §49.7345 *When the Child Is Returned to the Parents.*
- §49.7346 *Changes in Placement between Periodic Court Hearings.*
- §49.7347 *Social Services to Parents of Foster Children.*
- §49.7348 *Objectives of Social Services to Parents.*
- §49.7349 *Family Service Plan.*
- §49.7350 *Initial Assessment of Own Home.*
- §49.7351 *Structured, Time-Limited, Rehabilitation Services*
- §49.7352 *Visits and Ongoing Contacts with the Child's Own Family.*
- §49.7353 *Preparation for Return Home.*
- §49.7354 *Working with Absent Parents of Children in DHR's Managing Conservatorship*
- §49.7355 *Termination of Parental Rights*
- §49.7356 *Foster Family Home Care*
- §49.7357 *Procedures for Certification of DHR Foster Family Homes.*
- §49.7358 *Rejection of Applications and Right to Appeal*
- §49.7359 *Recertification.*
- §49.7360 *Special Considerations in Foster Home Studies.*
- §49.7361 *Preplacement Services to Foster Parents.*
- §49.7362 *Ongoing Services to Foster Families.*
- §49.7363 *Foster Parent Associations.*
- §49.7364 *Foster Group Home Care*
- §49.7365 *Approval and Licensing of Foster Group Homes.*
- §49.7366 *Foster Group Homes for Adolescents*
- §49.7367 *Retainer and Service Fees for Foster Group Homes for Adolescents*
- §49.7368 *Therapeutic Foster Family or Foster Group Home Care*
- §49.7369 *Treatment Plan.*
- §49.7370 *Retainer and Service Fees for Group Treatment Home Care.*
- §49.7371 *Placement of Children in Foster Family Homes and Foster Group Homes of Other Child-Placing Agencies*
- §49.7372 *Institutional Care*
- §49.7373 *Referrals to Institutions*
- §49.7374 *Social Services to Children in Institutions.*
- §49.7375 *Foster Care Assistance Payments to Institutions*
- §49.7376 *Removal of Children from Institutions.*
- §49.7377 *Placement of DHR Children in Dependency and Neglect (D&N) Facilities Operated by Texas Youth Council*
- §49.7378 *Placement of DHR Children in Facilities for the Delinquent Operated by the Texas Youth Council.*
- §49.7379 *Intermediate Care Facilities for the Mentally Retarded (ICF-MR)*

- §49.7380. *Emergency Foster Care.*
- §49.7381. *Funding for Emergency Foster Care.*
- §49.7382. *Child Welfare Earned Funds Emergency Foster Care.*
- §49.7383. *Title XX Emergency Shelter.*
- §49.7384. *Foster Care Maintenance Resources.*
- §49.7385. *Application for Foster Care Assistance.*
- §49.7386. *Eligibility for AFDC Foster Care, MAO Foster Care, and State Paid Foster Care.*
- §49.7387. *Additional Eligibility Requirements for Type Program 08 Only.*
- §49.7388. *Special Circumstances Regarding Eligibility for Type Programs 08, 09, and 10.*
- §49.7389. *Redetermination of Eligibility for Type Programs 08, 09, and 10.*
- §49.7390. *Supplemental Security Income (SSI) for Foster Care Children.*
- §49.7391. *Foster Care Payments.*
- §49.7392. *Effective Dates of Foster Care Payments.*
- §49.7393. *Method of Payment.*
- §49.7394. *Determination of Amount of Foster Care Payment.*
- §49.7395. *Child Support for Children in Foster Care.*
- §49.7396. *AFDC Foster Care Cases*
- §49.7397. *Non-AFDC Foster Care Cases.*
- §49.7398. *Collection of Child Support by the Department's Child Support Enforcement Program.*
- §49.7399. *Enforcement of Child Support by the Department's Child Support Enforcement Program.*
- §49.7400. *Case Records and Reporting Forms.*
- §49.7401. *Third-Party Resources*
- §49.7402. *Use of Third-Party Resources*

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

Issued in Austin, Texas, on August 23, 1984

TRD-848761      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption  
October 1, 1984

For further information, please call (512) 450-3766.

### Subchapter WWW. Adoption Services

40 TAC §§49.7501-49.7519, 49.7528,  
49.7529, 49.7531-49.7538, 49.7540-  
49.7546

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children, and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas

Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

- §49.7501. *Overview of Adoption Services.*
- §49.7502. *Study of the Child for Adoptive Placement.*
- §49.7503. *Information on the Biological Family.*
- §49.7504. *Information on the Child to Be Adopted.*
- §49.7505. *Legal Determination of Adoptability.*
- §49.7506. *Recruitment and Study of Adoptive Homes.*
- §49.7507. *Screening Applicants Regarding Adoption.*
- §49.7508. *Procedures for Application and Study.*
- §49.7509. *Areas Covered in Adoptive Home Studies.*
- §49.7510. *Approval or Denial of Adoption Home Study.*
- §49.7511. *Placement of a Child.*
- §49.7512. *Selection of Adoptive Home for a Child.*
- §49.7513. *Information Given the Adoptive Parent about the Child.*
- §49.7514. *Procedure for Presentation and Placement.*
- §49.7515. *Out-of-State Adoption Placement.*
- §49.7516. *Supervision and Post-Placement Services.*
- §49.7517. *Legal Consummation of Adoption.*
- §49.7518. *Subsequent Adoptive Placements.*
- §49.7519. *Adoption Reimbursement Fees.*
- §49.7528. *Adoption by Department Employees.*
- §49.7529. *Texas Adoption Resource Exchange.*
- §49.7531. *Purchase of Adoption Service.*
- §49.7532. *Purpose and Objectives.*
- §49.7533. *Services Which May Be Purchased.*
- §49.7534. *Procedures and Methodology.*
- §49.7535. *Adoption Subsidy.*
- §49.7536. *Reimbursement Fees.*
- §49.7537. *Purchase of Service Contract.*
- §49.7538. *Court-Ordered Social Studies on Adoption Petition.*
- §49.7540. *Eligibility Requirements.*
- §49.7541. *Additional Eligibility Requirements for Title IV-E Subsidy*
- §49.7542. *Determination of Subsidy Payments.*
- §49.7543. *Effective Dates of Subsidy Payments.*
- §49.7544. *Application and Right to Notification.*
- §49.7545. *Beginning the Subsidy.*
- §49.7546. *Reporting Changes.*

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

Issued in Austin, Texas, on August 23, 1984.

TRD-848762      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption  
October 1, 1984

For further information, please call (512) 450-3766.

### Subchapter XXX. Out-of-Town Inquiries

40 TAC §§49.7601-49.7616

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the de-



partment to administer public assistance programs, Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

- §49.7601. *Definition of Out-of-Town Inquiries (OTI).*
- §49.7602. *OTIs Received from Other Agencies.*
- §49.7603. *OTIs Made by DHR Protective Services.*
- §49.7604. *Interstate Compact on the Placement of Children*
- §49.7605. *Retention of Jurisdiction.*
- §49.7606. *Institutional Care of Delinquent Children.*
- §49.7607. *Penalty for Illegal Placement.*
- §49.7608. *Initiation of an Interstate Compact Placement.*
- §49.7609. *Procedures when Texas Is the Sending State.*
- §49.7611. *Procedures when Texas Is the Receiving State.*
- §49.7611. *Failure of Agency Placing a Child in Texas to Meet Financial Obligation for the Child.*
- §49.7612. *Termination of a Compact Placement.*
- §49.7613. *Placement of Children into Texas from Non-ICPC States*
- §49.7614. *Placement of Texas Children into Non-ICPC States*
- §49.7615. *Out-of-State Inquiries for Child Abuse and Neglect Report and Inquiry System Information*
- §49.7616. *OTIs Involving Prison Inmates.*

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

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TRD-848763      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

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For further information, please call (512) 450-3766.

### Subchapter YYY. Case Closure

#### 40 TAC §49.7701

The repeal is proposed under the of Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children, and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

- §49.7701. *Procedure.*

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

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TRD-848764      Marlin W Johnson  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption

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For further information, please call (512) 450-3766.

### Subchapter ZZZ. Child Welfare Services and the Community

#### 40 TAC § 49.7801-49.7809

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship

- §49.7801. *Child Welfare Contracts.*
- §49.7802. *Creation of Child Welfare Boards.*
- §49.7803. *DHR, Child Welfare Board, and County Roles and Responsibilities.*
- §49.7804. *Staff Responsibilities and Procedures for the Development of a Child Welfare Contract*
- §49.7805. *Fiscal Procedures Required under the Contract*
- §49.7806. *Child Welfare Contract Audit*
- §49.7807. *Volunteer in Child Welfare Services.*
- §49.7808. *Funds for the Development of Community and Parents Groups Related to Child Protective Services*
- §49.7809. *Consultant Services*

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

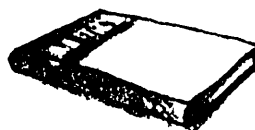
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TRD-848765      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption

October 1, 1984

For further information, please call (512) 450-3766.



**Subchapter AAAA. Child Welfare Fiscal System**

**40 TAC §§49.7901-49.7904**

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

- §49.7901. Local Funds.**
- §49.7902. Accounting Procedures for Child Welfare Local Funds.**
- §49.7903. Integrity of Public and Private Funds.**
- §49.7904. Audits of Child Welfare Fiscal Records.**

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

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Commissioner  
Texas Department of Human  
Resources

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October 1, 1984  
For further information, please call (512) 450-3766.

**Subchapter BBBB. Standards for Protective Services**

**40 TAC §§49.8001-49.8003, 49.8006**

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs; Chapter 41, which authorizes the department to enforce laws for the protection of children; and Chapter 47, which authorizes the department to administer a program to promote the adoption of hard-to-place children. The repeal also is proposed under the Texas Family Code, Title 2, which authorizes the department to enforce laws and regulations governing the parent-child relationship.

- §49.8001. Protective Services for Abused and Neglected Children.**
- §49.8002. Protective Foster Home Services—Recruitment of Foster Homes.**
- §49.8003. Protective Adoption Services—Recruitment of Adoptive Homes.**
- §49.8006. Title XX Contracts.**

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

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TRD-848767      Marlin W Johnston  
Commissioner  
Texas Department of Human  
Resources

Earliest possible date of adoption:  
October 1, 1984  
For further information, please call (512) 450-3766.

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

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

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

# Withdrawn Rules

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources Chapter 49. Child Protective Services Subchapter A. Administration 40 TAC §§49.101-49.104

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.101-49.104, concerning administration of child protective services. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

Issued in Austin, Texas, on August 22, 1984

TRD-848772      Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human Resources

Filed August 23, 1984  
For further information, please call (512) 450-3766.

### Subchapter C. Eligibility for Child Protective Services

#### 40 TAC §§49.301-49.343

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.301-49.343, concerning eligibility for child protective services. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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TRD-848773      Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human Resources

Filed August 23, 1984  
For further information, please call (512) 450-3766.

### Subchapter E. Intake and Investigation 40 TAC §§49.501-49.514

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.501-49.514, concerning intake and investigation. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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Administrator, PDSD  
Texas Department of Human Resources

Filed August 23, 1984  
For further information, please call (512) 450-3766.

### Subchapter G. In-Home Child Protective Services

#### 40 TAC §§49.701, §49.702

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.701 and §49.702, concerning in-home child protective services. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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TRD-848775      Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human Resources

Filed August 23, 1984  
For further information, please call (512) 450-3766.



**Subchapter I. Purchased Protective Services to Prevent Removal or to Reunify Families**

**40 TAC §§49.901-49.903**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.901-49.903, concerning purchased protective services to prevent removal or to reunify families. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

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TRD-848776 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766

**Subchapter K. Court-Related Services**

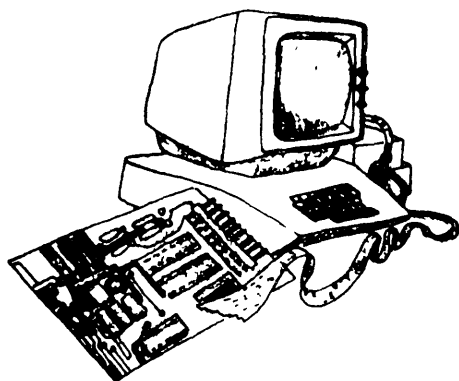
**40 TAC §§49.1101-49.1108**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.1101-49.1108, concerning court-related child protective services. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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TRD-848777 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.



**Subchapter M. Substitute Care Placement Services**

**40 TAC §§49.1301-49.1306**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.1301-49.1306, concerning substitute care placement services. The text of the new

sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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TRD-848778 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

**Subchapter O. Foster and Adoptive Home Development**

**40 TAC §§49.1501-49.1505**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.1501-49.1505, concerning foster and adoptive home development. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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TRD-848779 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

**Subchapter Q. Purchased Protective Services**

**40 TAC §§49.1701-49.1745**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.1701-49.1745, concerning purchased protective services. The text of the new sections as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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TRD-848780 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

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For further information, please call (512) 450-3766.

**Subchapter S. Interstate Placement of Children**

**40 TAC §§49.1901-49.1903**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption proposed new §§49.1901-49.1903, concerning interstate placement of children. The text of the new sec-

tions as proposed appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

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TRD-848781 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

### **Subchapter SSS. Legal Base for Child Welfare Services**

#### **40 TAC §§49.7001-49.7015**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49.7001-49.7015, concerning the legal base for child welfare services. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

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TRD-848782 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

### **Subchapter TTT. Protective Services for Children**

#### **40 TAC §§49.7101-49.7131, 49.7134-49.7146, 49.7149-49.7154**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49.7101-49.7131, 49.7134-49.7146, 49.7149-49.7154, concerning protective services for children. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD-848783 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

### **Subchapter UUU. Removal and Court-Related Services**

#### **40 TAC §§49.7201-49.7227**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49.7201-49.7227, concerning

removal and court-related services. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257).

Issued in Austin, Texas, on August 22, 1984

TRD-848784 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

### **Subchapter VVV. Foster Care Placement Services**

#### **40 TAC §§49.7301-49.7330, 49.7332-49.7402**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49.7301-49.7330 and 49.7332-49.7402, concerning foster care placement services. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD-848785 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

### **Subchapter WWW. Adoption Services**

#### **40 TAC §§49.7501-49.7519, 49.7528-49.7538, 49.7540-49.7547**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49.7501-49.7519, 49.7528-49.7538, and 49.7540-49.7547 concerning adoption services. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD-848786 Cathy Rossberg  
Administrator, PSDS  
Texas Department of Human  
Resources

Filed: August 23, 1984  
For further information, please call (512) 450-3766.

### **Subchapter XXX. Out-of-Town Inquiries**

#### **40 TAC §§49.7601-49.7616**

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the

proposed repeal of §§49 7601-49 7616, concerning out-of-town inquiries. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD 848787 Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human  
Resources

Filed August 23, 1984

For further information, please call (512) 450-3766.

### Subchapter YYY. Case Closure

40 TAC §49.7701

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §49 7701, concerning case closure. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD-848788 Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human  
Resources

Filed August 23, 1984

For further information, please call (512) 450-3766

### Subchapter ZZZ. Child Welfare Services and the Community

40 TAC §§49 7801-49 7809

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49 7801-49 7809, concerning child welfare services and the community. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD 848789 Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human  
Resources

Filed August 23, 1984

For further information, please call (512) 450-3766

### Subchapter AAAA. Child Welfare Fiscal System

40 TAC §§49 7901-49 7904

The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49 7901-49 7904, concerning the child welfare fiscal system. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD-848790 Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human  
Resources

Filed August 23, 1984

For further information, please call (512) 450-3766

### Subchapter BBBB. Standards for Protective Services

40 TAC §§49.8001-49 8003, 49.8006

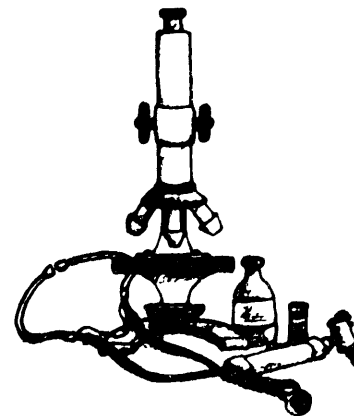
The Texas Department of Human Resources has withdrawn from consideration for permanent adoption the proposed repeal of §§49 8001-49 8003 and 49 8006, concerning standards for protective services. The notice of the proposed repeal appeared in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1257)

Issued in Austin, Texas, on August 22, 1984

TRD-848791 Cathy Rossberg  
Administrator, PDSD  
Texas Department of Human  
Resources

Filed August 23, 1984

For further information, please call (512) 450-3766



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

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

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

# Adopted Rules

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 15. Consumer Services Division Texas Weights and Measures

### 4 TAC §15.3

The Texas Department of Agriculture adopts amendments to §15.3, without changes to the proposed text published in the May 18, 1984, issue of the *Texas Register* (9 TexReg 2734).

The Texas Agriculture Code, §13.114 (1981), requires the Texas Department of Agriculture to establish tolerances and specifications for commercial weighing and measuring apparatus used in the state similar to those tolerances and specifications established by the U.S. Department of Commerce/National Bureau of Standards (NBS).

The NBS has recently completed publication of its 1984 edition of the National Bureau of Standards Handbook 44, which contains those amendments adopted by the 68th National Conference on Weights and Measures during its annual meeting in 1983. To implement current NBS standards, the department adopts by reference the NBS Handbook (1984), *Specifications, Tolerances, and Other Technical Requirements for Measuring Devices*.

Lowry M. Carpenter, executive vice-president, Texas LP-Gas Association, Austin, commented in favor of the amendments. No one commented against the amendments.

The amendments are adopted under the Texas Agriculture Code, §13.114(1981), which provides the Texas Department of Agriculture with the authority to establish standards and specifications for commercial weighing and measuring apparatus in this state.

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

Issued in Austin, Texas, on August 22, 1984

TRD-848818

Patrick D. Redman  
Agency Liaison  
Texas Department of Agriculture

Effective date: September 14, 1984  
Proposal publication date: May 18, 1984  
For further information, please call (512) 475-6686.

### 4 TAC §15.13

The Texas Department of Agriculture adopts new §15.13, with changes to the proposed text published in the June 5, 1984, issue of the *Texas Register* (9 TexReg 3001).

Historically, the department has enforced the provisions expressed in the National Bureau of Standards (NBS) Handbook 67, *Checking Prepackaged Commodities*. Recently, weaknesses in these procedures have become apparent through court rulings in other states. In response to these actions, the National Bureau of Standards has developed a replacement document, NBS Handbook 133, *Checking the Net Contents of Packaged Goods*, upon which this regu-

lation is based. The Texas Department of Agriculture has determined that an immediate need exists to fill the void created by the lack of standards and other requirements of net content packaging, resulting from court rulings against NBS Handbook 67 provisions. Failure to adopt these requirements would jeopardize proper enforcement and consumer protection. For additional clarification, the following statement has been added to subsection (b) of this section: "The department may also take appropriate action based on Category A inspection alone."

This new section covers inspection requirements, allowable variations, sampling techniques, proper tare determinations, and other requirements and procedures for the proper testing of the net content of random weight packages.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Agriculture Code, §§ 12.016, 13.002, and 13.032(d), which provides the Texas Department of Agriculture with the authority to promulgate rules necessary to carry out provisions of the Code.

**§15.13 Requirements for the Inspection of the Net Contents of Random Weight Packages**

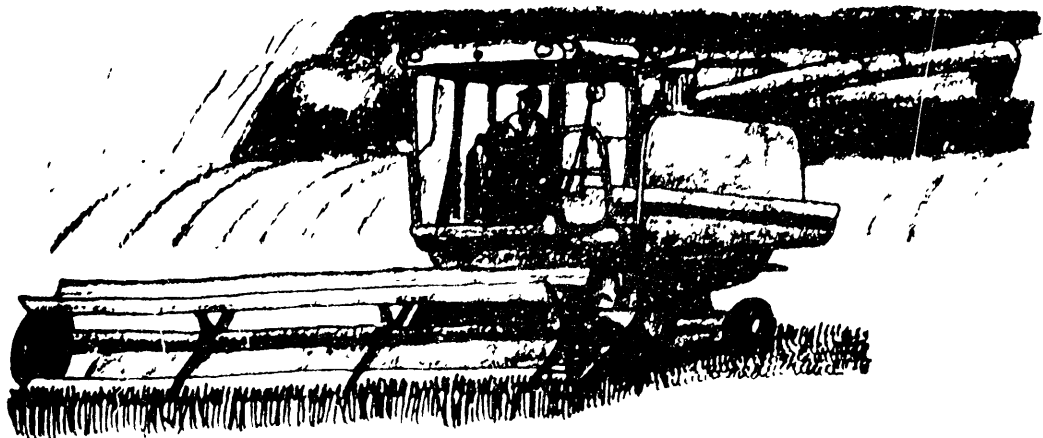
(a) **Perspectives.** The following rule provides minimum standards for sampling and analyzing groups of random weight packages to determine the accuracy of net content labels. In all cases the department shall use scientific, statistically sound sampling procedures in determining compliance with labeling requirements. In general, conformity with the sampling procedures outlined in the National Bureau of Standards Handbook 133 shall be adequate to establish the validity of a sampling technique. Department inspectors will select random samples and analyze lots according to the procedures outlined in this rule. If the labels on random samples taken from a lot are not sufficiently accurate according to these rules, then the department has sufficient reason to believe that the entire lot offered or exposed for sale is in violation of law. The department may stop sale on the entire lot in

accordance with the Texas Agriculture Code, §13.040. The department may take additional criminal or administrative action when a violation is detected.

(b) **Purpose.** It is the intent of this regulation to provide for two systems of inspection to determine net content compliance of random weight packages. The system most frequently and routinely used shall be known as Category B inspection and is designed for audit testing to determine general compliance with applicable standards. A secondary system, designed for more detailed evaluation of a given lot, shall be known as Category A inspection and shall be conducted where Category B inspection indicates failure to comply with applicable standards. The department may also take appropriate action based on Category A inspection alone.

(c) **Sampling inspection.** The department shall employ recognized sampling techniques to determine compliance with net contents requirements. These requirements are to the effect that the average quantity of contents of packages in a lot, shipment, or other delivery shall equal or exceed the labeled quantity and that individual minus errors shall not be unreasonably large. The sample shall be representative of the inspection lot, and any results obtained by testing the sample, shall be applicable to the inspection lot. In order for the inspection lot to pass, the sample must meet or exceed both the average error requirement as well as the individual package error requirement.

(d) **Selection of sample.** The total number of packages available for inspection for each lot or identifiable group shall be determined with reasonable accuracy. This shall be the lot size for the purpose of inspection and enforcement. A selected number of packages shall be randomly chosen from each lot size to represent the total packages available for inspection. This shall be known as the sample size. The method of choice of selection of individual packages for the sample shall be through random digit selection tables published in the National Bureau of Standards Handbook 133. The total number of packages selected to represent the sample size shall be in accordance with the following schedule for the proper category of inspection.





**Table 1  
Selection of Sample**

<b>Category A</b>	
<b>Lot Size (Number of Packages in Lot)</b>	<b>Sample Size (Number of Packages in Sample)</b>
30 or less	All
31-800	30
801-2000	50
2001 -5000	80
5001 - 15,000	125
50,001 and greater	315
<b>Category B</b>	
Up to and including 250	10
251 and greater	30

(e) Selection of tare sample. To assure proper determination of the weights of individual containers, wrapping materials, soaker pads, and other materials incident to packaging of net contents, the number of packages and incidental materials selected for tare determination shall

be in accordance with the schedule listed in Table 2. Each retail outlet selling or offering to sell random weight packages which are displayed on the premises, where packed shall at all times have correct samples of tare packages available for inspection by the department.

**Table 2  
Selection of Tare Sample**

<b>Category A</b>	
<b>Lot Size (Number of packages in lot)</b>	<b>Tare Sample Size (Number of packages chosen for tare determination)</b>
800 or less	2
801-15,000	5
15,001 and greater	10
<b>Category B</b>	
All	2

(f) Maximum allowable variations (MAV). The following standards are expressed to comply with the legislative intent that the department establish limits of reasonable variations for the individual weights of pack-

ages. Since positive deviations are generally controlled by the competitive marketplace, Table 3 expresses maximum allowable negative variations from labeled quantity.

Table 3  
Maximum Allowable Variations for an Individual Package Labeled by Weight<sup>a</sup>

Labeled Weight Pounds or Ounces	MAV	
	Decimal Pounds	Fractional Ounces
Up to and including 0.026 lbs. Up to and including 0.41 ounces	0.001	
0.026 <sup>b</sup> to <sup>c</sup> 0.04 lb. 0.41+ to 0.64 ozs.	0.002	1/32
0.04+ to 0.08 lb. 0.64+ to 1.28 ozs.	0.004	1/16
0.08+ to 0.12 lb. 1.28+ to 1.92 ozs.	0.008	1/8
0.12+ to 0.18 lb. 1.92+ to 2.88 ozs.	0.012	3/16
0.18+ to 0.26 lb. 2.88+ to 4.16 ozs.	0.016	1/4
0.26+ to 0.34 lb. 4.16+ to 5.44 ozs.	0.020	5/16
0.34+ to 0.46 lb. 5.44+ to 7.36 ozs.	0.024	3/8
0.46+ to 0.58 lb. 7.36+ to 9.28 ozs.	0.028	7/16
0.58+ to 0.70 lb. 9.28+ to 11.20 ozs.	0.032	1/2
0.70+ to 0.84 lb. 11.20+ to 13.44 ozs.	0.036	9/16
0.84+ to 0.94 lb. 13.44+ to 15.04 ozs.	0.040	5/8
0.94+ to 1.08 lbs. 15.04+ to 17.28 ozs.	0.044	11/16

<sup>a</sup>Applies only to shortages in package weight (minus package errors)

<sup>b</sup>0.026+ means "greater than 0.026"

<sup>c</sup>"to" means "to and including"

Table 3 continued  
Maximum Allowable Variations for an Individual Package Labeled by Weight

Labeled Weight	MAV	
	Decimal Pounds	Fractional Ounces
1.08+ to 1.26 lbs.	0.048	3/4
1.26+ to 1.40 lbs.	0.052	13/16
1.40+ to 1.54 lbs.	0.056	7/8
1.54+ to 1.70 lbs.	0.060	15/16
1.70+ to 1.88 lbs.	0.064	1
1.88+ to 2.14 lbs.	0.070	1 1/8
2.14+ to 2.48 lbs.	0.078	1 1/4
2.48+ to 2.76 lbs.	0.086	1 3/8
2.76+ to 3.20 lbs.	0.094	1 1/2
3.20+ to 3.90 lbs.	0.110	1 3/4
3.90+ to 4.70 lbs.	0.120	2
4.70+ to 5.80 lbs.	0.140	2 1/4
5.80+ to 6.80 lbs.	0.150	2 1/2
6.80+ to 7.90 lbs.	0.170	2 3/4
7.90+ to 9.40 lbs.	0.190	3
9.40+ to 11.70 lbs.	0.220	3 1/2
11.70+ to 14.30 lbs.	0.250	4
14.30+ to 17.70 lbs.	0.280	4 1/2
17.70+ to 23.20 lbs.	0.310	5
23.20+ to 31.60 lbs.	0.370	6
31.60+ to 42.40 lbs.	0.440	7
42.40+ to 54.40 lbs.	0.500	8
54.40+	2 1/2	

(g) Allowable number of packages exceeding the MAV. For each category of inspection and lot size expressed in Table 4, the allowable number of packages containing excessive errors is listed. If an inspection lot

contains more than the allowable number of package errors exceeding the MAV listed in Table 4, the department may stop sale of the entire lot.

**Table 4**  
**Allowable Number of Packages Exceeding the MAV**

Category A	
Lot Size (Number of Packages in Lot)	Allowable Number of Package Errors Exceeding the MAV
30 or less	0
31-800	1
801-2000	2
2001-5000	3
5001-15,000	5
15,001-50,000	7
50,001 and greater	10
Category B	
All	0

(h) Calculation of average error. Upon assuring compliance with the requirements of subsection (f) and subsection (g) of this section, the department shall determine the sum of all negative deviations and the sum of all positive deviations. If the sum of negative deviations exceeds the sum of positive deviations, the lot is inaccurately labeled. Average error will be calculated by subtracting the sum of negative deviations from the sum of positive deviations then dividing the result by the total number, of packages sampled. If the average error is a negative number then the department shall stop sale of the lot.

(i) Criminal penalties. Failure to comply with the rules set forth in this section is an offense under the Texas Agriculture Code, §13.032(h).

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

Issued in Austin, Texas, on August 22, 1984

TRD-848816

Patrick D. Redman  
Agency Liaison  
Texas Department of Agriculture

Effective date: September 14, 1984  
Proposal publication date: June 5, 1984  
For further information, please call (512) 475-6886.

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

**Chapter 3. Tax Administration**  
**Subchapter L. Motor Fuels Tax**

**34 TAC §3.185**

The Comptroller of Public Accounts adopts the repeal of §3.185, concerning the diesel tax prepaid user per



State Board of Insurance Exempt Filings

State Board of Insurance  
Notifications Pursuant to the  
Insurance Code, Chapter 5,  
Subchapter L

*(Editor's note As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals*

*These actions become effective 15 days after the date of publication or on a later specified date*

*The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin )*

The State Board of Insurance has approved a filing of the Insurance Services Office, Inc., (RP 84 RGL1) which revised the Texas general liability experience rating plan

A new rule provides for factors to adjust payroll exposures of prior years subject to a \$200 or \$300 payroll limitation to reflect the change to a total payroll basis. Prior to modifying the total premium--determined in Rule 8(a) by the 0.84 factor, each year of the Texas manufacturers' and contractors' liability payroll exposures shall first be modified by a factor of 1.72 if that year's Texas manufacturers' and contractors' payroll exposures were subject to a \$200 payroll limitation, or 1.46 if that year's Texas manufacturers' and contractors' payroll exposures were subject to a \$300 payroll limitation. These changes are applicable to all ratings effective on or after December 1, 1984.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on August 22, 1984

TRD-848821 James W. Norman  
Chief Clerk  
State Board of Insurance

Effective date December 1, 1984  
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a filing by the Insurance Services Office, Inc., (G' 84 RPL1) which revises the payroll limitation rule for

premises/operations classifications (Subline 313) of the *Commercial Lines Manual*.

This revision eliminates the current limitation of payroll to be included for premium computation purposes for premises and operations (Subline 313). Included is a transition program--amendment of payroll limitation rules which introduces the conversion from limited payroll to unlimited payroll. The transition program will apply for three years and will limit increases to an additional 10% each year.

These changes are applicable to all policies effective on or after December 1, 1984. No policy effective prior to December 1, 1984, shall be endorsed or canceled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

Exception--general liability experience rated policies. These changes are applicable as of the experience rating date to all policies to which an experience rating modification which becomes effective on or after December 1, 1984, is to apply, and may not be applied to such policies prior to the experience rating date. As respects any policies to which an experience modification applies which became effective prior to December 1, 1984, these changes may not be applied until the first experience rating date after December 1, 1984.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on August 22, 1984

TRD-848822 James W. Norman  
Chief Clerk  
State Board of Insurance

Effective date December 1, 1984  
For further information, please call (512) 475-2950.

The State Board of Insurance has approved a revision of the bodily injury and property damage basic limits rates for premises/operations classifications (Subline Code 313), Division Six of the *Commercial Lines Manual*.

The board finds that the overall +12.0% average increase (+4.7% bodily injury and +25.0% property damage) for premises/operations classifications (Subline Code 313) which results from the expense formula, modified to contain an underwriting profit and contingencies provision of 3.31% of earned premium and an adjustment to loss development factors to eliminate "ultimate" factors, produces proper and correct rates for the applicable insurance policies.

to become effective on and after December 1, 1984, until amended by the board. The rates by class based on total payroll are shown in the June 29, 1984, letter from the Insurance Services Office, Inc., are incorporated in this revision.

The board further finds that such rates are reasonable to the public and adequate to the insurance carriers writing these coverages in the State of Texas

The changes are applicable to all policies effective on or after December 1, 1984. No policy effective prior to December 1, 1984, shall be endorsed or canceled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request

Exception—general liability experience rated policies. These changes are applicable as of the experience rating date to all policies to which an experience rating

modification which becomes effective on or after December 1, 1984, is to apply, and may not be applied to such policies prior to the experience rating date. As respects any policies to which an experience modification applies which became effective prior to December 1, 1984, these changes may not be applied until the first experience rating date after December 1, 1984.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on August 22, 1984

TRD-848823

James W. Norman  
Chief Clerk  
State Board of Insurance

Effective date: December 1, 1984

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

# Open Meetings

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

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

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

## **Texas Department of Agriculture**

**Friday, September 7, 1984, 1:30 p.m.** The Texas Department of Agriculture will meet at 2935 Westhollow Drive, Houston. According to the agenda, the department will conduct an administrative review to consider a possible violation of the Texas Agriculture Code, §76.116, by Norve Thompson, doing business as Thompson Flyers, Inc., holder of a commercial applicator's license.

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

**Filed:** August 24, 1984, 9:48 a.m.  
TRD-848827

**Tuesday, September 18, 1984, 1 p.m.** The Texas Department of Agriculture will meet at 241 East McNeil Street, Stephenville. According to the agenda, the department will conduct an administrative hearing to review a possible violation of the Texas Agriculture Code, §76.116(a)(2), by Jesse Thompson, doing business as Thompson Flying

Service, Inc., holder of a commercial applicator's license.

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

**Filed:** August 27, 1984, 9:46 a.m.  
TRD-848857

**Thursday, September 20, 1984, 10 a.m.** The Texas Department of Agriculture will meet in Suite 301, 2800 Northeast Loop 410, San Antonio. According to the agenda, the department will conduct an administrative hearing to review a possible violation of the Texas Agriculture Code, §76.116(a)(1), by Thomas V. Hope, doing business as Nachurs Flying Service, holder of a commercial applicator's license.

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

**Filed:** August 27, 1984, 9:46 a.m.  
TRD-848858



## **Texas Commission on the Arts**

**Thursday, September 6, 1984.** A committee and task force of the Texas Commission on the Arts and the full commission will meet in the auditorium, United Bank, 400 West 15th Street, Austin. Days, times, and agendas follow.

**Thursday, September 6, 1984, 9 a.m.** The Executive Committee will conduct a public hearing and review the proposed agency budget for fiscal year 1985. The committee will also meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

**Thursday, September 6, 1984, 1:30 p.m.** The Task Force on the Grants Process will conduct a public hearing, review Draft III concerning a plan for the operation, funding, and services for the arts in Texas, and develop a recommendation for the commission.

**Friday, September 7, 1984, 9 a.m.** The full commission will conduct a public hearing and consider resolutions and individual and



informational items. The commission will also meet in executive session if necessary.

**Contact:** Richard E. Huff, P O Box 13406, Austin, Texas 78711, (512) 475-6593.

**Filed:** August 24, 1984, 11:48 a.m.  
TRD-848839, 848840, 848838

### State Board of Barber Examiners

**Tuesday, September 11, 1984, 8 a.m.** The State Board of Barber Examiners will meet at C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider the previous meeting minutes, sign teachers' licenses and school certificates, interview out of state applicants, and consider letters and reports to the board by the executive director. The board will also meet in executive session.

**Contact:** Jo King McCreary, 1300 East Anderson Lane, C-275, Austin, Texas 78752, (512) 835-2040.

**Filed:** August 24, 1984, 1:53 p.m.  
TRD-848842

### Texas Department of Community Affairs

**September 7, 1984, 9 a.m.** The Texas Policy Advisory Council for Weatherization Assistance for Low-Income Persons Program of the Texas Department of Community Affairs will meet in the conference room, second floor, 611 South Congress Avenue, Austin. According to the agenda summary, the council will hear an overview of the program's operations, consider a materials waiver, receive a description of a national award that one contractor won for his weatherization program, and consider brief descriptions of other energy programs administered by the department.

**Contact:** Edmundo M. Zaragoza, P O Box 13166, Austin, Texas 78711

**Filed:** August 24, 1984, 9:15 a.m.  
TRD-848815

### Texas Corn Producers Board

**Thursday, September 6, 1984, 9:30 a.m.** The Texas Corn Producers Board of the Texas Department of Agriculture will meet at 218 East Bedford, Dimmitt. According to the agenda, the board will consider the proceedings of the Feed Grain Council

meeting, liquidation of the GSPA-TCGA legal fund, the 1984 corn harvest, reports from the field representative, and the progress of precontracts for 1985 corn.

**Contact:** Carl L. King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224

**Filed:** August 23, 1984, 10:21 a.m.  
TRD-848768

### State Depository Board

**Friday, August 31, 1984, 10 a.m.** The State Depository Board will meet in the office of the state treasurer, LBJ Building, 111 East 17th Street, Austin. According to the agenda, the board will consider depository applications that have been received.

**Contact:** Jorge Gutierrez, P O Box 12608, Austin, Texas 78711, (512) 475-2591

**Filed:** August 23, 1984, 3:18 p.m.  
TRD-848797

### Texas Employment Commission

**Tuesday, September 4, 1984, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and the internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 36, and set a date for the next meeting.

**Contact:** Courtenay Browning, TEC Building, 15th Street and Congress Avenue, Room 608, Austin, Texas 78778, (512) 397-4415

**Filed:** August 24, 1984, 2:19 p.m.  
TRD-848844

### Office of the Governor

**Friday, September 7, 1984, 10 a.m.** The Wellness Subcommittee of the Governor's Task Force on State Employee Health Insurance Quality and Cost Containment of the Office of the Governor will meet in the commissioner's conference room, State Board of Insurance, 1110 San Jacinto Street, Austin. According to the agenda, the subcommittee will consider final recommendations.

**Contact:** Evelyn Ireland, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4285

**Filed:** August 23, 1984, 10:15 a.m.  
TRD-848769

### State Board of Insurance

**Tuesday, August 28, 1984, 10 a.m.** The State Board of Insurance submitted an emergency revised agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board considered an "a" rate filing by United Guaranty Residential Insurance Company of Iowa of endorsements to be used with the full coverage (100%) mortgage guaranty master policy to be issued in connection with the Bexar County housing finance corporation single family mortgage revenue bond, Series 1984. The emergency status was necessary because the closing of the bond issue was predicated upon approval of this filing by the board.

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

**Filed:** August 24, 1984, 4:15 p.m.  
TRD-848852

**Friday, August 31, 1984, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will conduct a public hearing to consider Docket 777—application of Harold K. Fischer, Austin, to acquire control of Association Casualty Insurance Company, Austin.

**Contact:** Tom McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

**Filed:** August 23, 1984, 3:24 p.m.  
TRD-848802

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

**Tuesday, September 4, 1984, 10 a.m.** The board will consider decisions concerning an appeal of Robert I. Matcha and an appeal of Daco Industries, Inc., and Armand Bastien from action of the Texas Catastrophe Property Insurance Association, hear reports of the commissioner and the fire marshal, both including personnel matters, and consider board orders on several different matters as itemized on the complete agenda.

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

**Filed:** August 24, 1984, 4:15 p.m.  
TRD-848851

## Texas Register

**Wednesday, September 5, 1984, 9 a.m.** The board will conduct a public hearing to consider the appeal of Mike Dipp, Jr., of combinability of ownership and experience for workers' compensation insurance.

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

**Filed:** August 24, 1984, 9:48 a.m.  
TRD-848828

**Thursday, September 6, 1984, 10 a.m.** The board will consider a request by the Financial Institutions Assurance Corporation for a determination that it will not be subject to the Insurance Code, provided it obtains a certificate of authority to transact business in Texas and is approved by one or more financial institutions regulatory agencies to provide deposit insurance to financial institutions in Texas.

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

**Filed:** August 24, 1984, 9:48 a.m.  
TRD-848829

**Thursday, September 6, 1984, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing to consider Docket 7779—application for original charter of Afton Life Insurance Company, San Antonio

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

**Filed:** August 23, 1984, 3:24 p.m.  
TRD-848803

### Texas Board of Land Surveying

**Tuesday, September 11, 1984, 8 a.m.** The Texas Board of Land Surveying will meet at the La Mansion del Rio Hotel, 112 College Street, San Antonio. According to the agenda, the board will review and discuss the examination process, hear committee reports, and attend the annual ACSM and TSA meetings.

**Contact:** Betty J. Pope, 1106 Clayton Lane, Suite 210W, Austin, Texas 78723, (512) 452-9427.

**Filed:** August 27, 1984, 9:47 a.m.  
TRD-848859

### Pan American University

**Friday, September 14, 1984.** Committees of the Board of Regents and the full board of

Pan American University (PAU) will meet in the Benito Longoria Room, Arnulfo L. Oliveira Library, Texas Southmost College campus, Brownsville. Times, committees, and agendas follow.

**2 p.m.** The Building and Grounds Committee will consider a farming lease, bids for a computing lab for the school of business administration; the design of the new health and physical education complex, change orders for the communications, arts, and science building, and informational items. The committee also will meet in executive session to consider the purchase of the PAU-B residence.

**2:15 p.m.** The Finance Committee will consider budget changes and informational items.

**2:30 p.m.** The Development Committee will consider Wilcox trust scholarships and informational items.

**2:45 p.m.** The Academic Affairs Committee will consider informational items and meet in executive session to consider personnel.

**3 p.m.** The board will hear reports from the Buildings and Grounds, Finance, Development, and Academic Affairs Committees, consider the president's informational items and executive session matters, and set the date for the next meeting.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** August 27, 1984, 1:53 p.m.  
TRD-848867-848871



### Board of Pardons and Paroles

**Tuesday, September 4, 1984, 9:30 a.m.** The Board of Pardons and Paroles will meet in a rescheduled session at 8610 Shoal Creek Boulevard, Austin. Items on the agenda include review and action on the July 31, 1984, and August 13, 1984, minutes, consideration and action on halfway house contracts for fiscal year 1985, including Kerper House, budget matters, special projects officers, special conditions for administrative releases, the authority of the board panel to place a case in FI when an emergency or unusual circumstance exists, and a new item

concerning discussion of all procedures and releasing policies. The meeting originally was scheduled for Tuesday, August 28, 1984, as published at 9 TexReg 4595.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758. (512) 459-2713.

**Filed:** August 24, 1984, 4:42 p.m.  
TRD-848853

**Tuesday, September 4, 1984, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-county conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

**Contact:** Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704

**Filed:** August 24, 1984, 10:52 a.m.  
TRD-848834

**Tuesday-Friday, September 4-7, 1984, 1:30 p.m. daily Tuesday-Thursday and 11 a.m. Friday.** A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

**Filed:** August 24, 1984, 10:52 a.m.  
TRD-848835

### State Pension Review Board

**Wednesday, September 5, 1984, 10 a.m.** The State Pension Review Board will meet in Room 403, Employees Retirement System (ERS) Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will hear and discuss budget and actuarial and computer consultant contract renewals for fiscal year 1985, consider adoption of the biennial report, and discuss the report from Tom Bleakney of Milliman and Robertson on an actuarial review of the ERS.

**Contact:** Benette Meadows, ERS Building, Room 501, 18th and Brazos Streets, Austin, Texas, (512) 475-8332

**Filed:** August 23, 1984, 12:49 p m  
TRD-848792

### Texas Board of Private Investigators and Private Security Agencies

**Tuesday, August 28, 1984, 8:30 a.m.** The Texas Board of Private Investigators and Private Security Agencies met in emergency rescheduled session at the La Mansion Hotel, 6505 IH 35 North, Austin. According to the agenda summary, the board considered old business, including the approval of the May 24, 1984, minutes, discussion and possible action on pending litigation, discussion and possible adoption of board rules, and the discussion and approval of security officer training manual revisions, and new business, including the approval of staff action on new licenses, suspension orders, reinstatement orders, certificates for replacement managers, license terminations, revocations, denials, reprimands, requests for the waiver of a board rule, and other proposals for decision, and the discussion and possible approval of nonmandatory training programs. The emergency status was necessary because of a heavy schedule, including 164 proposals for decision, which required beginning the meeting an hour earlier. The meeting was originally scheduled for 9:30 a.m. on August 28, 1984.

**Contact:** Clema D. Sanders, 313 East Anderson Lane, Austin, Texas, (512) 475-3944

**Filed:** August 27, 1984, 10:23 a m  
TRD-848863

Emergency addition to the previous agenda.

The board met in executive session to discuss and possibly act on pending litigation. The emergency session was necessary because this item was improperly filed the first time and had to be considered in executive session.

**Contact:** Clema D. Sanders, 313 East Anderson Lane, Austin, Texas, (512) 475-3944.

**Filed:** August 27, 1984, 2:47 p m  
TRD-848874

### Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite

450N, 7800 Shoal Creek Boulevard, Austin Days, times, and dockets follow.

**Friday, August 31, 1984, 9 a.m.** The commissioners will consider Docket 5023

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** August 23, 1984, 2:48 p.m.  
TRD-848798

Addition to the previous agenda:

A prehearing conference in Docket 5873—emergency petition of Southwestern Bell Telephone Company and Docket 5876—complaint of AT&T Communications of the Southwest, Inc., against Southwestern Bell Telephone Company

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** August 23, 1984, 2:20 p m  
TRD-848801

**Wednesday, September 5, 1984, 9 a.m.** A prehearing conference in Docket 5113—petition of the commission for an inquiry concerning the effects of the modified final judgment and the access charge order upon Southwestern Bell Telephone Company and the Independent Telephone Companies of Texas

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** August 27, 1984, 9:47 p m  
TRD-848861

**Wednesday, September 5, 1984, 10 a.m.** A prehearing conference in Docket 5878—application of Lone Wolf Electric Cooperative, Inc., for a rate increase

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** August 27, 1984, 9:47 a m  
TRD-848862

**Thursday, September 6, 1984, 10 a.m.** A rescheduled prehearing conference in Docket 5779—application of Houston Lighting and Power Company for a rate increase. The conference was originally scheduled for September 4, 1984

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** August 24, 1984, 9:49 a.m.  
TRD-848830

**Tuesday, September 11, 1984, 1:30 p.m.** A second prehearing conference in Docket 5705—application of the City Water Board of San Antonio to amend a certificate of convenience and necessity in Bexar County.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** August 23, 1984, 2:20 p m.  
TRD-848799

**Friday, September 21, 1984, 10 a.m.** A final prehearing conference in Docket 5547—application of Southwestern Bell Telephone Company for approval of optional local measured service and lifeline residence service tariffs

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** August 27, 1984, 9:46 a m  
TRD-848860

**Tuesday, October 16, 1984, 10 a.m.** A hearing on the merits in Docket 5875—application of B-K Electric Cooperative, Inc., to change its cotton gin rates

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** August 23, 1984, 2:20 p m  
TRD-848800

**Monday, October 29, 1984, 1:30 p.m.** A hearing in Docket 5842—application of Crystal System of Texas, Inc., for a rate increase

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** August 24, 1984, 1:52 p m  
TRD-848841

### Railroad Commission of Texas

**Tuesday, August 28, 1984, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas submitted an emergency revised agenda for a meeting held in Room 309, 1124 IH 35 South, Austin. According to the revised agenda, the commission considered oil and gas Docket 96,491—Enserch Exploration, Inc., Rules 37, 38, and 38(A) (5), Etta L. Kellner unit lease, Well 1, Fashing (Edwards Lime -A-), (Edwards Lime -B-), and Wildcat fields, Karnes County, and oil and gas Docket 4-82,731—commission District 4, administrative penalty agreed order, proper plugging of Don H

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Wilson, M Gibson lease (10206), Well 2, Sinton, West (Shallow) field, San Patricio County The emergency status was necessary because these items were properly noticed for the meeting of August 20, 1984, and were passed.

**Contact:** Norman Bonner or Dilma Scimeca, P O Drawer 12967, Austin, Texas 78711, (512) 445-1292 or 445-1229 respectively

**Filed:** August 24, 1984, 10 12 a m  
TRD-848831

### Wednesday, September 19, 1984, 9 a.m.

The Oil and Gas Division of the Railroad Commission of Texas will meet at the Holiday Inn—Civic Center, Lubbock According to the agenda summary, the commission will conduct a statewide oil and gas hearing

**Contact:** Paula C Middleton, P O Drawer 12967, Austin, Texas 78711, (512) 445-1297

**Filed:** August 24, 1984, 10 12 a m  
TRD-848832

### Sunset Advisory Commission

**Tuesday-Thursday, September 11-13, 1984, 9 a.m. daily.** The Sunset Advisory Commission will meet in Room E, John H Reagan Building, 105 West 15th Street, Austin According to the agenda summary, the commission will discuss staff reports and public testimony on the Health and Welfare Service Coordinating Commission, the Texas Commission on Alcoholism, the Texas Rehabilitation Commission, the State Commission for the Blind, and the Texas Department of Health, and make decisions on the Gulf States Marine Fisheries Commission, the Interstate River Compacts, the Veterans Land Board, the Texas Air Control Board, and the Texas Parks and Wildlife Department

**Contact:** Cindy Unsell, John H Reagan Building Room 305, 105 West 15th Street, Austin, Texas, (512) 475-1718

**Filed:** August 23, 1984, 2 41 p m  
TRD-848796

### Teacher Retirement System of Texas

**Friday, September 7, 1984, 8:30 a.m.** The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at the San Luis Hotel, 522 Seawall Boulevard, Galveston According to the

agenda, the committee will approve the minutes; consider an update on investments for the preceding quarter, a report on forward commitments, and proposed changes to the approved common stock list; and discuss the asset/liability simulation study, the economic outlook and market conditions, and the allocation of cash flow for the current quarter

**Contact:** Clark Manning, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

**Filed:** August 24, 1984, 2:18 p.m.  
TRD-848843

### Texas A&M University System

**Friday, August 31, 1984, 10 a.m.** The Committee for Academic Campuses of the Texas A&M University System will meet in the Brazos Room, Tarleton Student Center, Tarleton State University, Stephenville According to the agenda, the committee will consider items relating to academic programs and facilities for Texas A&M University, Prairie View A&M University, Tarleton State University, and Texas A&M University at Galveston

**Contact:** Vickie E Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

**Filed:** August 24, 1984, 9 45 a m  
TRD-848826

### Veterans Land Board

**Thursday, September 6, 1984, 10 a.m.** The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F Austin Building, 1700 North Congress Avenue, Austin Items on the agenda summary include approval of the July 2, 1984, minutes, appointment of an executive secretary, authorizing the issuance of State of Texas veterans bonds, Series 1984B, and the giving of notice of sale and taking such other action as shall be consistent with the sale of additional bonds as the board determines is warranted, the nonvet interest rate, Home Improvement Program guidelines, a Housing Program rule change regarding the Home Improvement Program, mortgage documents relating to VHAP, a second participation request, a settlement for Ray Fred Groomes, VLB 455-90883, previous participation regarding David Spivey, Jr, the reinstatement of a veteran's eligibility under VHAP regarding Fay H Martin, Jr, a board interpretation

of home mortgage for Rich Tillman, forfeiture on board accounts; and general business

**Contact:** Harmon Lisnow, Stephen F Austin Building, Room 711, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-3766

**Filed:** August 27, 1984, 9 a.m.  
TRD-848855

### Texas Water Commission

**Thursday, August 30, 1984, 9:30 a.m.** The Texas Water Commission submitted an emergency revised agenda for a meeting held in Room 124A, Stephen F Austin Building, 1700 North Congress Avenue, Austin According to the agenda summary, the commission conducted a hearing on Application TA-5035 of E I DuPont de Nemours and Company, Inc, to reflect that the applicant requested 2,904 acre-feet of water, instead of 500 acre-feet, for a one-year period The emergency status was necessary because of the change in the application The meeting notice originally was published at 9 TexReg 4471

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

**Filed:** August 24, 1984, 3 54 p m  
TRD-848849

The Texas Water Commission will meet in the Stephen F Austin Building, 1700 North Congress Avenue, Austin Days, times, rooms, and agendas follow

**Tuesday, September 4, 1984, 10 a.m.** In Room 118, the commission will consider applications for district bond issues, release from escrow, use of surplus funds, change order approval, water quality permits, amendments and renewals, and the filing and setting of hearing dates

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

**Filed:** August 23, 1984, 10 24 a m  
TRD-848770

**Thursday, September 6, 1984, 10 a.m.** In Room 118, the commission will determine whether temporary Order 84-29E, issued August 14, 1984, to E I DuPont de Nemours and Company, Inc, P O Box JJ, Ingleside, Texas 78362, should be affirmed, modified, or set aside The order authorizes E I DuPont de Nemours and Company, Inc, to discharge 2.5 million gallons per day of sea water from La Quinta Channel, Corpus Christi Bay, directly into La Quinta Channel, thence to Corpus Christi Bay in

Segment 2481 of the Nueces Estuary, from its plant which manufactures chlorocarbons, fluorocarbons, chlorine, caustic, and chlohexane. The applicant proposes to substitute sea water for part of its industrial needs (cooling water) in anticipation of its freshwater supply being curtailed significantly because of the severe drought now gripping south Texas and the City of Corpus Christi invoking its water conservation plan.

**Contact:** Larry R. Soward, P.O. Box 13087, Austin, Texas 78711, (512) 475-1311

**Filed:** August 23, 1984, 1:44 p.m.  
TRD-848793

**Thursday, September 13, 1984, 2 p.m.** In Room 124A, the commission will consider the application of Solution Engineering, in care of Basic Resources, Inc., 2001 Bryan Tower, Suite 2070, Dallas, Texas 75201, to the Texas Department of Water Resources for a temporary order to authorize the continuation of activities regulated under Permit 02157 at its Class III uranium mine located near Falls City in Karnes County, pending a determination of an appropriate closure plan by the Texas Department of Health and the United States Department of Energy.

**Contact:** Savannah Robinson, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851

**Filed:** August 23, 1984, 1:43 p.m.  
TRD-848794

**Wednesday, September 26, 1984, 2 p.m.** In Room 118, the commission will conduct a hearing on a petition for the creation of Burney Road Municipal Utility District, containing 240.32 acres of land.

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

**Filed:** August 23, 1984, 10:25 a.m.  
TRD-848771

**Wednesday, October 3, 1984, 9 a.m.** The Texas Water Commission will meet at the Emergency Medical Services Training Building, 7411 Park Place, Houston. According to the agenda summary, the commission will consider an application of the Johnson Corporation, Suite 1800, 1300 Post Oak Boulevard, Houston, Texas 77056, to the Texas Department of Water Resources for proposed Permit 12949-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1.35 million gallons per day from the proposed Harris County

Municipal Utility District 284 wastewater treatment plant.

**Contact:** Lee Ann Newberry Jones, P.O. Box 13087, Austin, Texas 78711, (512) 475-1339

**Filed:** August 24, 1984, 2:34 p.m.  
TRD-848846

Addition to the previous agenda.

The commission will consider an application of the City of Houston, Department of Public Works, P.O. Box 1562, Houston, Texas 77251, to the Texas Department of Water Resources for an amendment to Permit 10495-30 to authorize an increase in the final permitted discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 20 million gallons per day to 26.4 million gallons per day from its West District wastewater treatment plant. The proposed amendment would also add limitations for ammonia nitrogen to the final permitted flow. The applicant proposes to construct additional activated sludge treatment facilities to increase the capacity of the existing plant.

**Contact:** Lee Ann Newberry Jones, P.O. Box 13087, Austin, Texas 78711, (512) 475-1339

**Filed:** August 24, 1984, 2:34 p.m.  
TRD-848845

**Thursday, October 4, 1984, 9:30 a.m.** The Texas Water Commission rescheduled a meeting to be held in the commissioners courtroom, Room 101, San Patricio County Courthouse, 400 West Sinton Street, Sinton. According to the agenda summary, the commission will consider an application of Annie Marie Galindo, P.O. Box 787, Sinton, Texas 78387, to the Texas Department of Water Resources for proposed Permit 12843-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the proposed wastewater treatment plant which will provide sewage facilities for a proposed 80-unit mobile home park.

**Contact:** Douglas P. Roberts, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468

**Filed:** August 24, 1984, 2:34 p.m.  
TRD-848847

**Regional Agencies Meetings Filed August 24**

**The Amarillo Mental Health and Mental Retardation Regional Center, Board of**

Trustees Executive Committee, met at 900 Northwest 24th, Amarillo, on August 30, 1984, at noon. The Board of Trustees met at the same location on the same day at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

**The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on August 28, 1984, at 7:30 p.m.** Information may be obtained from Clifton L. Kessler, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925.

**The Brown County Appraisal District will meet at 403 Fisk Avenue, Brownwood, on September 10, 1984, at 7 p.m.** Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

**The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on August 28, 1984, at 4:30 p.m.** Information may be obtained from Gloria Willen, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574.

**The Dallas Area Rapid Transit Authority, Service Plan/Work Program Committee, met in emergency session at 601 Pacific Avenue, Dallas, on August 24, 1984, at 3:30 p.m.** The Budget and Finance Committee met at the same location on August 27, 1984, at 4 p.m. The Bylaws Committee met at the same location on August 28, 1984, at 9 a.m. The Legal Committee met at the same location on August 28, 1984, at 12:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

**The Deep East Texas Council of Governments, Board of Directors, met at the Trinity Community Center, Trinity, on August 30, 1984, at 1:30 p.m.** Information may be obtained from Rhonda Ruckel, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

**The Region XIII Education Service Center, Board of Directors, met in Room 200, 7703 North Lamar Boulevard, Austin, on August 27, 1984, at noon.** Information may be obtained from Dr. Joe Parks, 7703 North Lamar Boulevard, Austin, Texas 78752, (512) 458-9131.

**The Golden Crescent Regional Planning Commission, Board of Directors, met in the Town Hall Meeting Room, First Victoria National Bank, 101 South Main, Victoria,**

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on August 29, 1984, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587

**The Heart of Texas Region Mental Health and Mental Retardation Center**, Board of Trustees, met at 110 South 12th Street, Waco, on August 28, 1984, at 11:30 a.m. Information may be obtained from Jan Baty, P.O. Box 1277, Waco, Texas 76703, (817) 752-3451

**The Leon County Central Appraisal District**, Board of Directors, met in the Leon County Courtroom, Centerville, on August 27, 1984, at 7:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252

**The Mental Health and Mental Retardation Regional Center of East Texas**, Board of Trustees, met in the boardroom, 2323 West Front Street, Tyler, on August 30, 1984, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351

**The Parmer County Tax Appraisal Office**, Board of Directors, will meet at 305 Third Street, Bovina, on September 10, 1984, at 8 p.m. Information may be obtained from Ronald F. Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405

**The Tarrant Appraisal District**, Board of Directors, met in Suite 300, 1701 River Run, Fort Worth, on August 30, 1984, at 9 a.m. and 10 a.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Fort Worth, Texas 76108, (817) 332-8522  
TRD-848820

### Meetings Filed August 27

**The Bastrop County Appraisal District**, Appraisal Review Board, met in the commissioners courtroom, Bastrop County Courthouse, 804 Pecan, Bastrop, on August 30,

1984, at 7:30 p.m. The board also will meet in rescheduled session at the same location on September 6, 1984, at 10 a.m. The meeting was originally scheduled for September 6, 1984, at 8 a.m. The board also will meet at the same location on September 7, 1984, at 7:30 p.m. and September 10, 1984, at 7:30 p.m. Information may be obtained from Clifton L. Kessler, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925

**The Bexar Appraisal District**, Appraisal Review Board, will meet at 535 South Main, San Antonio, on August 31, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511

**The Central Plains Mental Health and Mental Retardation Center**, Board of Trustees, met at 2601 Dimmitt Road, Plainview, on August 30, 1984, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 296-2726

**The Central Texas Council of Governments**, Executive Committee, will meet in rescheduled session at 302 East Central, Belton, on September 13, 1984, at 12:45 p.m. The meeting was originally scheduled for August 23, 1984. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas, (817) 939-1801

**The Region XX Education Service Center**, Board of Directors, met in emergency session at 1314 Hines Avenue, San Antonio, on August 29, 1984, at 3 p.m. Information may be obtained from Carlos W. Coon, 1550 Northeast Loop 410, San Antonio, Texas 78209, (512) 271-7611

**The Ellis County Tax Appraisal District** will meet at 406 Sycamore Street, Waxahachie, on September 13, 1984, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552

**The Lamar County Appraisal District**, Board of Directors, will meet at 1523 Lamar Avenue, Paris, on September 5, 1984, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822

**The Middle Rio Grande Development Council**, Regional Review Committee, met in emergency session in the district courtroom, 103 North Fifth Street, Carrizo Springs, on August 28, 1984, at 4:30 p.m. Information may be obtained from Michael Patterson, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

**The South Plains Health Provider Organization, Inc.**, Board of Directors, met in emergency session at 715 Amarillo Street, Plainview, on August 28, 1984, at 8 p.m. Information may be obtained from J. Sylvia Cuevas, 706 Canyon, Plainview, Texas 79072, (806) 293-8561

**The Tyler County Tax Appraisal District**, Board of Directors, will meet at 1004 West Bluff, Woodville, on September 4, 1984, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas, (409) 283-3736  
TRD-848856

### Meetings Filed August 28

**The Dallas Area Rapid Transit Authority**, Service Plan/Work Program Committee, will meet at 601 Pacific Avenue, Dallas, on August 31, 1984, at 2:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

**The Middle Rio Grande Development Council**, Regional Review Committee, met in emergency session in the district courtroom, 103 North Fifth Street, Carrizo Springs, on August 28, 1984, at 4:30 p.m. Information may be obtained from Michael Patterson, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533  
TRD-848880

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

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

# In Addition

## State Banking Board Public Hearings

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Tuesday, October 9, 1984, at 2601 North Lamar Boulevard, Austin, on the charter application for First State Bank of Texas, to be located in Duncanville

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on August 21, 1984

TRD-848744 William F. Aldridge  
Director of Corporate Activities  
State Banking Board

Filed August 23, 1984

For further information, please call (512) 475-4451

The hearing officer of the State Banking Board rescheduled a hearing to be held at 9 a.m. on Tuesday, October 2, 1984, at 1004 Lavaca Street, Austin, on the charter application for the Lake Buchanan State Bank, to be located at the northeast corner of Highway 1431 and Highway 29 in Buchanan Dam, Llano County. The hearing was originally scheduled for August 16, 1984

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on August 21, 1984

TRD 848745 William F. Aldridge  
Director of Corporate Activities  
State Banking Board

Filed August 23, 1984

For further information, please call (512) 475-4451



## Comptroller of Public Accounts Gasoline and Alcohol Mixture Determination of Credits Allowable for the Months of October, November, and December 1984

Pursuant to the Tax Code, §153.123, the Comptroller of Public Accounts is required to publish the maximum credit against the gasoline tax allowable for the first sale or use of gasoline and alcohol mixture blended from products produced in a state allowing a reciprocal credit for Texas-produced products

The Comptroller of Public Accounts has determined that \$ .05 per gallon credit for the first sale or use of gasoline and alcohol mixture blended with alcohol produced in Texas or from Texas products will be available for the months of October, November, and December 1984

The maximum credit allowed to be claimed for the first sale or use in October, November, and December 1984 of a gasoline and alcohol mixture blended from alcohol produced outside Texas and not from Texas-produced products will be \$ .05 per gallon if from Alaska, Illinois, Kansas, and Nebraska





equip, and operate a 120-bed intermediate nursing home facility in Port Arthur

Methodist Hospitals of Dallas, doing business as McAllen Methodist Hospital, McAllen AH82-0408-017A(081784)

CN/AMD—Request for an extension of the completion deadline from December 31, 1984, to December 31, 1986, in Certificate of Need AH82-0408-017, which authorized the certificate holder to offer the services of cardiac catheterization and open-heart surgery

Dallas Medical Imaging, a partnership, Duncanville AO84-0817-529

N. E.—Request for a declaratory ruling that a certificate of need is not required for Dallas Medical Imaging to acquire a mobile OmniMedical 6000 whole body CT scanner with Image Format. The mobile CT scanner will be used to provide scanning services to outpatients on a referral basis from physicians officed within the counties of Dallas, Ellis, Tarrant, and Johnson. The proposed equipment initially will be located at North Carrier Diagnostic Center, 517 North Carrier Parkway, Grand Prairie, and will be supervised by physicians within Dallas Medical Imaging

Holy Cross Hospital, Inc., a Texas nonprofit corporation, Austin AH84-0815-526

NIEH—Request for a declaratory ruling that a certificate of need is not required for Holy Cross Hospital, Inc., a Texas nonprofit corporation, to acquire by purchase the land and buildings of Holy Cross Hospital, an existing 129-bed general acute care hospital with 120 medical/surgical beds and nine ICU beds located in Austin, from the Roman Catholic Bishop of the Diocese of Austin

Issued in Austin, Texas, on August 24, 1984

TRD-848819 John R. Neel  
General Counsel  
Texas Health Facilities  
Commission

Filed August 24, 1984

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

Community Mental Health and Mental Retardation Centers	12 30 p m September 4	Central office auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Texas Department of Water Resources	1 p m - September 4	Room 503-G, Sam Houston Building, 201 East 14th Street, Austin
West Texas State University	2 p m - September 4	Student Life Conference Room, Administration Building, West Texas State University, Canyon
River Compact Commissioners	3 p m - September 4	Room 503 G, Sam Houston Building, 201 East 14th Street, Austin
Panhandle—Plains Historical Museum	3 30 p m - September 4	Student Life Conference Room, Administration Building, West Texas State University, Canyon
Texas Water Well Drillers Board	4 p m - September 4	Room 503 G, Sam Houston Building, 201 East 14th Street, Austin
Community Mental Health and Mental Retardation Centers	8 30 a m - September 5	Central office auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Teacher Retirement System of Texas	2 p m - September 5	Room 213, State Capitol, Austin
Texas Department of Mental Health and Mental Retardation—Central Office—Capital Construction—Centralized Food Purchase—Leander Rehabilitation Center	8 30 a m - September 6	Central office auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Texas Tech University	9 a m - September 6	Boardroom, Second Floor, Administration Building, Texas Tech University, Lubbock
Employees Retirement System of Texas	9 a m September 6	Room 213, State Capitol, Austin
Texas Tech University Museum	11 a m - September 6	Boardroom, Second Floor, Administration Building, Texas Tech University, Lubbock
Texas Department of Mental Health and Mental Retardation—Departmental Review	12 30 p m - September 6	Central office auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin
Texas Tech University Health Sciences Center	2 p m - September 6	Boardroom, Second Floor, Administration Building, Texas Tech University, Lubbock
Texas Department of Human Resources	9 30 a m - September 7	Central office auditorium, Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin

Issued in Austin, Texas, on August 24, 1984

TRD-848825 Larry Kopp  
Assistant Director for Budgets  
Legislative Budget Board

Filed August 24, 1984

For further information, please call (512) 475-6565

## Legislative Budget Board Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1986-1987 biennium, for the period of September 3-7, 1984. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Texas Department of Mental Health and Mental Retardation—State Grants-in-Aid Overview	8 30 a m September 4	Central office auditorium, Texas Department of Mental and Mental Retardation, 909 West 45th Street, Austin

## **Texas Parks and Wildlife Department Public Hearing**

The Texas Parks and Wildlife Department will conduct a public hearing on a proposed six-year plan. The public hearing will be held at 9 a m on Thursday, September 13, 1984, in Hearing Room B, Texas Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin. The public hearing will be held to gather testimony concerning the department's suggested goals and objectives to be reached by 1991. For further information, please contact Carol Short, Administrative Assistant, (512) 479-4800, ext 2004.

Issued in Austin, Texas, on August 23, 1984

TRD-848795 Charles D. Travis  
Executive Director  
Texas Parks and Wildlife  
Department

Filed August 23, 1984  
For further information, please call (512) 479-4806

## **State Purchasing and General Services Commission Request for Information**

The following notice is being published to provide enhanced dissemination to interested parties.

The 68th Legislature, Second Called Session, 1984, found that it was in the best interest of the state to consider replacement of the current state long distance system. The State Purchasing and General Services Commission has been tasked to obtain information that will assist the legislature in its consideration of this matter.

In carrying out this task, the State Purchasing and General Services Commission has forwarded a request for information to those industry suppliers known to have an interest in this particular matter. Other parties that are interested in responding may obtain a copy of the request for information by contacting Tony Glavan or George Rutherford at (512) 475-5421.

Responses to the request for information must be received by the State Purchasing and General Services Commission no later than 3 p m on November 16, 1984.

Issued in Austin, Texas, on August 23, 1984

TRD-848824 Homer A. Foerster  
Executive Director  
State Purchasing and General  
Services Commission

Filed August 24, 1984  
For further information, please call (512) 475-5966  
or STS 822 5966

## **Texas Sesquicentennial Commission Public Information**

The Texas Sesquicentennial Commission is requesting proposals from manufacturers interested in producing and distributing commemorative products for the celebration of Texas' 150th anniversary of independence in 1986.

Based upon such criteria as product quality, adherence to the theme of the Sesquicentennial, and its track record for marketing and production, a single manufacturer will be chosen for each of some 25 categories. The categories include a medallion, flag, "patriot kit" for schoolchildren, spur, belt buckle, boots, hat, ring, map, metal object, fine art print, ceramic object, pistol, rifle, knife, art poster, reproductions of early Texas currency and other artifacts, and Texana, an open category for uniquely Texan objects not fitting into another category, to be suggested by applicants.

The items will be distributed through officially-sanctioned Texas Independence Communities and Texas Independence Associations, which are allowed to sell the products to help finance their Sesquicentennial projects.

Interested manufacturers may contact the Texas Sesquicentennial Commission for a copy of the specifications for bid submittal at P O Box 1986, Austin, Texas 78767, before 5 p m on August 31, 1984.

All proposals submitted must conform to commission specifications. Incomplete applications will not be considered.

## **Texas Tourist Development Agency Consultant Proposal Request**

In accord with the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Tourist Development Agency (TTDA) serves notice of invitation for offers of services on the project described as follows:

**Contact Person.** An experienced Texas-based tour operator/wholesaler who wants to make an offer on this project should contact John Spragens, Director of Programs, Texas Tourist Development Agency, Box 12008, Austin, Texas 78711.

**Closing Date.** No offers will be considered unless they are received by 5 p m on September 10, 1984.

**Background.** The wholesaler chosen will render all services in creating, producing, and distributing for the TTDA a marketable Texas package program for retail consumer sale domestically and internationally through air carriers, motorcoach tour operators, and driving visitors. The wholesaler will create and distribute a fly-drive program by gathering wholesale net rates at a sufficiently low rate to ensure interest in the package, create a Texas brochure consistent with existing airline programs depicting



ing Texas' regionality, include airline logos on brochures for packages to Texas, utilize the major regions of Texas to create an exciting, alluring program, and utilize major Texas air carriers to sell the program domestically and internationally

The driving program is to be specially created and geared to the many visitors who drive to Texas and will entail obtaining support by the American Automobile Association (AAA) for cosponsorship of the program, utilization of AAA-approved properties for net rates, and distribution through AAA-approved agencies and offices. The motorcoach program is to involve commissioning the Discover Texas Association to prepare and produce a tour manual exclusively for the Texas Sesquicentennial to distribute to motorcoach tour operators. The international support program requires the wholesaler to meet with the major international carriers inbound to Texas and obtain commitments of support. A special package with international wholesaler net rates is to be prepared and presented to major European and United Kingdom wholesalers and to work with them in the creation of special Texas Sesquicentennial packages. Details of how the wholesaler proposes to distribute and market through the airlines is required

**Method of Selection.** To be considered as an interested bidder, the bidder must submit by September 10, 1984,

a written proposal outlining in detail how this project is to be developed and delivered and, at his own expense, be prepared to travel abroad and within the U.S. to gain acceptance of the program by the various international and domestic airlines, wholesalers, and related organizations

**Compensation.** The tour operator/wholesaler is expected to derive his remuneration from the standard travel industry commissions and overrides which customarily apply to and attend such a program. The TTDA will be responsible for the production of a suitable color brochure, advertising of the program, and assistance with carriers and other elements of the travel industry. The tour operator/wholesaler shall have an exclusive on the domestic program

**Time Frame.** A proposed time frame for producing the entire program is to accompany each bid. The TTDA reserves the right to reject in total or in part any and/or all proposals

Issued in Austin, Texas, on August 21, 1984

TRD-848730

Frank Hildebrand  
Executive Director  
Texas Tourist Development  
Agency

Filed August 22, 1984

For further information, please call (512) 475-4326.



**Office of the Secretary of State  
Texas Register Publication Schedule**

Following are the deadline dates of the September, October, and November 1984 issues of the *Texas Register*

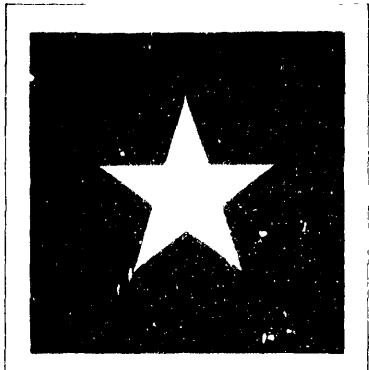
Unless noted by a ★, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication

**Publication Schedule for the *Texas Register***

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A M	ALL NOTICES OF OPEN MEETINGS BY 10 A M
Tuesday, September 4	Wednesday, August 29	Thursday, August 30
★ Friday, September 7	Friday, August 31	Tuesday, September 4
Tuesday, September 11	Wednesday, September 5	Thursday, September 6
Friday, September 14	Monday, September 10	Tuesday, September 11
Tuesday, September 18	Wednesday, September 12	Thursday, September 13
Friday, September 21	Monday, September 17	Tuesday, September 18
Tuesday, September 25	Wednesday, September 19	Thursday, September 20
Friday, September 28	Monday, September 24	Tuesday, September 25
Tuesday, October 2	Wednesday, September 26	Thursday, September 27
Friday, October 5	Monday, October 1	Tuesday, October 2
Tuesday, October 9	Wednesday, October 3	Thursday, October 4
★ Friday, October 12	Friday, October 5	Tuesday, October 9
Tuesday, October 16	Wednesday, October 10	Thursday, October 11
Friday, October 19	Monday, October 15	Tuesday, October 16
Tuesday, October 23	Wednesday, October 17	Thursday, October 18
Friday, October 26	Monday, October 22	Tuesday, October 23
Tuesday, October 30	Wednesday, October 24	Thursday, October 25
Friday, November 2	Wednesday, October 31	Thursday, November 1
Tuesday, November 6	Friday, November 2	Monday, November 5
★ Friday, November 9	Wednesday, November 7	Thursday, November 8
Tuesday, November 13	Monday, November 12	Tuesday, November 13
Friday, November 16	Wednesday, November 14	Thursday, November 15
Tuesday, November 20	Monday, November 19	Tuesday, November 20
Friday, November 23	Monday, November 19	
Tuesday, November 27	Monday, November 26	
Friday, November 30		
		<b>3RD QUARTERLY INDEX</b>
		Thursday, November 1
		Monday, November 5
		Thursday, November 8
		Tuesday, November 13
		Thursday, November 15
		Tuesday, November 20
		<b>NO ISSUE PUBLISHED</b>
		Tuesday, November 27

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