

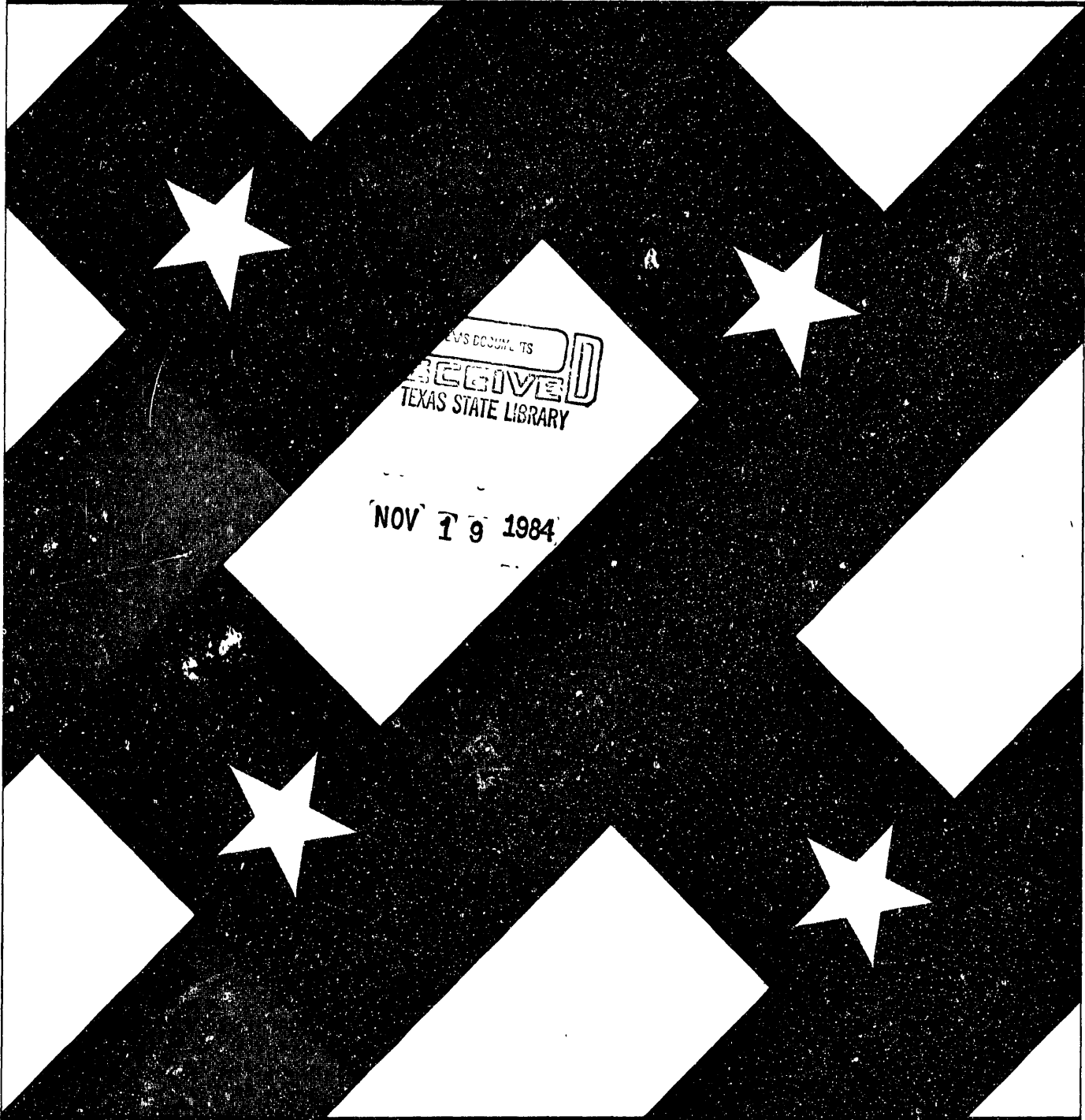
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Texas Register

Volume 9, Number 85, November 13, 1984

Pages 5799 - 5862



Highlights

The Comptroller of Public Accounts adopts on an emergency basis a new section concerning taxable amusement services
Effective date - November 5 5804

The State Securities Board proposes a new sec-

tion concerning transactions exempt from registration. Earliest possible date of adoption - December 14 page 5807

The Texas Youth Commission proposes a new section on rules of conduct. Earliest possible date of adoption - December 14 page 5815

**Office of
the Secretary
of State**

Texas Register

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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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.

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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).



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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 16. ECONOMIC REGULATION Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules Rates

16 TAC §23.23

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of amendments to §23.23, concerning substantive rules, for a 45-day period effective November 9, 1984. The text of the amended section was originally published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3898).

Issued in Austin, Texas, on November 5, 1984.

TRD-8411278 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: November 9, 1984
Expiration date: December 24, 1984
For further information, please call (512) 458-0100.

Certification

16 TAC §23.31

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of

amendments to §23.31, concerning substantive rules, for a 45-day period effective November 9, 1984. The text of the amended section was originally published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3899).

Issued in Austin, Texas, on November 5, 1984.

TRD-8411279 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: November 9, 1984
Expiration date: December 24, 1984
For further information, please call (512) 458-0100.

Quality of Service

16 TAC §23.66

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of amendments to §23.66, concerning substantive rules, for a 45-day period effective November 9, 1984. The text of the amended section was originally published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3899).

Issued in Austin, Texas, on November 5, 1984.

TRD-8411280 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
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For further information, please call (512) 458-0100.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public

Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

34 TAC §3.298

The Comptroller of Public Accounts adopts on an emergency basis new §3 298, concerning amusement services. The new section explains the sales tax law on amusement services which was added by the legislature during the recent special session. The section describes the types of amusement services that will be subject to tax and sales tax responsibilities of ticket agents and amusement promoters. Since the tax on amusements became effective October 2, 1984, persons in the entertainment business need the information in the rule immediately to avoid possible sales tax liabilities.

The amendments are 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 administration and enforcement of the sales tax

§3.298. Amusement Services.

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

(1) Amusement services—An amusement, entertainment, or recreation for which admissions are sold, but does not include educational or health services if prescribed by a licensed practitioner of the healing arts for the primary purpose of education or health maintenance or improvement.

(2) Occasional sale—The sale of not more than 10 admissions for amusement services during a 12-month period by a person who does not hold himself out as engaging, or does not habitually engage, in the selling of amusement services.

(3) Provider of an amusement service—The person who has legal rights of ownership over the legal right to provide, present, or offer an amusement, entertainment, or recreation that is rendered on a regular basis at a fixed location and for which admissions are sold, such as the owner of the wax figure display at a wax museum. The provider of an amusement service is also the person who has legal rights of ownership to an amusement, entertainment, or recreation that will not be rendered on a regular basis at a fixed location and for which amusement service admissions will be sold, such as the provider of a one-night live performance by a singer. A provider of an amusement service may be, but is not always, the owner of the facility (land and/or building) at which the amusement service is offered or performed. A provider of an amusement service may gain the right of providing an amusement service by virtue of a contract or agreement (lease, rental, concession right) with the performer(s) of the entertainment or with a facility owner when the use of that facility constitutes the amusement service. Terms used within the amusements industry to refer to a provider include "manager," "promoter," "concessionaire," "tenant," or "association (or club) president."

(4) Sales price of an amusement service admission—The admission fee to an amusement and includes a convenience fee, handling charge, service charge, or other amount that is over and above the amount that would be charged for an amusement admission at the ticket counter of the facility at which the amusement service will be rendered. Sales price also means the total amount for which an amusement service admission (ticket, etc.) is sold by a seller who is reselling the admission.

(5) Seller of admissions to amusement services—A person who sells more than 10 admissions to amusement services during a 12-month period and includes those persons who hold themselves out as engaging, or who habitually engage, in the selling of admissions to amusement services. Persons who sell admissions to amusements will be regarded as agents for a provider when they sell admissions to an amusement service such as sales by ticket services, ticket agents, and ticket outlets.

(6) Sale of an amusement service admission—The transfer of title to or possession of a ticket or other admission document for a consideration or the collection of an admission, membership, or enrollment fee, whether by individual performance, subscription series, or membership privilege, or through the use of a coin-operated or credit card-operated machine. The consideration paid may secure the admission privilege for an individual or a group of individuals. The contract or agreement whereby the right is secured for a provider to offer an amusement, recreation, or entertainment as an amusement service is not the sale of an admission to an amusement service and is not subject to sales tax, such as the paying of a fee to a singer for a performance that will be provided by the payer of the fee as an amusement service through the sales of tickets.

(b) Amusement services. Amusement services and places offering amusement services include, but are not limited to, the following:

(1) live or recorded performances, whether by individual ticket or by season tickets:

- (A) ballet performances;
- (B) circuses;
- (C) ice skating shows;
- (D) motion pictures;
- (E) musical concerts;
- (F) opera performances;
- (G) outdoor theatres; and
- (H) theatres (movies and plays);

(2) exhibitions or displays:

- (A) animal shows (contests, exhibitions);
- (B) antique shows;
- (C) aquatic shows;
- (D) arts and crafts, and art shows (fairs);
- (E) auto shows;
- (F) museums (displaying art objects, wax figures, antique autos, etc.); and
- (G) zoos;

(3) spectator sports:

- (A) dragstrip operation;
- (B) horse shows (horse riding exhibitions);
- (C) motorcycle races;
- (D) automobile races (full size and miniature cars);
- (E) rodeo;
- (F) sporting events, such as football, baseball, basketball, hockey, and soccer games; and

- (G) wrestling, boxing, or arm wrestling;
- (4) participatory sports or games:
 - (A) athletic clubs;
 - (B) bowling games;
 - (C) court fees—tennis, racketball, handball, etc.;
 - (D) domino games (including by the hour);
 - (E) go-cart raceways;
 - (F) golf courses;
 - (G) golf driving ranges;
 - (H) health clubs (spas) (admissions and memberships);
 - (I) miniature golf courses;
 - (J) chartered boat or "party boat" fishing excursions;
 - (K) pool (billiards) games (by the game or by the hour);
 - (L) skate board "tracks";
 - (M) skating rinks (roller skating and ice skating);
 - (N) swimming pools;
 - (O) tournaments (tennis, golf, fishing, etc.);
- and
- (P) water slides;
- (5) fairs or carnivals:
 - (A) amusement parks;
 - (B) carnivals;
 - (C) fairs;
 - (D) games of skill, at circus, carnival, etc.;
 - (E) shooting galleries (ranges); and
 - (F) side shows;
- (6) other:
 - (A) cover charges (live entertainment/night clubs, dance halls);
 - (B) hot tub concessions;
 - (C) parties ("New Year's Eve") sponsored by radio stations, hotels, etc. Ticket price includes meal, setups, live entertainment, party favors;
 - (D) rides (for pleasure) (in hot-air balloons, helicopters, trains, ships);
 - (E) tour trains and buses, whose primary purpose is to show tourist sights along a route as opposed to regular transportation; and
 - (F) tours of tourist attractions such as ships, buildings, and monuments and natural wonders such as caves and caverns.

(c) Entry fees. Entry fees will not be taxable as amusements if:

- (1) the fee substantially exceeds what would normally be paid for using the facility and a person is paying to compete in a contest, and part of the fee goes toward the cost of conducting the contest and for prizes; or
- (2) an individual would not normally use the facility or pay a fee except for the purpose of participating in a contest.

(d) Travel agencies.

- (1) Tickets to amusements sold by travel agencies as part of a travel package are taxable only if:
 - (A) the price of the ticket is separately stated from the price for the remainder of the package; or
 - (B) though not separately stated, the surrounding additional costs are inconsequential.

(2) If the sales tax is not required to be collected by the travel agency, sales tax must be paid at the time the travel agency purchases the tickets originally.

(e) Nonamusement services.

(1) Places and services not covered by the tax on amusement services include, but are not limited to:

(A) memberships or initiation fees to social clubs, country clubs, private clubs, singles clubs, ski clubs, sailing or any type of hobby club;

(B) instructions for any sport or musical discipline;

(C) camps for children (day camps or boarding camps);

(D) activities or memberships centered on cooking, dining, or eating;

(E) video cassette clubs;

(F) political fundraisers; or

(G) campground admissions;

(2) Any increased or separate charges by persons covered in this subsection over and above amounts received for membership or initiation fees which are attributable to recreational activities, such as green fees or admissions to swimming pools, will be taxable.

(f) Imposition of tax.

(1) Sales tax is due on the sale of an admission to an amusement service within the State of Texas. A sale takes place within the state when the sale is made by a seller located in Texas and the purchaser takes possession of the ticket or other admission document in Texas even though the event takes place outside Texas.

(2) Use tax is due on an out-of-state sale of an admission to an amusement event that will take place in Texas.

(3) When there is a sale of an amusement service which does not involve the transfer of a ticket or other physical evidence of admission privilege, possession of or title to the admission privilege is to be regarded as taking place at the seller's place of business. An example would be when admission privilege is secured by a reservation made by the seller for the purchaser.

(g) Taxable item sold or transferred with amusement service.

(1) Sales tax is not due on a taxable item purchased to be sold or transferred as an integral part of any amusement service. See §3.285 of this title (relating to Sales for Resale; Resale Certificate). Examples of such items include, but are not limited to, tickets, printed programs that are provided as part of the admission price, bowling balls provided with the purchase of bowling game admissions, and prizes given with games at carnivals and fairs. The seller of such items must secure a valid resale certificate from the purchaser.

(2) Sales tax is not due on tickets (admissions) to amusement services purchased for the purpose of resale. The seller must secure a valid resale certificate.

(3) Any item, such as machinery or equipment purchased to be used in the providing of an amusement service, is not an item transferred with an amusement service and is subject to sales tax.

(h) Exemptions.

(1) Sales tax is not due on the sale of an amusement service if the service is provided by:

(A) a nonprofit organization, corporation, or association if the proceeds do not go to the benefit of

an individual except as a part of the services of a purely public charity;

(B) a nonprofit corporation organized under the laws of this state for the purpose of encouraging agriculture by the maintenance of public fairs and exhibitions;

(C) an educational, religious, law enforcement, or charitable association or organization as long as no part of the proceeds goes to the benefit of a private individual;

(D) the State of Texas, a municipality, county, school district, special district, or other political subdivision of the State of Texas;

(E) the United States; or

(F) the sale of an amusement service if the service is provided in a national historical district.

(2) Sales tax is not due on the sale of an amusement service by a ticket service, ticket agent, ticket outlet, or any other seller of amusement services when the provider of the amusement service is exempt as set forth in paragraph (1) of this subsection.

(3) Sales tax is not due on the sales of admissions to an amusement service when:

(A) there are joint (more than one) providers of an amusement service;

(B) at least one of the providers is exempt from collecting tax on its sales of amusement services as set forth in paragraph (1) of this subsection; and

(C) when the exempt provider stands a risk of substantial loss if the amusement service fails to make a profit and will make a substantial profit if the amusement service is a successful venture. At no time will the loss be considered substantial if the loss is equal to or less than the tax that should have been collected.

(4) Amusement services provided through coin-operated machines that are operated by the consumer are exempt from sales tax. The coin used to operate the machine may be a token as well as a U.S. coin and the sales of tokens for this use are not subject to sales tax. Examples are coin-operated:

(A) pinball machines;

(B) video games and motion pictures;

(C) pool tables;

(D) televisions;

(E) shuffleboard;

(F) juke boxes; and

(G) batting cages.

(5) Sales tax is not due on the occasional sale of an amusement service

(6) Sales tax is not due on the purchase of an amusement service by an exempt entity. See §3.322 of this title (relating to Exempt Organizations). The seller must secure a valid exemption certificate.

(i) Collection of the tax.

(1) Each provider of amusement services must collect and remit the tax to the comptroller on each separate sale in accordance with the bracket system and report and remit the tax on the total receipts from all taxable sales. The sales reported by the provider will be for the initial sale of an amusement service admission and the tax on these sales may be collected from the purchaser by a person who is acting as an agent for the provider, such as sales at ticket outlets. A provider will be responsible for remitting the correct amount of tax based on the sales price of admissions, including the tax on the varying sales prices among its agents. The tax is a debt of the purchaser to the provider until collected. Providers of amusement services may be required to file tax returns for periods other than monthly to ensure the payment or to facilitate the collection of the tax

(2) Persons who purchase admissions to an amusement service from the provider or the provider's agent for resale must collect, report, and remit the tax on the actual amount for which the admission to an amusement service is resold.

(j) Records Every seller of admissions to amusement services is responsible for keeping accurate records of all sales and purchases. See §3.281 of this title (relating to Records Required; Information Required.)

Issued in Austin, Texas, on November 5, 1984.

TRD-8411177 Bob Bullock
Comptroller of Public Accounts

Effective date November 5, 1984

Expiration date March 6, 1985

For further information, please call (512) 475-1913.

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 7. BANKING AND SECURITIES Part VII. State Securities Board

The following proposals submitted by the State Securities Board will be serialized beginning in the November 16, 1984, issue. The earliest possible date of adoption for the documents is December 14, 1984.

Chapter 107. Terminology
§107.2
(amendment)

Chapter 109. Transactions Exempt from Registration
§109.1
(amendment)
§109.9
(amendment)

Chapter 111. Securities Exempt from Registration
§111.2
(amendment)

Chapter 113. Registration of Securities
§113.10
(amendment)

Chapter 123. Administrative Guidelines for Registration of Open-End Investment Companies
§123.1
(amendment)

Chapter 133. Forms
§133.10
(repeal)
§133.10
(new)

§133.11
(repeal)
§133.11
(new)
§133.29
(repeal)

Chapter 137. Guidelines for Regulation of Offers
§137.2
(amendment)

Chapter 109. Transactions Exempt from Registration

7 TAC §109.4

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the State Securities Board, 1800 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Securities Board proposes the repeal of §109.4, concerning public solicitation or advertisements. A new §109.4, concerning private offering exemptions is proposed simultaneously with this proposed repeal. Proposed new §109.4 contains a Texas version of the North American Securities Administrators Association's uniform limited offering exemption, which is intended to coordinate with the Securities and Exchange Commission's (SEC) Regulation D.

investor's purchaser representative if such purchaser representative has such experience and skill, so long as such purchaser representative:

(i) has no business relationship with the issuer;

(ii) represents only the investor and not the issuer; and

(iii) is compensated only by the investor.

(b) The term "advertisements" does not include the use of the type of printed material as set out in subsection (a) of this section under the discussion of the term well-informed. Further, the main concept to be considered in a definitional analysis of the term advertisements, as it is used in §5.1, is the method of use of the printed material. The following circumstances, though not intended to be exclusive, will be considered in determining whether the method of use of any printed material is within the limits of §5.1:

(1) limited printing of the material;

(2) limited distribution of the material only to persons who the issuer, after having made a reasonable factual inquiry, has reasonable cause to believe and does believe are sophisticated investors or to persons who have a relationship with the issuer as set forth in subsection (a) of this section, or to their purchaser representatives;

(3) control of the printing and distribution of the printed material;

(4) recognition of the necessity of compliance with the requirements set forth in this subsection on the part of the issuer and the investor. Such recognition might consist of a printed prohibition on the front in large type that the circular is for that individual's confidential use only, and may not be reproduced; and the use of a statement warning that any action contrary to these restrictions may place such individual and the issuer in violation of the Texas Securities Act.

(c) Number of persons or security holders. In computing the number of purchasers or security holders for §5.1, the following criteria shall be used.

(1) There shall be counted as one purchaser or security holder any purchaser or security holder together with:

(A) any relative or spouse of such purchaser or security holder who has the same home as such purchaser or security holder; any relative of such spouse who has the same home as such purchaser or security holder; any relative or spouse or relative of such spouse who is a dependent of such security holder;

(B) any trust or estate in which such purchaser or security holder or any of the persons related to him as specified in subparagraph (A) or (C) of this paragraph collectively have more than 50% of the beneficial interest (excluding contingent interests); and

(C) any corporation or other organization of which such purchaser or security holder or any of the persons related to him as specified in subparagraph (A) or (C) of this paragraph collectively are the beneficial owners of more than 50% of the equity securities (excluding directors' qualified shares) or equity interest.

(2) There shall be counted as one purchaser or security holder any corporation, partnership, association, joint stock company, trust, or unincorporated association, organized and existing other than for the purpose of acquiring securities of the issuer for which the exemption is claimed under §5.1.

(3) Any general partner of a limited partnership who is subject to general liability for the obligations of the limited partnership and actively engages in the control and management of the business and affairs of the limited partnership or of the managing general partner of the partnership shall not be counted as a purchaser or security holder for purposes of §5.1.

(4) The exemptions contained in §5.1(a) and (c) of the Act may not be combined with the exemption contained in subsection (k) of this section, promulgated pursuant to the Act, §5.T, to make sales to more unaccredited investors than is otherwise permitted under subsection (k) of this section.

(d) The phrase "the total number of security holders of the issuer" in §5.1(a) includes all security holders of the issuer without regard to their places of residence (within or without the State of Texas) and without regard to where they acquired the securities. In determining the number of persons for purposes of §5.1(c), prior sales to persons residing outside the State of Texas and prior sales to Texas residents consummated outside the State of Texas shall be included unless such sales were made in compliance with §139.7 of this title (relating to Sales of Securities to Nonresidents).

(e) The phrase "exempt under other provisions of this §5" in §5.1(c) means exempt under any provisions of §5 other than subsection I, and subsection (k) of this section.

(f) No public solicitation or advertisement under §5.1 occurs by the distribution to eligible employees of:

(1) a prospectus filed under the Securities Act of 1933 with the Securities and Exchange Commission for an employees' restricted stock option plan, qualified stock option plan, or employee stock purchase plan (as identified in the Internal Revenue Laws of the United States); or

(2) any other material required or permitted to be distributed by the Securities Act of 1933 in connection with such a plan.

(g) The phrase an "employees' restricted stock option" as used in §5.1(b) includes an option granted pursuant to a plan which is exempted by §139.11 of this title (relating to Employee Plans).

(h) There is no notice filing requirement for sales made under §5.1(a), (b) or (c).

(i) A noncontributory employees stock ownership plan or employees stock ownership trust which holds securities of the employer company for the benefit of that company's employees shall be counted as one security holder under §5.1. Employee participants in such an employee stock ownership plan or trust will not be deemed security holders of the employer company for purposes of counting purchasers or security holders under §5.1 solely because of their participation in the plan or trust. However, employee participants receiving distributions of securities from the plan or trust will be deemed purchasers or security holders of the employer on receipt of securities of the employer from the plan or trust.

(j) Limitations on disposition. The issuer and any person acting on its behalf shall exercise reasonable care to assure that the purchasers are acquiring the securities as investment. Such reasonable care should include, but not be limited to, the following:

(1) making reasonable inquiry to determine if the purchaser is acquiring the securities for his or her own

account or on behalf of other persons;

(2) placing a legend on the certificate or other document evidencing the securities to the effect that the securities have not been registered under any securities law and setting forth or referring to the restrictions on transferability and sale of the securities;

(3) issuing stop transfer instructions to the issuer's transfer agent, if any, with respect to the securities, or, if the issuer transfers its own securities, making a notation in the appropriate records of the issuer;

(4) obtaining from the purchaser a signed written agreement to the effect that the securities will not be sold without registration under applicable securities laws or exemptions therefrom; and

(5) written disclosure to each offeree, to the effect that prior to sale a purchaser of the securities must bear the economic risk of the investments for an indefinite period of time because the securities have not been registered under applicable securities laws and therefore cannot be sold unless they are subsequently registered under such securities laws or an exemption from such registration is available; and that the securities are subject to the limitations set forth in paragraphs (2)-(4) of this subsection.

(k) Uniform limited offering exemption. In addition to sales made under the Texas Securities Act, §5.1, the State Securities Board, pursuant to the Act, §5.T, exempts from the registration requirements of the Act, §7, any offer or sale of securities offered or sold in compliance with the Securities Act of 1933, Regulation D, Rules 230.501-230.503, 230.505, and 230.506, as made effective in United States Securities and Exchange Commission Release 33-6389 and which satisfies the following further conditions and limitations.

(1) No commission, fee, or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in this state unless such person is appropriately registered in this state. It is a defense to a violation of this subsection if the issuer sustains the burden of proof to establish that he or she did not know and in the exercise of reasonable care could not have known that the person who received a commission, fee, or other remuneration was not appropriately registered in this state.

(2) No exemption under this subsection shall be available for the securities of any issuer if any of the parties described in the Securities Act of 1933, Regulation A, Rule 230.252, sections (c), (d), (e), or (f), as made effective in United States Securities and Exchange Commission Release 33-6289:

(A) has filed a registration statement which is subject of a currently effective registration stop order entered pursuant to any state's securities law within five years prior to the filing of the notice required under this exemption;

(B) has been convicted within five years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase, or sale of any security or any felony involving fraud or deceit;

(C) is currently subject to any state administrative enforcement order or judgment entered by that state's securities administrator within five years prior to the filing of the notice required under this exemption or

is subject to any state's administrative enforcement order or judgment in which fraud or deceit was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption;

(D) is subject to any state's administrative enforcement order or judgment which prohibits, denies, or revokes the use of any exemption from registration in connection with the offer, purchase, or sale of securities;

(E) is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminary restraining or enjoining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, permanently restraining or enjoining, such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the notice required under this exemption.

(3) The prohibitions of subparagraphs (A)-(C) and (E) of paragraph (2) shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities-related business in the state in which the administrative order or judgment was entered against such person or if the broker/dealer employing such party is licensed or registered in this state and the dealer application filed with this state discloses the order, conviction, judgment, or decree relating to such person. No person disqualified under this subsection may act in a capacity other than that for which the person is licensed or registered.

(4) Any disqualification caused by this section is automatically waived if the state securities administrator or agency of the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

(5) Upon application, and for good cause shown, the securities commissioner may waive a disqualification contained in paragraph (2) of this subsection.

(6) The issuer of securities sold in reliance on this exemption will not be precluded from maintaining this exemption if a person or entity identified in paragraph (2) of this subsection has been the subject of any action identified in subparagraphs (A)-(E) of paragraph (2) of this subsection if the issuer can demonstrate that, prior to any sale being made in this state, it conducted a reasonable factual inquiry and had reasonable cause to believe, and did believe, that no person or entity so identified was the subject of any such action.

(7) The issuer shall file with the securities commissioner a notice on Form D as made effective in United States Securities and Exchange Commission Release No. 33-6389 (17 Code of Federal Regulations 239.500):

(A) in the form required under Regulation D, Rule 230.503, to be filed with the Securities and Exchange Commission, no later than 15 days after the first sale of securities to a resident of this state and as prescribed in paragraph (c) of the instructions, covering when filings must be made, found on the facing page of Form D;

(B) the initial notice shall contain an undertaking by the issuer to furnish to the securities commissioner, upon written request, the information furnished by the issuer to offerees;

(C) unless otherwise available, included with or in the initial notice shall be a consent to service of process.

(8) In all sales to nonaccredited investors in this state, the issuer and any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that one of the following conditions has been satisfied:

(A) the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his/her other security holdings and as to his/her financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed 10% of the investor's net worth, it is suitable;

(B) the purchaser, either alone or with his/her purchaser representative(s), has such knowledge and experience in financial and business matters that he/she is or they are capable of evaluating the merits and risks of the prospective investment.

(9) Transactions which are exempt under this section may not be combined with offers and sales exempt under any other rule or section of the Act; however, nothing in this limitation shall act as an election. Should, for any reason, the offer and sale fail to comply with all of the conditions for this exemption, the issuer may claim the availability of any other applicable exemption.

(10) The securities commissioner may, by order, increase the number of purchasers or waive any other condition of this exemption.

(11) This limited offering transactional exemption is designed to further the objectives of compatibility with federal exemptions and uniformity among the states.

(12) Nothing in this exemption is intended to or should be construed as in any way relieving issuers or persons acting on behalf of issuers from providing disclosure to prospective investors adequate to satisfy the anti-fraud provisions of the Texas Securities Act.

(13) In view of the objective of this section and the purposes and policies underlying the Texas Securities Act, the exemption is not available to any issuer with respect to any transaction which, although in technical compliance with this section, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this section.

(14) Nothing in this section is intended to relieve registered dealers, salesmen, or agents from the due diligence, suitability, or "know your customer" standards or any other requirements of law otherwise applicable to such registered persons.

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 November 7, 1984.

TRD-8411289 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption:
December 14, 1984

For further information, please call (512) 474-2233.



TITLE 22. EXAMINING BOARDS Part XXIII. Texas Real Estate Commission

Chapter 537. Professional Agreements and Standard Contracts

Standard Contract Forms

22 TAC §§537.11, 537.13, 537.20, 537.26,
537.27

The Texas Real Estate Commission proposes amendments to §§537.11, 537.13, 537.20, 337.26, and 537.27, the repeal of §§537.12 and 537.14-537.17, and new §537.28 and §537.29 in Chapter 537, concerning standard contracts.

The amendments change existing standard contract forms used by Texas real estate licensees through revisions or replacements developed by the Texas Real Estate Broker-Lawyer Committee.

Since 1976, Texas real estate licensees have been required to use certain contract forms approved by the Texas Real Estate Commission. The revision of Chapter 537 is part of the continuing standardization of real estate contract forms.

The amendment to §537.11 promulgates two new contract forms and four revisions of existing forms, deleting references to forms which are being replaced. Single copies or "slick" proofs of all forms will ultimately be available from the Texas Real Estate Commission; private printers and trade organizations are expected to have pads of copies of the contract forms for those persons wishing to obtain copies in volume.

The following chart indicates which current Texas Real Estate Commission contract forms will be replaced.

Current Form	Title	Replaced By
TREC No. 1-1	Assumption of Loan	TREC No. 20-0
TREC No. 2-1	Property Condition Addendum	TREC No. 2-2
TREC No. 3-0	VA Loan	TREC No. 21-0
TREC No. 4-0	Conventional Loan	TREC No. 20-0
TREC No. 5-0	FHA Loan	TREC No. 21-0
TREC No. 6-0	All Cash-Owner Financing	TREC No. 20-0
TREC No. 9-0	Unimproved Property	TREC No. 9-1
TREC No. 15-0	Seller's Lease	TREC No. 15-1
TREC No. 16-0	Buyer's Lease	TREC No. 16-1

The amendments to §§537.13, 537.20, 537.26, and 537.27 reflect the revision and renumbering of the contract forms which those sections adopted by reference in 1978 and 1982

The repeal of §§537.12 and 537.14-537.17 is proposed because the forms adopted by reference by those sections are being replaced.

New §537.28 adopts by reference standard contract form TREC No. 20-0, which will be used in transactions for which TREC No. 1-1, TREC No. 4-0, and TREC No. 6-0 would have been appropriate.

New §537.29 adopts by reference standard contract form TREC No. 21-0, which will be used in transac-

tions for which TREC No. 3-0 or TREC No. 5-0 would have been appropriate.

Mark A. Moseley, legal counsel, has determined that for the first five-year period the rules 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 rules.

Mr. Moseley also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the availability of revised standardized contract forms for use by Texas real estate licensees and the general public. Individuals who are required to comply with the rules may expect to pay \$3.50 or more per pad of 50 copies of each form available from private printers and trade organizations

Comments on the proposal may be submitted to Mark A. Moseley, Legal Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 6573a, §16(e), which authorize the Texas Real Estate Commission to adopt rules and regulations requiring real estate brokers and salesmen to use contract forms which have been prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

§537.11. Use of Standard Contract Forms.

(a) [Standard Contract Form TREC No. 1-1 is promulgated for use in the sale of residential real property where there is an assumption of an existing loan.] Standard Contract Form TREC No. 2-2 [2-1] is promulgated for use as an addendum only to another promulgated standard contract form. [Standard Contract Form TREC No. 3-0 is promulgated for use in the resale of residential real property where there is a Veterans Administration guaranteed loan. Standard Contract Form TREC No. 4-0 is promulgated for use in the resale of residential real property where there is a conventional loan. Standard Contract Form TREC No. 5-0 is promulgated for use in the resale of residential property where there is a Federal Housing Administration insured loan. Standard Contract Form TREC No. 6-0 is promulgated for use in the resale of residential real property where there is all cash or owner financing.] Standard Contract Form TREC No. 9-1 [9-0] is promulgated for use in the sale of unimproved property where intended use is for one to four family residences. Standard Contract Form TREC No. 10-0 is promulgated for use as an addendum concerning sale of other property by a buyer to be attached to promulgated forms of contracts. Standard Contract Form No. TREC 11-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts which are second or "back-up" contracts. Standard Contract Form TREC No. 12-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where there is a Veterans Administration release of liability or restoration of entitlement. Standard Contract Form TREC No. 13-0 is promulgated for use as an addendum concerning new home insulation to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 14-0 is promulgated for use as an ad-

dendum concerning financing conditions to be attached to promulgated contracts where there is a conventional loan. Standard Contract Form TREC No. 15-1 [15.0] is promulgated for use as a residential lease when a seller temporarily occupies property after closing. Standard Contract Form TREC No. 16-1 [16-0] is promulgated for use as a residential lease when a buyer temporarily occupies property prior to closing. **Standard Contract Form TREC No. 20-0 is promulgated for use in the resale of residential real estate where there is all cash or owner financing, an assumption of an existing loan, or a conventional loan. Standard Contract Form TREC No. 21-0 is promulgated for use in the resale of residential real property where there is a Veterans Administration guaranteed loan or a Federal Housing Administration insured loan.** Real estate licensees may supply themselves with the forms for their use in any way they desire. Copies may be purchased from the commission. For those who desire to reproduce a form in volume, "slick proofs" may be purchased from the commission. All "slick proofs" will be separately numbered for the purpose of control of reproduction. The control number on each proof must appear on all forms reproduced. When reproducing a form, additions or changes are prohibited, except that brokers, organizations, or printing services may add their name and/or logo at the top of the form itself. Also, the real estate broker's name may be inserted on the front page of the form in the blank space provided after the words "broker's fee" and the broker's name and license number may be printed in the signature section on the back page.

(b)-(g) (No change.)

§537.13. Standard Contract Form TREC No. 2-2 [2-1]. The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 2-2 [2-1] approved by [the State Bar of Texas and] the Texas Real Estate Commission in 1984 [1978]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

§537.20. Standard Contract Form TREC No. 9-1 [9-0]. The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 9-1 [9-0] approved by the Texas Real Estate Commission in 1984 [1982]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

§537.26. Standard Contract Form TREC No. 15-1 [15-0]. The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 15-1 [15-0] approved by the Texas Real Estate Commission in 1984 [1982]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

§537.27. Standard Contract Form TREC No. 16-1 [16-0]. The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 16-1 [16-0] approved by the Texas Real Estate Commission in 1984 [1982]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

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 November 5, 1984

TRD-8411281 Mark A. Moseley
 Legal Counsel
 Texas Real Estate Commission

Earliest possible date of adoption:
December 14, 1984

For further information, please call (512) 459-3342.

22 TAC §§537.12, 537.14-537.17

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Real Estate Commission, 1101 Camino La Costa, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 6573a, §16(e), which authorize the Texas Real Estate Commission to adopt rules and regulations requiring real estate brokers and salesmen to use contract forms which have been prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

- §537.12. *Standard Contract Form TREC No. 1-1.*
- §537.14. *Standard Contract Form TREC No. 3-0.*
- §537.15. *Standard Contract Form TREC No. 4-0.*
- §537.16. *Standard Contract Form TREC No. 5-0.*
- §537.17. *Standard Contract Form TREC No. 6-0.*

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 November 5, 1984.

TRD-8411282 Mark A. Moseley
 Legal Counsel
 Texas Real Estate Commission

Earliest possible date of adoption:
December 14, 1984

For further information, please call (512) 459-3342.

22 TAC §537.28, §537.29

The new sections are proposed under Texas Civil Statutes, Article 6573a, §16(e), which authorize the Texas Real Estate Commission to adopt rules and regulations requiring real estate brokers and salesmen to use contract forms which have been prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

§537.28. *Standard Contract Form TREC No. 20-0.* The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 20-0, approved by the Texas Real Estate Commission in 1984. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

§537.29. *Standard Contract Form TREC No. 21-0.* The Texas Real Estate Commission adopts by reference Standard Contract Form TREC No. 21-0, approved by the Texas Real Estate Commission in 1984. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711.

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 November 5, 1984.

TRD-8411283 Mark A. Moseley
 Legal Counsel
 Texas Real Estate Commission

Earliest possible date of adoption:
December 14, 1984

For further information, please call (512) 459-3342.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION**

**Part XI. Texas Department of
Water Resources**

**Chapter 371. Private Sewage
Facilities**

Subchapter J. Lake Palestine

31 TAC §371.192

The Texas Water Development Board of the Texas Department of Water Resources proposes amendments to §371.192, concerning the fee schedule for regulation of private sewage facilities on Lake Palestine. The proposed amendments increase private sewage facilities license fee from \$15 to \$30 and increase the charge for performing a soil percolation test from \$35 to \$70. These fees are intended to bring the fees in line with the actual costs being incurred by the licensing program.

Mike Hodges, Fiscal Services Section chief, has determined that there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on local government for the first five-year period the rule will be in effect is an estimated increase in revenue of \$8,000 each year in 1985-1989. There is no anticipated effect on state government or small businesses.

Mr. Hodges 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 continued protection of the public health and welfare and the water quality in and around the lake by ensuring, through the licensing program, that properly built private sewage facilities will be installed and will function adequately and safely.

The possible economic cost to individuals who are required to comply with the rule as proposed will be \$8,000 each year in 1985-1989.

Comments on the proposal may be submitted to Paula Hilsenbeck, Staff Attorney, General Counsel's Office, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-7845.

The amendments are proposed pursuant to the Texas Water Code, §26.031(h) and §5.131 and §5.132, which provides the Texas Water Development Board with the authority to prescribe and require the payment of reasonable fees for performing the licensing function and administering the licensing system for the private sewage facilities regulatory program in a given area and with the power to enact rules to effectuate the policy of the Texas Department of Water Resources.

§371.192. *Fee Schedule.* The following represents the approved fee schedule for the private sewage facilities regulatory program around Lake Palestine:

- (1) License fee—\$30 [\$15].
- (2) Percolation test—\$70 [\$35].
- (3) (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 November 2, 1984.

TRD-8411284 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption
December 14, 1984

For further information, please call (512) 475-7845.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 81. General Provision

Definition of Terms

37 TAC §81.61

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §81.61, concerning definitions, because the definitions are out of date. Many rules now contain the definitions needed for the individual rules so that a separate list of terms is unnecessary.

Byron Griffin, assistant executive director for child care, has determined that there will be no fiscal implications for state or local governments or small businesses as a result of the repeal.

Mr. Griffin and Martha K. McCann, manuals system coordinator, have determined that for each year of the

first five years the repeal is in effect the public benefit anticipated as a result of the repeal is consistency in the agency's definition of terms. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, Texas Youth Commission, P.O. Box 9999, Austin, Texas 78766.

The repeal is proposed under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to adopt policies and make all rules necessary to the proper accomplishment of its functions.

§81.61. *Definitions.*

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 November 5, 1984

TRD-8411205 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption:
December 14, 1984

For further information, please call (512) 452-8111,
ext. 390

Control of Youth

37 TAC §81.194

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Commission, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Youth Commission proposes the repeal of §81.194, concerning rules of conduct. This rule is being repealed to replace it with a new §81.194 proposed simultaneously.

Byron Griffin, assistant executive director for child care, has determined that there will be no fiscal implications for state or local governments or small businesses as a result of the repeal.

Mr. Griffin and Martha K. McCann, assistant executive director for child care, have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is greater clarity and detail about the agency's rules for student conduct. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766.

The repeal is proposed under the Human Resources Code, §61.076, which provides the Texas Youth

Commission with the authority to require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public.

§81.194. Rules of Conduct.

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 November 5, 1984.

TRD-8411206 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption:
December 14, 1984

For further information, please call (512) 452-8111,
ext. 390.

The Texas Youth Commission (TYC) proposes new §81.194, concerning rules of conduct. This rule replaces existing §81.194, which is out of date and proposed for repeal in this issue.

Byron Griffin, assistant executive director for child care, 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. Griffin 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 rules the agency expects students to follow. There will be no economic cost to individuals required to comply with the rule.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, P.O. Box 9999, Austin, Texas 78766.

The new section is proposed under the Human Resources Code, §61.076, which provides the TYC with the authority to require the modes of life and conduct that seem best adopted to fit the child for return to full liberty without danger to the public.

§81.194. Rules of Conduct.

(a) Policy.

(1) Texas Youth Commission (TYC) facilities and programs maintain student discipline to the extent necessary to keep order and provide a safe and constructive environment for youth in the care and custody of TYC.

(2) Discipline is used for instruction and training and not simply for regimentation or punishment.

(b) Student rules.

(1) There are rules that apply to you at the halfway house or the training school. You will be expected to follow the rules of discipline and conduct. The staff will help you understand the rules and help you follow them.

(2) Behaviors that will not be permitted at a TYC facility and the consequences for these behaviors are:

(A) Behavior: assault on another student or staff. Consequences: be placed in security or detention. If you cause bodily injury, you could be referred to court for adult certification or be reclassified as a violent offender. Reclassification extends your stay for a minimum of 12 months and may include your transfer to Giddings.

(B) Behavior: escape or attempt to escape. Consequences: be placed in security or detention.

(C) Behavior: destruction of property, including your own. Consequences: be placed in security or transferred from a halfway house to an institution; be required to complete a work contract.

(D) Behavior: possession of items which can be used or be made to use as a weapon. Consequences: be placed in security or detention; be transferred from a halfway house to an institution.

(E) Behavior: possessing or using contraband items. Consequences: be confined to your dormitory or halfway house for 24 hours; have items taken by staff for return to your home or destruction. Contraband is alcohol, drugs, inhalants, narcotics, posters or clothing picturing drug or sex cultures, obscene language, or disrespect to other people.

(F) Behavior: stealing property from staff, the state, the community, or another student. Consequences: lose privileges; be confined to your dormitory or halfway house.

(G) Behavior: gambling. Consequences: lose trust fund privileges for two weeks.

(H) Behavior: significant disruption of any TYC program. Consequences: be placed in security or be transferred from a halfway house to an institution.

(I) Behavior: failure to follow the dress code. Consequences: lose privileges to participate in a special activity either on or off campus.

(c) Appeals. You have the right to appeal any disciplinary action you believe to be unjust. You will have a hearing before you are transferred to another facility or reclassified. You have the right to have witnesses for your defense at the hearing.

(d) Other rules.

(1) Other rules you are expected to follow are posted in the program areas. These rules are necessary for group living or group learning.

(2) These rules are written by facility staff. You may have input to the rules through the Student Council.

(3) The consequences are loss of privileges for a short period of time or for as long as two weeks.

(4) You have the right to file a grievance if you feel you were unjustly disciplined.

(e) Monitoring. The use and content of these rules is monitored by central office staff.

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 November 5, 1984

TRD-8411207 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption:
December 14, 1984

For further information, please call (512) 452-8111,
ext. 390.

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

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

**Chapter 3. Aid to Families with
Dependent Children (AFDC)**

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Resources proposes the repeal of Chapter 3, concerning aid to families with dependent children (AFDC). The department is proposing the repeal of Chapter 3 to enable the adoption of its new Chapter 3, concerning income assistance services, which will replace the AFDC rule chapter. The department is proposing rules in the new chapter as part of its efforts to consolidate AFDC and Food Stamp Program policies and procedures. The following sections are proposed for repeal: §§3.901-3.905, 3.2001-3.2004, 3.2101-3.2103, 3.2201, 3.2202, 3.2301, 3.2401, 3.2501-3.2503, 3.2701-3.2716, 3.2721-3.2724, 3.3001-3.3013, 3.3101-3.3120, 3.3201-3.3213, 3.3215-3.3224, 3.3301-3.3304, 3.3310-3.3316, 3.3401-3.3409, 3.4001, 3.4002, 3.4101, 3.4201, 3.4301-3.4303, 3.4401, 3.4402, 3.5001-3.5007, 3.6001-3.6012, 3.6901, 3.7001, 3.7008, 3.7101-3.7106, 3.7201, 3.7202, 3.7301-3.7307, 3.7601-3.7610, 3.7701, 3.7702, 3.8001, 3.8101, 3.8401-3.8408, 3.8501-3.8520, and 3.9801-3.9803.

Because of the consolidation of the AFDC and Food Stamp Program rules into a new chapter, it is necessary for the department to repeal existing rules in Chapter 9, Food Stamps, and propose new Chapter 3, Income Assistance Services. The department is simultaneously proposing the repeal of Chapter 9 and new Chapter 3 in this issue of the *Texas Register*. The text of new Chapter 3 will be published in the next issue.

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

Mr. Hawes also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated will be one set of rules applicable to both AFDC and food stamps which reflect program similarities; uniformity of service delivery; and elimination of duplication and different standards, when permitted by federal law. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—512, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769,

within 30 days of publication in this *Register*. The department has scheduled a public hearing to accept comments on the proposal. The hearing will begin at 9 a.m. on November 27, 1984, in the DHR boardroom, John H. Winters Human Services Center, 701 West 51st Street, Austin.

Public Welfare Eligibility

40 TAC §§3.901-3.905

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.901. *Providing Eligibility Services.*
- §3.902. *Priority in Providing Financial Assistance.*
- §3.903. *Tax Credits for Employers of AFDC Recipients.*
- §3.904. *Energy Assistance Payment.*
- §3.905. *Office Coverage.*

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 November 2, 1984.

TRD-8411078 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984

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

Legal Requirements

40 TAC §§3.2001-3.2004

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.2001. *Age.*
- §3.2002. *Establishing Age.*
- §3.2003. *School Attendance Special Considerations.*
- §3.2004. *Requirement for Social Security Numbers.*

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
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Resources

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

Relationship and Domicile

40 TAC §§3.2101-3.2103

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.2101. *Establishing Relationship and Domicile.*
- §3.2102. *Temporary Absence of Members of the Certified Group.*
- §3.2103. *State Institutional Residence.*

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-8411080 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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

Residence

40 TAC §3.2201, §3.2202

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.2201. *Definition.*
- §3.2202. *Temporary Visits Out of the State.*

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 November 2, 1984.

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Commissioner
Texas Department of Human
Resources

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

Citizenship

40 TAC §3.2301

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.2301. *Eligibility Criteria.*

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 November 2, 1984.

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Commissioner
Texas Department of Human
Resources

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

Need

40 TAC §3.2401

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.2401. *Determination of Need.*

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 November 2, 1984.

TRD-8411083 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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

Transfer of Property

40 TAC §§3.2501-3.2503

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.2501. *Disposition of Property.*
- §3.2502. *Establishing Intent.*
- §3.2503. *When Transfer of Property Is Not a Barrier to Eligibility.*

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 November 2, 1984.

TRD-8411084 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

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

Deprivation of Parental Support

40 TAC §§3.2701-3.2716, 3.2721-3.2724

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.2701. *Definition.*
- §3.2702. *Death.*
- §3.2703. *Absent from Home.*
- §3.2704. *Desertion or Abandonment.*
- §3.2705. *Deprivation because of Physical or Mental Incapacity.*
- §3.2706. *Determining Initial and Continued Incapacity.*

- §3.2707. *Examination Procedures.*
- §3.2708. *Special Examinations.*
- §3.2709. *Re-examinations.*
- §3.2710. *Reinstatement after Caseworker Denial on Nonincapacity Factors.*
- §3.2711. *Procedure to Determine Temporary Incapacity.*
- §3.2712. *Veterans Administration.*
- §3.2713. *Failure of Client to Furnish Requested Medical Information.*
- §3.2714. *Reapplication following Denial by the Disability Determination Section (DDS).*
- §3.2715. *Clients Participating in Vocational Rehabilitation Training.*
- §3.2716. *Three-Months Grant Extension.*
- §3.2721. *Employment Plan in WIN Project Areas.*
- §3.2722. *Employment Plan in Non-WIN Project Areas.*
- §3.2723. *Rehabilitative Efforts in Non-WIN Project Areas.*
- §3.2724. *Denial Because of Factors Other than Incapacity*

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 November 2, 1984

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 Commissioner
 Texas Department of Human
 Resources

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



Determination of Need

40 TAC §§3.3001-3.3013

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.3001. *Department's Responsibility.*
- §3.3002. *Standard Budgetary Allowance.*
- §3.3003. *Definitions*
- §3.3004. *Persons Who May Be Included in the Certified Group.*
- §3.3005. *SSI Recipients.*
- §3.3006. *Caretakers of SSI Children.*
- §3.3007. *Child with Income or Resources.*
- §3.3008. *Stepparents*
- §3.3009. *Children Placed in the Homes of Relatives.*
- §3.3010. *Persons In Nursing Homes.*
- §3.3011. *Persons Entering State Schools for the Mentally Retarded*
- §3.3012. *Legal Aliens with Sponsors.*
- §3.3013. *Strikers*

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

Resources

40 TAC §§3.3101-3.3120

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.3101. *Definition.*
- §3.3102. *Maximum Value of Resources.*
- §3.3103. *Property of SSI Recipients.*
- §3.3104. *Real Property.*
- §3.3105. *Homesteads.*
- §3.3106. *Personal Property.*
- §3.3107. *Personal Possessions.*
- §3.3108. *Insurance and Burial Arrangements.*
- §3.3109. *Vehicle.*
- §3.3110. *Conversion of Real Property.*
- §3.3111. *Decision to Liquidate.*
- §3.3112. *Liquidation Procedures.*
- §3.3113. *Evaluation of Liquidation Efforts.*
- §3.3114. *Periodic Reevaluation.*
- §3.3115. *Freedom to Convert.*
- §3.3116. *Lump-Sum Payments.*
- §3.3117. *Equity.*
- §3.3118. *Availability of a Resource.*
- §3.3119. *Earned Income Tax Credit.*
- §3.3120. *Considered Resources of an Alien's Sponsor.*

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

Income

40 TAC §§3.3201-3.3213, 32.3215-32.3224

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.3201. *Determining Income.*
- §3.3202. *Client Responsibilities Related to Income.*
- §3.3203. *Earned Income.*
- §3.3204. *Wages, Salaries, and Commissions.*
- §3.3205. *Self-Employment Income.*
- §3.3206. *Earned Income of Children.*

- §3.3207. *Unearned Income.*
- §3.3208. *Retirement, Survivors, and Disability Insurance (RSDI) Benefits.*
- §3.3209. *Veteran's Benefits.*
- §3.3210. *Unemployment Compensation Benefits.*
- §3.3211. *Worker's Compensation Benefits.*
- §3.3212. *Retirement Benefits.*
- §3.3213. *Disability Insurance Benefits.*
- §3.3215. *Supplemental Assistance from Other Agencies.*
- §3.3216. *Income of an Alien's Sponsor.*
- §3.3217. *Contributions.*
- §3.3218. *Support Payments from Absent Parents.*
- §3.3219. *Noneducational Loans and Grants.*
- §3.3220. *Education Assistance.*
- §3.3221. *Exempted Unearned Income.*
- §3.3222. *Income from Property.*
- §3.3223. *Income from Household Members.*
- §3.3224. *Countable Lump-Sum Benefit Payments.*

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 November 2, 1984.

TRD-8411088 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

Budgeting Process

40 TAC §§3.3301-3.3304, 3.3310-3.3316

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.3301. *Definitions.*
- §3.3302. *Conversion of Income to Monthly Amounts.*
- §3.3303. *Determining Eligibility for the Earned Income Disregards.*
- §3.3304. *Ineligibility for the Earned Income Deductions.*
- §3.3310. *Budgeting Principles when Caretaker's Needs Are Deleted.*
- §3.3311. *Diverting Income for Noncertified Children.*
- §3.3312. *Quarterly Wage Records.*
- §3.3313. *Unemployment Compensation.*
- §3.3314. *Maximum Income Standards.*
- §3.3315. *Consideration of EIC Payments.*
- §3.3316. *Reconciling EIC Payments.*

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 November 2, 1984.

TRD-8411089 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

Budgeting AFDC Cases

40 TAC §§3.3401-3.3409

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.3401. *Definition.*
- §3.3402. *Situations when Overpayments Can Be Recovered.*
- §3.3403. *Recovery of Overpayments.*
- §3.3404. *Recovery through Recoupment.*
- §3.3405. *Recovery through Restitution or a Combination of Restitution and Recoupment.*
- §3.3406. *Form Processing.*
- §3.3407. *Budgeting.*
- §3.3408. *Status Report.*
- §3.3409. *Overpayments Received Pending Resource Liquidation.*

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 November 2, 1984.

TRD-8411090 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

Medical Assistance

40 TAC §§3.4001, §3.4002

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.4001. *AFDC Household Members Eligible for Title XIX Services.*
- §3.4002. *Verification of 1972 OASDI Benefits.*

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 November 2, 1984

TRD-8411091 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

Medical Effective

40 TAC §3.4101

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.4101. Determination

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

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 Commissioner
 Texas Department of Human
 Resources

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December 14, 1984

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

**Title XIX Eligibility for Three Months
Prior to Application Determination**

40 TAC §3.4201

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.4201. Determination.

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

Issued in Austin, Texas, on November 2, 1984.

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 Commissioner
 Texas Department of Human
 Resources

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December 14, 1984

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

**Four Months Post-Medicaid Coverage
Eligibility**

40 TAC §3.4301-3.4303

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.4301. Extended Medicaid Coverage.

§3.4302. Incapacity Cases.

§3.4303. Nine Months Extended Medicaid Coverage.

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 November 2, 1984

TRD-8411094 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

Third-Party Resources

40 TAC §3.4401, §3.4402

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.4401. Post Payment Recovery.

§3.4402. Client Responsibility.

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 November 2, 1984.

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 Commissioner
 Texas Department of Human
 Resources

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

Work Incentive Program

40 TAC §§3.5001-3.5007

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.5001. Participation Requirements.

§3.5002. Exemptions.

§3.5003. Change in Status.

§3.5004. Refusal to Accept Registration.

§3.5005. Nonparticipation in Employment Services.

§3.5006. Right to Notification.

§3.5007. Right to Appeal.

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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 Texas Department of Human
 Resources

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

Child Support Program Requirements

40 TAC §§3.6001-3.6012

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.6001. Assignment under Operation of Law.

§3.6002. Requirement to Cooperate in Identification and Location of the Absent Parent.

§3.6003. Requirement to Remit Child Support Payments Received by an AFDC Client.

- §3.6004. *Good Cause for Refusing to Cooperate with Child Support Program Requirements.*
- §3.6005. *Situations, Evidence, and Considerations Involved in Good Cause Claim Determinations.*
- §3.6006. *Procedures Followed in Processing Good Cause Determination.*
- §3.6007. *Sanction for Caretakers Who Refuse to Comply.*
- §3.6008. *AFDC-Child Support Information Exchange.*
- §3.6009. *Child Support Payment Received by IV-D Agency.*
- §3.6010. *Case Action Indicated by Receipt of Child Support.*
- §3.6011. *Distribution of Child Support Collections during Three Months Post Period.*
- §3.6012. *Appeals Because of Child Support Adverse Actions.*

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 November 2, 1984.

TRD-8411097 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

Determining Financial Eligibility

40 TAC §3.6901

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.6901. *System for Determining Eligibility.*

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 November 2, 1984.

TRD-8411098 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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December 14, 1984

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

Application

40 TAC §3.7001, §3.7008

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.7001. *The Application Process.*

§3.7008. *Effective Date of Benefits/Proration.*

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 November 2, 1984.

TRD-8411099 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

The Review Process

40 TAC §§3.7101-3.7106

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.7101. *Case Number.*

§3.7102. *Client Number.*

§3.7103. *Client Information.*

§3.7104. *Periodic or Complete Reviews.*

§3.7105. *Special or Incomplete Reviews.*

§3.7106. *Food Stamp Review.*

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 November 2, 1984.

TRD-8411100 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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

Verifications

40 TAC §3.7201, §3.7202

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.7201. *Requirements.*

§3.7202. *Exploration of Financial Management.*

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 November 2, 1984.

TRD-8411101 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

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December 14, 1984

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

Case Maintenance

40 TAC §§3.7301-3.7307

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.7301. *Change of Address (No Transfer of Case Record).*
- §3.7302. *Case Action Requirements.*
- §3.7303. *Notice for Raise, Sustain, and Approval Actions.*
- §3.7304. *Denied Applications.*
- §3.7305. *Adverse Actions that Are Effective Immediately.*
- §3.7306. *Adverse Actions that Become Effective Only after the Client Has an Opportunity To Appeal.*
- §3.7307. *The Right to Appeal.*

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 November 2, 1984.

TRD-8411102 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

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December 14, 1984
For further information, please call (512) 450-3766.

Referral to Other Agencies

40 TAC §§3.7601-3.7610

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.7601. *Procedure.*
- §3.7602. *Information and Referral Services between DHR and SSA.*
- §3.7603. *Social Services.*
- §3.7604. *Medicaid.*
- §3.7605. *Title XIX Facilities.*
- §3.7606. *Food Stamps.*
- §3.7607. *AFDC/SSI Eligibility.*
- §3.7608. *Training.*
- §3.7609. *Appeals.*
- §3.7610. *Procedures for DHR Providing Informational Pamphlets to SSA.*

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 November 2, 1984.

TRD-8411103 Marlin W Johnston
Commissioner
Texas Department of Human
Resources

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December 14, 1984
For further information, please call (512) 450-3766.

Confidential Nature of Case Records

40 TAC §§3.7701, §3.7702

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.7701. *Sharing Case Information with Other Agencies.*
- §3.7702. *Furnishing Medical Information to Other Agencies.*

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

Case Management

40 TAC §3.8001

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

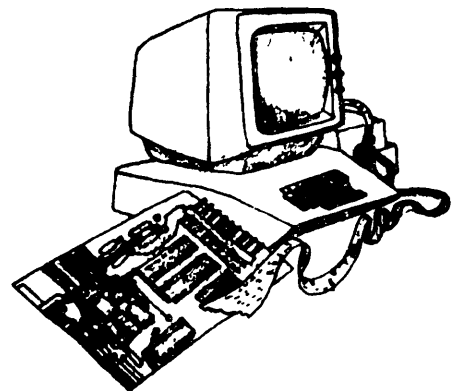
- §3.8001. *Caseload Coverage for AFDC Caseloads.*

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 November 2, 1984.

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Commissioner
Texas Department of Human
Resources

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



Supervisory Responsibilities

40 TAC §3.8101

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

§3.8101. *Department Personnel Receiving AFDC Benefits.*

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 November 2, 1984.

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

Correspondence

40 TAC §§3.8401-3.8408

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.8401. *Requests from Other Agencies for Services.*
- §3.8402. *Time of Reply.*
- §3.8403. *Responsibilities of Field Staff.*
- §3.8404. *Request for Service from Other Agency.*
- §3.8405. *State Office Procedure.*
- §3.8406. *Field Office Procedure.*
- §3.8407. *Correspondence with Interested Citizens.*
- §3.8408. *Correspondence with Professional Persons.*

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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Support Documents

40 TAC §§3.9801-3.9803

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.9801. *Work Incentive Program Federal Regulations.*
- §3.9802. *Fees for Medical Information.*
- §3.9803. *Insurance and Interest Computation Charts.*
- §3.9804. *Standard Budgetary Allowances.*

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

Handling of Assistance Warrants

40 TAC §§3.8501-3.8520

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer public assistance programs.

- §3.8501. *Endorsement of Warrant.*
- §3.8502. *Endorsement by Guardian.*
- §3.8503. *No New Designated Relative.*
- §3.8504. *New Designated Relative.*
- §3.8505. *Death of AFDC Child.*
- §3.8506. *Mailing Address of Recipients.*
- §3.8507. *Visiting Out of State.*
- §3.8508. *Visiting Within the State.*
- §3.8509. *Visiting Outside the United States.*
- §3.8510. *Placing a Case on Hold.*
- §3.8511. *Disposition of Held Warrants/Benefits.*
- §3.8512. *Lost but Not Cashed.*
- §3.8513. *Cashed through Forgery.*
- §3.8514. *Unauthorized Endorsement after Death of Recipient.*
- §3.8515. *Cashed through Unintentional Error.*
- §3.8516. *Deceased in Error or Denied in Error.*
- §3.8517. *Remittance to State Office.*
- §3.8518. *Retroactive or Supplemental Payments.*
- §3.8519. *Returned Warrants.*
- §3.8520. *Overpayments.*

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

Chapter 3. Income Assistance Services

The following proposed new rules submitted by the Texas Department of Human Resources will be seri-

alized beginning in the November 16, 1984, issue. The earliest possible date of adoption for the documents is December 14, 1984.

Subchapter A. Program Purpose
§§3.101-3.103

Subchapter B. Administration
§3.201, §3.202

Subchapter C. The Application Process
§§3.301-3.307

Subchapter D. Expedited Services
§§3.401-3.404

Subchapter E. Household Determination
§3.501

Subchapter F. Citizenship
§§3.601-3.604

Subchapter G. Resources
§§3.701-3.706

Subchapter H. Monthly Reporting
*§3.801

Subchapter I. Income
§3.901, §3.902

Subchapter J. Budgeting
§§3.1001-3.1004

Subchapter K. Employment Services
§§3.1101-3.1104

Subchapter L. Work Registration
§3.1201, §3.1202

Subchapter M. Clients Who Voluntarily Quit
§3.1301

Subchapter N. Residence
§3.1401

Subchapter O. Age
§3.1501

Subchapter P. Relationship/Domicile
§3.1601

Subchapter Q. Deprivation
§3.1701

Subchapter R. Child Support
§3.1801

Subchapter S. School Attendance
§3.1901

Subchapter T. Social Security Numbers
§3.2001, §3.2002

Subchapter U. Management
§3.2101

Subchapter V. Medicaid Eligibility
§§3.2201-3.2205

Subchapter W. Reminders
§3.2301

Subchapter X. Case Disposition
§§3.2401-3.2407

Subchapter Y. Issuing Benefits
§§3.2501-3.2503

Subchapter Z. Direct Mail Issuance
§§3.2601-3.2605

Subchapter AA. Special Households
§§3.2701-3.2712

Subchapter BB. Changes
§§3.2801-3.2803

Subchapter CC. Claims
§3.2901

Subchapter DD. Restored Benefits
§3.3001, §3.3002

Subchapter EE. Confidentiality
§3.3101

Subchapter FF. Civil Rights
§3.3201, §3.3202

Subchapter GG. Hotline
§3.3301

Subchapter HH. Program Violations
§3.3401, §3.3402

Subchapter II. Redemption Procedures
§§3.3501-3.3503

Subchapter JJ. Food Stamp Assistance in Disasters
§3.3601

Subchapter KK. Support Documents
§3.3701, §3.3702

Chapter 9. Food Stamps

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 701 West 51st Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Resources proposes the repeal of Chapter 9, concerning food stamps. The department is proposing the repeal of Chapter 9 to enable adoption of new Chapter 3, concerning income assistance services, which will replace the food stamp and aid to families with dependent children (AFDC) chapters. The department is proposing rules in the new chapter as part of its efforts to consolidate AFDC and Food Stamp Program policies and procedures. The following rules are being repealed: §§9.901-9.910, 9.1001, 9.1101-9.1119, 9.1301-9.1303, 9.1501, 9.1601, 9.2128, 9.2201-9.2204, 9.2206, 9.2316-9.2327, 9.2401, 9.2512, 9.2516-9.2519, 9.2616-9.2621, 9.2710-9.2727, 9.2801-9.2808, 9.3001, 9.3003, 9.3101, 9.3301-9.3315, 9.3401-9.3405, 9.3407, 9.3410-9.3413, 9.3501, 9.4001-9.4034, 9.4101-9.4103, 9.4201-9.4205, 9.4301-9.4313, 9.4317, 9.5001, 9.5101, 9.5116, 9.5201-9.5212, 9.5301, 9.5406, 9.5501, 9.5502, 9.5601, 9.5701, 9.6001, 9.6101-9.6103, 9.6201-9.6210, 9.6401, 9.7001-9.7009, 9.7101-9.7112, 9.7201-9.7210, 9.7301, 9.7416-9.7421, 9.7521, 9.9001, 9.9003-9.9015, 9.9101-9.9103, 9.9105, 9.9107, 9.9108, 9.9301, 9.9302, 9.9307, 9.9308, and 9.9801-9.9804.

Because of the consolidation of the AFDC and Food Stamp Program rules into a new chapter, it is necessary for the department to repeal existing rules in Chapter 3, concerning aid to families with dependent children, and propose new Chapter 3, concerning income assistance services. The department is simultaneously proposing the repeal of Chapter 3 and new Chapter 3 in this issue of the *Texas Register*. The text of new Chapter 3 will be published in the November 16, 1984, issue of the *Register*.

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

Mr. Hawes also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated is one set of rules applicable to both AFDC and food stamps which reflect program similarities; uniformity of service delivery; and elimination of duplication and different standards, when permitted by federal law. There is no anticipated economic cost to individuals as a result of the repeals.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—512, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*. The department has scheduled a public hearing to accept comments on the proposal. The hearing will begin at 9 a.m. on November 27, 1984, in the DHR boardroom, John H. Winters Human Services Center, 701 West 51st Street, Austin.

Subchapter J. Food Stamp Outreach

40 TAC §§9.901-9.910

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.901. *Priorities.*
- §9.902. *Outreach Worker Responsibilities.*
- §9.903. *Minimum Requirements to Operate the Outreach Program.*
- §9.904. *Tasks Required in the Food Stamp Outreach Program.*
- §9.905. *Suggested Regional Staff Roles to Expedite the Contract Process and Monitor the Ongoing Community Action Agency (CAA) Contracts.*
- §9.906. *Methods for Contracting with Community Action Agencies (CAAs).*
- §9.907. *Questions on Community Action Agency Application Package for Program Description Section of Contract.*
- §9.908. *Questions on Community Action Agency Application Package for Program Component Section of Contract.*
- §9.909. *Confidential Nature of Client Information.*
- §9.910. *Fair Hearings.*

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

Subchapter K. Program Purpose

40 TAC §9.1001

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.1001. *Purpose and Scope.*

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 L. Responsibilities

40 TAC §§9.1101-9.1119

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.1101. *Administration.*
- §9.1102. *Certification of Eligible Households.*
- §9.1103. *Prompt Action.*
- §9.1104. *Personnel Requirements*
- §9.1105. *Volunteers.*
- §9.1106. *Nondiscrimination.*
- §9.1107. *Records and Reports.*
- §9.1108. *Computer Retention of Case and Client Information.*
- §9.1109. *Destruction of Records by Field Staff.*
- §9.1110. *Destruction of Records Stored at State Records Center.*
- §9.1111. *Disclosure of Information.*
- §9.1112. *Availability.*
- §9.1113. *Public Assistance (PA) and Nonpublic Assistance (Non-PA) Coordination.*
- §9.1114. *Local Public Assistance Offices.*
- §9.1115. *Local Food Stamp Program Certification Offices.*
- §9.1116. *Discrimination Complaints.*
- §9.1117. *FNS Discrimination Complaint Procedures.*
- §9.1118. *Racial/Ethnic Data Collection.*
- §9.1119. *Hotline.*

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

**Subchapter N. Food Stamp Program
Violations**

40 TAC §§9.1301-9.1303

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.1301. *Food Stamps as Obligations of the United States.*

§9.1302. *Other Rules Governing the Use and Redemption of Food Stamps.*

§9.1303. *Reporting and Processing Program Violations.*

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

Subchapter P. Audits and Reviews

40 TAC §9.1501

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.1501. *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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Subchapter Q. Department Personnel

40 TAC §9.1601

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.1601. *Conduct*

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 V. Household Concept

40 TAC §9.2128

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.2128. *Household Determination.*

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

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

Subchapter W. Application Process

40 TAC §§9.2201-9.2204, 9.2206

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.2201. *Client Rights and Responsibilities.*

§9.2202. *Authorized Representatives (A/Rs).*

§9.2203. *Interviews.*

§9.2204. *Month of Application*

§9.2206. *Identification Cards.*

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 X. Non-PA Eligibility
Determinations**

40 TAC §§9.2316-9.2327

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.2316. *Approved Applications.*
- §9.2317. *Denied Applications.*
- §9.2318. *Opportunity to Participate.*
- §9.2319. *Missed Appointments.*
- §9.2320. *Delays Caused by the Client.*
- §9.2321. *Failure to Appear for an Interview.*
- §9.2322. *Failure to Register for Work.*
- §9.2323. *Failure to Provide Verification.*
- §9.2324. *Applications Reopened.*
- §9.2325. *Delay Caused by DHR.*
- §9.2326. *Delays beyond 60 Days.*
- §9.2327. *Written Notice.*

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

Subchapter Y. Expedited Service

40 TAC §9.2401

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.2401. *Requirements for Expedited Service.*

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 Z. Non-PA Redeterminations

40 TAC §§9.2512, 9.2516-9.2519

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.2512. *Changes in Households Not Reporting Monthly.*
- §9.2516. *Time Limits for Obtaining Verification for Increased Benefits.*
- §9.2517. *Decrease in Benefits.*
- §9.2518. *Failure to Report.*
- §9.2519. *Change in Eligibility Test.*

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 AA. PA Application

40 TAC §§9.2616-9.2621

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.2616. *Notice of Expiration.*
- §9.2617. *Timely Applications.*
- §9.2618. *Interview.*
- §9.2619. *Opportunity to Participate.*
- §9.2620. *Household Delay.*
- §9.2621. *Good Cause.*

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

**Subchapter BB. Joint AFDC/Food Stamp
Applications**

40 TAC §§9.2710-9.2727

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.2710. *General Provisions.*
- §9.2711. *Single Interview.*
- §9.2712. *Verification.*
- §9.2713. *Application Processing.*
- §9.2714. *When AFDC Grant Amount and Receipt Date Are Certain.*

- §9.2715. *When AFDC Grant Amount and Receipt Date Are Uncertain.*
- §9.2716. *When AFDC Eligibility Is Uncertain.*
- §9.2717. *Denial of AFDC Application.*
- §9.2718. *Notice of Expiration.*
- §9.2719. *Recertifications.*
- §9.2720. *Changes Required to be Reported.*
- §9.2721. *Altered Food Stamp Benefits or Certification Periods.*
- §9.2722. *Reduction or Termination of Both PA and Food Stamps.*
- §9.2723. *Reduction or Termination of PA Benefits/Increase in Food Stamp Benefits.*
- §9.2724. *Action on Food Stamps When PA Benefits Are Terminated and Notice of Adverse Action Is Sent.*
- §9.2725. *Action on Food Stamps When PA Benefits Are Terminated and a Notice of Adverse Action Is Not Required.*
- §9.2726. *Budgeting Principles.*
- §9.2727. *Monthly Reporting.*

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

Subchapter CC. SSI/Food Stamp Processing

40 TAC §§9.2801-9.2808

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.2801. *Initial Application Field at the SSA Office.*
- §9.2802. *Jointly Processed Households Eligible for Expedited Service.*
- §9.2803. *Work Registration.*
- §9.2804. *Certification Periods.*
- §9.2805. *Notices of Expiration.*
- §9.2806. *Changes.*
- §9.2807. *Redeterminations.*
- §9.2808. *Restoration of Lost Benefits.*

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

Subchapter EE. Residency

40 TAC §9.3001, §9.3003

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.3001. *Requirements.*

§9.3003. *Applications from Adjoining Counties.*

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

Subchapter FF. Citizenship

40 TAC §9.3101

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.3101. *Eligibility Criteria.*

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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 Texas Department of Human
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For further information, please call (512) 450 3766.

Subchapter HH. Work Registration Requirement

40 TAC §§9.3301-9.3315

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.3301. *Work Registration.*

§9.3302. *Exemptions to Work Registration Requirement.*

§9.3303. *Strikers.*

§9.3304. *Job Search.*

§9.3305. *Additional Work Registration Requirements.*

§9.3306. *Unsuitable Employment.*

§9.3307. *Registrant Proof of Unsuitability.*

§9.3308. *Failure to Comply.*

- §9.3309. *Employment Services Program and Unemployment Compensation Registrants.*
- §9.3310. *Re-establishing Eligibility through Compliance.*
- §9.3311. *Registrant Reporting Requirements.*
- §9.3312. *Applicants Who Voluntarily Quit Their Job.*
- §9.3313. *Length of Disqualification.*
- §9.3314. *Exemptions for Clients Who Voluntarily Quit.*
- §9.3315. *Good Cause.*

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

§9.3501. *Social Security Numbers (SSNs).*

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 II. Resources

40 TAC §§9.3401-9.3405, 9.3407,
9.3410-9.3413

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.3401. *Definition.*
- §9.3402. *Uniform Standards.*
- §9.3403. *Resource Eligibility Standards.*
- §9.3404. *Exempt Resources.*
- §9.3405. *Nonexempt Resources.*
- §9.3407. *Liquid Resources.*
- §9.3410. *Transferring Resources.*
- §9.3411. *Transfers Not Affecting Eligibility.*
- §9.3412. *Length of Disqualification.*
- §9.3413. *Resources of Nonhousehold Members.*

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 OO. Definition of Income

40 TAC §§9.4001-9.4034

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.4001. *Income.*
- §9.4002. *Income Eligibility Test.*
- §9.4003. *Included as Income.*
- §9.4004. *In-Kind Income.*
- §9.4005. *Vendor Payments.*
- §9.4006. *Irregular Income.*
- §9.4007. *Deferred Loans.*
- §9.4008. *Other Loans.*
- §9.4009. *Reimbursements.*
- §9.4010. *Third-Party Funds.*
- §9.4011. *Earnings of a Child.*
- §9.4012. *Nonrecurring Lump-Sum Payments.*
- §9.4013. *Self-Employment Costs.*
- §9.4014. *Relocation Assistance.*
- §9.4015. *Domestic Volunteer Service Act.*
- §9.4016. *Community Services Administration.*
- §9.4017. *Youth Programs.*
- §9.4018. *Native and Indian Claims.*
- §9.4019. *Other Excluded Income.*
- §9.4020. *Standard Deduction.*
- §9.4021. *Earned Income Deduction.*
- §9.4022. *Dependent Care Deduction.*
- §9.4023. *Shelter Costs.*
- §9.4024. *Shelter Cost of Unoccupied Home.*
- §9.4025. *Determining Deductions.*
- §9.4026. *Disallowed Expenses.*
- §9.4027. *Billed Expenses.*
- §9.4028. *Averaging Expenses.*
- §9.4029. *Anticipated Expenses.*
- §9.4030. *Utility Standard.*
- §9.4031. *Telephone Allowance.*
- §9.4032. *Earned Income Tax Credits.*

Subchapter JJ. Social Security Numbers

40 TAC §9.3501

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.4033. *Medical Deduction for the Elderly or Disabled.*
§9.4034. *Energy Assistance.*

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 November 2, 1984.

TRD-8411129 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption.

December 14, 1984

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

Subchapter PP. Documentation of Income

40 TAC §§9.4101-9.4103

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.4101. *Documentation of Income Requirement.*
§9.4102. *Documentation of Earned Income.*
§9.4103. *Documentation of Other Income.*

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 November 2, 1984.

TRD-8411130 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption.

December 14, 1984

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

Subchapter QQ. Computation of Income

40 TAC §§9.4201-9.4205

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.4201. *Computation Basis.*
§9.4202. *Computing Monthly Income.*
§9.4203. *Averaging Income.*
§9.4204. *Calculating Gross and Net Income.*
§9.4205. *Eligibility and Benefits.*

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 November 2, 1984

TRD-8411131 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption.

December 14, 1984

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

Subchapter RR. Self-Employment Income

40 TAC §§9.4301-9.4313, 9.4317

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.4301. *Definition.*
§9.4302. *Self-Employment Income as Primary Annual Support.*
§9.4303. *Self-Employment Income as Partial Support.*
§9.4304. *Self-Employment Income Received Monthly.*
§9.4305. *Self-Employment Income from a New Source.*
§9.4306. *Determining Monthly Income from Self-Employment.*
§9.4307. *Handling of Capital Gains.*
§9.4308. *Deductions from Gross Income of Self-Employment.*
§9.4309. *Handling of Depreciation.*
§9.4310. *Self-Employment Income from Boarders.*
§9.4311. *Allowable Deductions from Boarder Payments.*
§9.4312. *Destitute Households.*
§9.4313. *Calculating benefits for Destitute Households.*
§9.4317. *Determination of Basis of Issuance for Self-Employed.*

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

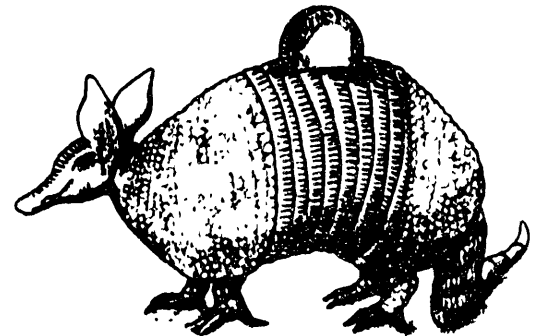
Issued in Austin, Texas, on November 2, 1984.

TRD-8411132 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption

December 14, 1984

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



Subchapter YY. Special Households General

40 TAC §9.5001

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5001. *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.

Issued in Austin, Texas, on November 2, 1984.

TRD-8411133 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Student Households

40 TAC §9.5101, §9.5116

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5101. *Nonmembers and Disqualified Members.*

§9.5116. *Students.*

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 November 2, 1984.

TRD-8411134 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Participants in Approved Special Programs

40 TAC §§9.5201-9.5212

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.5201. *General.*
- §9.5202. *The Facility as Authorized Representative.*
- §9.5203. *Approved Centers.*
- §9.5204. *Processing Participant Applications.*
- §9.5205. *Work Registration.*
- §9.5206. *ID Cards.*
- §9.5207. *Center Responsibility.*
- §9.5208. *List of Resident Participants.*
- §9.5209. *Periodic On-Site Visits.*
- §9.5210. *Residents Leaving Facility.*
- §9.5211. *Communal Dining.*
- §9.5212. *Meal Delivery Service.*

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 November 2, 1984.

TRD-8411135 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Aliens

40 TAC §9.5301

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5301. *Sponsored Aliens.*

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 November 2, 1984.

TRD-8411136 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Strikers

40 TAC §9.5406

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5406. *Strikers.*

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 November 2, 1984.

TRD-8411137 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Disqualified Persons and Nonmembers

40 TAC §§9.5501, §9.5502

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5501. *Nonmembers and Disqualified Members.*

§9.5502. *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 November 2, 1984.

TRD-8411138 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Farm Laborers

40 TAC §9.5601

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5601. Destitute Farm Workers.

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 November 2, 1984.

TRD-8411139 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984

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

Contract Employees

40 TAC §9.5701

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.5701. Procedures and Considerations.

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 November 2, 1984.

TRD-8411140 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984

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

**Subchapter BBB. Documentation
Requirements**

40 TAC §9.6001

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.6001. Requirements.

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 November 2, 1984.

TRD-8411141 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984

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

Subchapter CCC. Verification

40 TAC §§9.6101-9.6103

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.6101. Required Verification.

§9.6102. Questionable Information.

§9.6103. Responsibility for Getting Verification.

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 November 2, 1984.

TRD-8411142 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984

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

Subchapter DDD. Certification Periods

40 TAC §§9.6201-9.6210

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.6201. Requirements.

§9.6202. First Month of Certification Period.

§9.6203. PA Households.

§9.6204. Other Households.

§9.6205. Households Certified after the 15th.

§9.6206. Strike/Lockout.

§9.6207. Households with Frequent Changes.

§9.6208. Stable Households.

§9.6209. Elderly or Unemployable.

§9.6210. Self-Employed or Regular Farm Employment.

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 November 2, 1984.

TRD-8411143 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984

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

**Subchapter FFF. Notice of Adverse
Action**

40 TAC §9.6401

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.6401. Requirements.

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 November 2, 1984.

TRD-8411144 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984

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

Subchapter LLL. Fair Hearings

40 TAC §§9.7001-9.7009

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.7001. *Requirement.*
- §9.7002. *Conference with Supervisor.*
- §9.7003. *Notification of Right To Request a Fair Hearing.*
- §9.7004. *Request for Fair Hearing.*
- §9.7005. *Attendance at Hearings.*
- §9.7006. *Action on Fair Hearings.*
- §9.7007. *Continued or Reinstated Benefits.*
- §9.7008. *Reduction or Termination of Benefits Prior to Hearing Decision.*
- §9.7009. *Notification.*

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 November 2, 1984.

TRD-8411145 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984

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

Subchapter MMM. Restoration of Lost Benefits

40 TAC §§9.7101-9.7112

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.7101. *Requirements.*
- §9.7102. *Time Limits for Restoring Benefits.*
- §9.7103. *Errors Discovered by DHR.*
- §9.7104. *Disputed Benefits.*
- §9.7105. *Delay, Denial, Termination.*
- §9.7106. *Authorization.*

§9.7107. Method of Restoration.

§9.7108. Household Composition Changes.

§9.7109. Determination of Eligibility.

§9.7110. Calculation.

§9.7111. Offsetting Claims.

§9.7112. Clients Disqualified for Intentional Program Violations.

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 November 2, 1984

TRD-8411146 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984

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

Subchapter NNN. Fraud Disqualification

40 TAC §§9.7201-9.7210

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.7201. *Intentional Program Violations.*
- §9.7202. *Reversed Fraud Disqualifications.*
- §9.7203. *Definition of Fraud.*
- §9.7204. *Worker Evaluation of Suspected Fraud.*
- §9.7205. *Responsibility for Investigation.*
- §9.7206. *Facts Support Fraud.*
- §9.7207. *Facts Do Not Support Fraud.*
- §9.7208. *Reversed Fraud Disqualifications.*
- §9.7209. *Participation during Investigation.*
- §9.7210. *Disqualification.*

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 November 2, 1984

TRD-8411147 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:
December 14, 1984

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

Subchapter OOO. Replacement Procedures

40 TAC §9.7301

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.7301. *Replacement of ATPs, Food Stamps, and Food Purchased with Stamps.*

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 November 2, 1984

TRD-8411148 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption

December 14, 1984

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

Subchapter PPP. Overissuance Claims Processing

40 TAC §§9.7416-9.7421

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.7416. *Claims Against Client*

§9.7417. *Nonfraud Claims*

§9.7418. *Date of Discovery*

§9.7419. *When to Establish a Nonfraud Claim.*

§9.7420. *How to Establish a Claim*

§9.7421. *Criteria for Suspending Collection Action.*

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 November 2, 1984

TRD-8411149 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption

December 14, 1984

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

Subchapter QQQ. Food Stamp Assistance in Disasters

40 TAC §9.7521

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.7521 *Emergency Food Stamp Assistance*

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 November 2, 1984

TRD-8411150 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption

December 14, 1984

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

Subchapter FFFF. Food Stamp Issuing 40 TAC §§9.9001, 9.9003-9.9015

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

§9.9001. *Introduction and General Responsibilities.*

§9.9003. *Serial Numbers of Stamp Books.*

§9.9004. *Issuance of ATPs.*

§9.9005. *Procedure for Issuance of Food Stamps.*

§9.9006. *Issuing Policies.*

§9.9007. *Verifying Shipments.*

§9.9008. *Receiving and Receipting Shipments.*

§9.9009. *Opening Individual Cartons and Boxes at Issuing Offices.*

§9.9010. *Establishing Claims for Improperly Manufactured, Mutilated or Shortage/Overage of Food Stamp Books Found Prior to Issuance.*

§9.9011. *Storage of Food Stamps.*

§9.9012. *Frequency of Issuance.*

§9.9013. *Mutilated Food Stamp Books Returned by Recipients.*

§9.9014. *Replacing Improperly Manufactured or Mutilated Food Stamp Books.*

§9.9015. *Audits.*

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

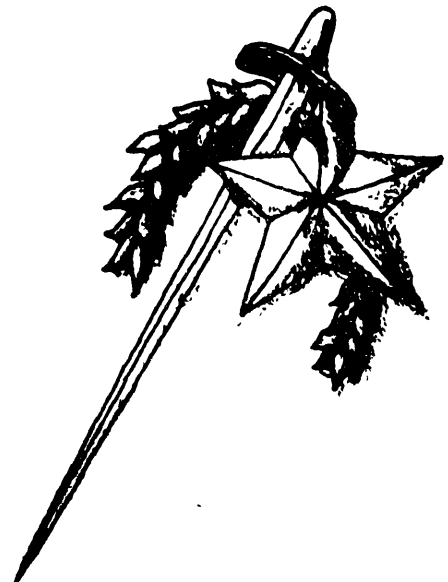
Issued in Austin, Texas, on November 2, 1984

TRD-8411151 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption

December 14, 1984

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



Subchapter GGGG. ATP System

**40 TAC §§9.9101-9.9103, 9.9105, 9.9107,
9.9108**

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.9101. *Procedure.*
- §9.9102. *Initial ATPs.*
- §9.9103. *Supplemental ATPs.*
- §9.9105. *Expedited Service.*
- §9.9107. *Supervisory Responsibilities.*
- §9.9108. *Holds.*

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 November 2, 1984.

TRD-8411152 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Subchapter IIII. Mail Issuance System

40 TAC §§9.9301, 9.9302, 9.9307, 9.9308

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.9301. *Introduction.*
- §9.9302. *Eligibility.*
- §9.9307. *Repeated Reports of Nondelivery.*
- §9.9308. *Reinstatement of Mail Issuance.*

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 November 2, 1984.

TRD-8411153 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Subchapter NNNN. Support Documents

40 TAC §§9.9801-9.9804

The repeal is proposed under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs.

- §9.9801. *Federal Register Document Number 84-13555.*
- §9.9802. *Food Stamp Outreach Contract.*
- §9.9803. *Food Stamp Outreach Contract with Texas Department of Community Affairs (TDCA).*
- §9.9804. *Issuance Table.*

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 November 2, 1984.

TRD-8411154 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Earliest possible date of adoption:
December 14, 1984
For further information, please call (512) 450-3766.

Adopted Rules

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

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

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

TITLE 7. BANKING AND SECURITIES Part X. Office of Consumer Credit Commissioner Chapter 85. Rules of Operation for Pawnshops

7 TAC §85.1

The Office of Consumer Credit Commissioner adopts new §85.1, without changes to the proposed text published in the October 5, 1984, issue of the *Texas Register* (9 TexReg 5129).

The new section allows the consumer credit commissioner to stagger the date or dates on which pawnshop licenses will expire so that where both a pawnshop license and a regulated loan license are issued to any person, the pawnshop license and the pawnshop employee license of employees of such pawnshop will expire on December 31 of each year while all other pawnshop licenses and the pawnshop employee licenses of employees of such pawnshop shall expire on June 30 of each year.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 5069, Chapter 51, §7(D), which provide the consumer credit commissioner with the authority to adopt a system providing for the establishment of a date or dates on which pawnshop licenses will expire and providing for a method of determining the prorated amount of the license fee payable.

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 November 5, 1984

TRD-8411240 Sam Kelley
Consumer Credit Commissioner

Effective date: November 26, 1984

Proposal publication date: October 5, 1984

For further information, please call (512) 475-2111.

TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts Chapter 3. Tax Administration Subchapter O. State Sales and Use Tax 34 TAC §3.295

The Comptroller of Public Accounts adopts amendments to §3.295, concerning natural gas and electricity, without changes to the proposed text published in the September 18, 1984, issue of the *Texas Register* (9 TexReg 4910).

The amendments clarify the comptroller's position on establishing predominant use of natural gas and electricity and state the comptroller's position on utilities used to transport materials extracted from the earth.

The first change requires the predominant use of the utility to be established on 12 months of use. A business' utilities would be totally exempt or totally taxable yearly. Partial exemptions are no longer allowed for persons who process items year round. Predominant use will still be allowed to be established for seasonal businesses.

The second addition to the rule is a statement as to when utilities used to transport materials and products manufactured from materials extracted from the earth are taxable or exempt from tax.

No comments were received in favor of adoption of the amendments. One comment against the amendments was received from Union Carbide Company (UCC). The UCC commented on subsection (e), concerning transportation of a material extracted from the earth. The UCC asked the comptroller to extend the exemption for utilities transporting materials extracted from the earth to utilities transporting materials extracted from the atmosphere.

The comptroller declined to expand the exemption, stating that exemptions are to be strictly construed. It is the comptroller's position that "extracted from the earth" means extracted from beneath the earth's surface and does not include the atmosphere surrounding the earth.

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

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 November 5, 1984.

TRD-8411178 Bob Bullock
Comptroller of Public Accounts

Effective date: November 26, 1984

Proposal publication date: September 18, 1984

For further information, please call (512) 475-1913.

34 TAC §3.328

The Comptroller of Public Accounts adopts amendments to §3.328, concerning optional reporting methods for grocers and other vendors, without changes to the proposed text published in the September 28, 1984, issue of the *Texas Register* (9 TexReg 5040).

The amendments reflect legislative changes in the Sales Tax Act. Taxable services are included in the term "taxable items," and the tax rate for state sales and use tax has been raised from 4.0% to 4.125%. Other parts of this section have been reworded for clarity. The amendments also advise taxpayers with commingled accounting on how to report the tax.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Tax Code, §111.002, which provides that the comptroller

may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

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 November 2, 1984.

TRD-8411179 Bob Bullock
Comptroller of Public Accounts

Effective date: November 26, 1984

Proposal publication date: September 28, 1984

For further information, please call (512) 475-1913.

34 TAC §3.338

The Comptroller of Public Accounts adopts amendments to §3.338, concerning allowance of credit for tax paid to suppliers, without changes to the proposed text published in the September 28, 1984, issue of the *Texas Register* (9 TexReg 5041).

The amendments reflect the legislative change in regard to tax on taxable services as described in §151.010 of the statute. The amendments also refer taxpayers to §3.292 of this title.

No comments were received regarding adoption of the amendments.

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

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 November 2, 1984.

TRD-8411180 Bob Bullock
Comptroller of Public Accounts

Effective date: November 26, 1984

Proposal publication date: September 28, 1984

For further information, please call (512) 475-1913.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 3. Aid to Families with Dependent Children (AFDC)

The Texas Department of Human Resources (DHR) adopts amendments to §§3.3003, 3.3005, 3.3008, 3.3012, 3.3120, 3.3216, 3.3315, 3.4301, 3.5002, 3.6009, 3.6010, and 3.7105; the repeal of §§3.3004, 3.3007, 3.3108, 3.3110, 3.3218, 3.3301, 3.3303, 3.3304, and 3.3311; and new

§§3.3004, 3.3007, 3.3108, 3.3110, 3.3218, 3.3301, 3.3303, 3.3304, 3.3311, 3.3409, and 3.4303, concerning aid to families with dependent children.

The amendments, repeals, and new rules incorporate federally mandated changes effective October 1, 1984, that result from the Deficit Reduction Act of 1984. These changes affect who may be considered a household member; mandatory inclusion in the certified group of a child with income of his own; consideration of child support payments; the earned income disregard; extended Medicaid eligibility (up to nine months); consideration of income of a minor parent's own parents; consideration of burial agreements and excess property as resources; the maximum income limit for a household (now 185%); work registration exemptions for pregnant women, the work-related expense deduction (\$75 for full- or part-time work); aliens sponsored by an organization; and consideration of earned income tax credits as income when received.

Although these policy changes generally benefit clients by broadening eligibility, the net effect will be to reduce the state caseload by about 6,200 clients during fiscal year 1985. The change that allows DHR staff to determine who in the household will be included in the certified group will offset all the other increases by decreasing the state caseload by 6,750 clients.

Determination of Need

40 TAC §§33.003, 3.3005, 3.3008, 3.3012

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. These amendments are adopted under federal requirements effective October 1, 1984.

§3.3003. Definitions The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Caretaker—Is.

(A) (No change.)

(B) Normally, the individual applying for the children qualifies as caretaker. If this individual does not qualify, his needs are not included in the AFDC grant. If another individual in the home can qualify as caretaker, his needs are included. If there is no qualified caretaker, only the needs of the eligible children are included in the AFDC grant.

(C) (No change.)

Noncertified legal parent—Is.

(A) A legal parent who is ineligible for inclusion in the certified group because he is:

(i) an illegally entered alien;

(ii) an SSI recipient;

(iii) sanctioned for failure to comply with child support or employment services program requirements.

(B) Although the needs of the noncertified legal parent are not included in the AFDC payment, his income and resources are countable in determining eligi-

bility and benefits for the certified group. The income and resources of an SSI recipient are totally exempted.

Minor parent—A person under 18 years of age who has a child and has never married, or has been married but the marriage was annulled.

(A) (No change.)

(B) If a minor parent under 18 years old in a non-AFDC household applies for AFDC for her own child and she continues to live with her own parent(s), the department must apply the process for determining a stepparent's applied income to determine if the parents of the minor parent have sufficient income to meet the needs of the minor parent and the minor parent's child(ren). The department uses the one- or two-person SSI caretaker recognizable needs figure amount from §3.9804 of this title (relating to Standard Budgetary Allowances in the AFDC Program) for the needs of the parent(s) of the minor parent.

(C) The department determines eligibility by applying the minor parent's own countable income and the applied income of the minor parent's parents against the recognizable needs figure for the minor parent and her child(ren). The department must also apply these policies if a minor parent was certified because she was not living with her parents and later returns to her parent's home. The department must determine if the minor parent and her child(ren) continue to be eligible.

Payee—A person to whom the AFDC warrant is issued if no one in the household qualifies as a caretaker. The payee must meet the caretaker relationship requirements. Payees are not included in the grant and do not receive medical assistance. The payee may be a non-certified legal parent who is an illegally entered alien or SSI recipient.

§3 3005 SSI Recipients.

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

(d) If several certified-group children receive retirement, survivors, and disability insurance (RSDI) payments through the same parent, and one of the children is certified for SSI, the sum of the RSDI payments is prorated for each child in the family. Only the portion accruing to the non-SSI child(ren) is counted against the AFDC budget. Child support payments and veteran's benefits designated for children are not prorated.

§3.3008 Stepparents

(a) If either the legal parent or the stepparent is incapacitated, the department takes the following action.

(1) (No change.)

(2) If the stepparent does not want to be included in the AFDC grant, the family is ineligible if the stepparent's income is sufficient to meet the needs of the AFDC filing unit. The legal parent must be included in the certified group. Half-blood siblings of the stepchildren must be included in the certified group.

(3) (No change.)

(4) If the parent's children born of their marriage are deprived of parental support because of incapacity, the stepchildren are technically deprived and the entire family is the certified group. The department budgets the case like a regular AFDC case.

(b) The stepparent is allowed to divert his income to meet his needs and the needs of his other tax dependents in the home. The stepparent also is allowed deductions for work-related expenses, support for tax

dependents outside the household, and monthly alimony or child support payments. The stepparent's remaining income after deductions is considered available to meet the certified group's needs.

§3.3012. Legal Aliens with Sponsors.

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

(c) A sponsor is an individual or an organization that executed an affidavit of support or a similar agreement on behalf of an alien as a condition of the alien's entry into the United States. A sponsor's income and resources are not considered if the individual sponsor receives SSI or AFDC.

(d)-(e) (No change.)

(f) The department presumes that an alien sponsored by an organization is ineligible for assistance unless he provides information showing:

- (1) the organization no longer exists, or
- (2) the organization no longer has sufficient income or resources to provide support.

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.

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TRD-8411050 Marlin W. Johnston
Commissioner
Texas Department of Human
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For further information, please call (512) 450-3766.

40 TAC §3.3004, §3.3007

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The repeal is adopted under federal requirements effective October 1, 1984.

§3.3004. Persons Who May Be Included in the Certified Group.

§3.3007. Child with Income in Own Right

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.

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

40 TAC §3.3004, §3.3007

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31,

which authorizes the department to administer public assistance programs. The sections are adopted under federal requirements effective October 1, 1984.

§3.3004. Persons Who May Be Included in the Certified Group. The AFDC certified group must include the following persons, if in the home:

- (1) the legal parent, if eligible.
- (2) a second parent, if one parent is incapacitated;

(3) eligible brothers and sisters, including legally adopted and half-brothers/sisters. A sibling is eligible unless he does not meet age, relationship, citizenship, deprivation, domicile, enumeration, or Employment Services Program requirements through no fault of the caretaker relative or the child. A sibling cannot be excluded from the certified group solely on the basis of income or resources.

§3.3007. Child with Income or Resources.

(a) A child's income and resources, such as veteran's benefits, child support from a legal parent, or Social Security, are used to determine eligibility for the AFDC certified group. SSI recipient children are an exception.

(b) The caretaker cannot choose which children he wants included in the certified group. If two or more siblings are potentially eligible and one child has substantial income or resources, the income and resources of the one child must be applied against the total needs of the certified group. A child cannot be excluded from the certified group because he has income or resources. A child can be excluded, along with his income and resources, only if he does not meet one of the other AFDC eligibility factors through no fault of his own. If the child is 20 years old, he is ineligible, through no fault of his own, and he and his income and resources are excluded from the certified group. If the worker cannot determine a child's eligibility because the caretaker fails to provide required verification, the group is ineligible because the caretaker failed to meet program requirements.

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.

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Resources

40 TAC §3.3108, §3.3110

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The repeal is adopted under federal requirements effective October 1, 1984.

§3.3108. *Insurance.*
§3.3110. *Conversion of Real Property.*

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.

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40 TAC §3.3108, §3.3110

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The sections are adopted under federal requirements effective October 1, 1984.

§3.3108. *Insurance and Burial Arrangements.*

(a) The cash value of any insurance policy is a countable resource. Insurance policies without a cash value are not a resource.

(b) One burial plot for each certified group member is an exempted resource. Prepaid funeral agreements are also exempted, unless the cash value exceeds \$1,500. The cash value over \$1,500 is a countable resource. Burial insurance without a cash value is not a countable resource.

§3.3110. *Conversion of Real Property.*

(a) If equity in available real property exceeds the allowable resource value, the client is given an opportunity to liquidate or convert the real property.

(b) The department may certify a client for a maximum of six months if the client agrees to make a good faith effort to liquidate the excess real property causing ineligibility.

(c) If the client agrees to convert real property, he must make a good faith effort to sell the property at a reasonable price. The client makes a good faith effort if he uses at least newspaper classified ads or a realtor to sell the property. A reasonable price or offer is the estimated current fair market value of the property. The department denies the client if he refuses a reasonable offer that can make him ineligible for AFDC.

(d) If the client is trying to liquidate the excess property but does not receive a reasonable offer by the third month, the department schedules a special review to evaluate the efforts made to sell the property. The

department may continue the grant for up to three more months if the client has made and continues to make a good faith effort to sell the property. The department denies benefits if the client has not sold the property by the sixth month.

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.

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Resources

40 TAC §3.3120

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective October 1, 1984.

§3.3120. *Considered Resources of an Alien's Sponsor.*
The department evaluates the resources of an alien's individual sponsor (and spouse, if living with the sponsor) or sponsor organization to determine if any of the sponsor's resources are available to the alien. The department determines the sponsor's countable resources according to the same resource policies applied to AFDC applicants. The department reduces the total value of the sponsor's countable resources by \$1,500. The department considers the remainder available to the alien and adds the remainder to the alien's countable resources.

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.

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Income

40 TAC §3.3216

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective October 1, 1984.

§3.3216. Income of an Alien's Sponsor The department determines the countable amount of an individual sponsor's or sponsoring organization's income considered available to the alien as unearned income by adding the amount of earned and unearned income of the individual sponsor (and sponsor's spouse if living with the sponsor) or sponsoring organization and subtracting:

- (1) (No change)
- (2) The recognizable need standard for the individual sponsor's family size (sponsor and all members in the household claimed as tax dependents)
- (3) Amounts paid by the individual sponsor or his spouse to nonhousehold members claimed as tax dependents.
- (4) Amounts paid in alimony or child support for persons not living with the individual sponsor.

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

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40 TAC §3.3218

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The repeal is adopted under federal requirements effective October 1, 1984

§3 3218 Support Payments from Absent Parents.

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.

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40 TAC §3.3218

The new section is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The rule is adopted under federal requirements effective October 1, 1984.

§3.3218. Support Payments from Absent Parents. The department considers child support payments as countable income in determining eligibility. An amount up to

\$50 of the total monthly child support payments, or the actual amount if total payments are less than \$50, received by the certified group is disregarded as income in determining eligibility for the certified group. If the certified group is eligible the child support is not used to compute benefit amount. The Child Support Program sends the client \$50 of the total monthly payments, or the actual amount if total payments are less than \$50. This amount is exempted AFDC income.

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.

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Budgeting Process

40 TAC §§3.3301, 3.3303, 3.3304, 3.3311

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The repeal is adopted under federal requirements effective October 1, 1984.

- §3.3301. Definitions.**
- §3.3303. Determination of Eligibility for Earned Income Disregard.**
- §3.3304. Ineligibility for Earned Income Deductions.**
- §3.3311. Diverting Income for Noncertified Children.**

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.

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The new sections are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The rules are adopted under federal requirements effective October 1, 1984.

§3.3301. Definitions. The following words and terms, when used in these sections, have the following meanings, unless the context clearly indicates otherwise:

Budgetary needs—The amount of money determined by the department as necessary to provide 100% of basic needs for the certified group.

Child and incapacitated adult care—The actual time devoted to the care and supervision of a child(ren).

(A) The amount of time that can be recognized for child care is limited to the actual time required by employment. Only money spent on the actual cost of child care may be deducted from earnings. The maximum monthly child-care deduction allowed is \$160 per child per month in full-time employment situations. A \$150 maximum per child per month is allowed in part-time employment situations. Employment for less than 30 hours a week is considered part time.

(B) If the total cash payment to the provider includes wages for both child care and other services, the worker applies the reasonable prevailing community rate for child care to determine the amount paid for child care only. In-kind benefits such as food or shelter to the provider are not an allowable deduction.

(C) No deduction is made for child care when this service is provided without charge by another program.

(D) The cost of care for an incapacitated adult in the home is also an allowed deduction. The maximum deduction allowed for this type of care is \$160 (or \$150) per adult per month.

Grant amount—The AFDC grant amount is the figure received by the certified group in a monthly warrant. Grant amounts are whole dollar amounts. The minimum grant amount is \$10. If the unmet need is between one cent and \$9.99, a family may be certified only for Medicaid benefits under type Program 03. Unmet needs in odd cent amounts are rounded down to the nearest dollar. Warrants of less than \$10 are issued only in corrective payment situations. No warrant is authorized for more than the maximum grant amount specified in §3.9804 of this title (relating to Standard Budgetary Allowances).

Recognizable needs—The percentage of basic needs the department actually provides. It is determined by multiplying the budgetary needs figure for a given group size by a standard percentage factor. This percentage factor may change according to availability of funds and caseload size.

The \$30 disregard and the one-third disregard—Each member of the AFDC filing unit is potentially eligible for both a \$30 disregard and a 1/3 of the remainder disregard for four consecutive months, and a \$30 only disregard for the eight consecutive calendar months following the last month the combined disregards were allowed. If the client is eligible for the disregards, the department deducts them when completing the recognizable needs test.

Work-related expenses—The department allows a standard work-related expense deduction of \$75 for clients employed full- or part-time. The standard \$75 deduction does not apply to stepparent earnings.

§3.3303. Determining Eligibility for the Earned Income Disregards. The client must meet certain conditions before the worker allows the earned income disregards.

(1) If the client is an AFDC applicant who did not receive AFDC benefits during the four months before the month of the current determination, the worker first determines need using the 185% Maximum Income and 100% Budgetary Needs Tests. If the client remains eligible, the worker allows the combined disregards when completing the Recognizable Needs Test.

(2) If the client receives the combined disregards in four consecutive payments, the client remains ineligible for the combined disregards. A client becomes eligible for the combined disregards again only if he does not receive AFDC (TP 01 or 03) for 12 consecutive months.

(3) If the client receives an additional paycheck that caused a one-month benefit suspension, the worker does not consider the month of suspension as one of the four consecutive months or as a break in the consecutive months.

(4) If the client receives the combined disregards for less than four consecutive months, the client remains potentially eligible for the combined disregards for four consecutive future months.

(5) If the client receiving the \$30 only disregard has benefits suspended for one month because of an additional paycheck, the suspension month counts as one of the eight consecutive calendar months the \$30 only disregard is allowed. These breaks do not extend the original eight consecutive calendar months.

(6) If the client receives the \$30 only disregard for less than eight months because of denial, he is not again potentially eligible for the \$30 only disregard unless he is recertified during the eight consecutive calendar month period.

§3.3304. Ineligibility for the Earned Income Deductions.

(a) The earned income deductions are the combined \$30 and 1/3 disregards, the \$30 only disregard, the \$75 standard work expense deduction, and allowed child costs. Clients are ineligible for the earned income deductions in the following situations:

(1) The client terminates employment or reduces earnings without good cause, refuses to accept appropriate employment without good cause, or does not report the initial receipt of or an increase in earnings to the department without good cause. In this situation, the department disallows all the earned income deductions for the payment month that corresponds to the budget month in which the client did not take the required action.

(2) The client receives an overpayment because he failed to report an income increase on a timely basis (within 10 days or by the status report due date) without good cause. In this situation, the department disallows the deductions when computing the amount of the overpayment, and counts the overpayment month as one of the four (or eight) months that the client may receive the combined or \$30 only disregards.

(3) The client remains eligible after the worker computes the payment month benefits without the deductions, and there is no overpayment. In this situation, the department reinstates the deductions for the following month, and counts the month of disallowance as one of the four (or eight) months the client may receive the combined or \$30 only disregards.

(4) The client becomes ineligible after the department computes the payment month benefits. In this situation, the worker denies the case. The client must reapply if he wants to receive benefits after the denial month. The month of disallowance counts as one of the four (or eight) months the disregards may be allowed.

(b) Good cause exists if the termination, refusal, or reduction was caused by circumstances beyond the client's control. This includes, but is not limited to:

(1) loss of transportation or child care;

- (2) illness of the client or a member of the client's family;
- (3) client report of an income change on a status report, within the required time frames for submitting the report.

§3.3311. *Diverting Income for Noncertified Children.*

(a) If a needy child is excluded from the certified group but lives in the home and is a legal dependent of the legal parent, the department diverts the legal parent's income to meet the excluded child's needs

(b) The amount of income the department diverts is the non-caretaker case recognizable needs figure for the number of excluded children

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.

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40 TAC §3.3315

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The amendment is adopted under federal requirements effective October 1, 1984.

§3.3315. *Consideration of EIC Payments* If an AFDC client receives monthly advance EIC payments, the department adds it to the client's gross monthly earned income

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.

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Overpayments

40 TAC §3.3409

The new section is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The rule is adopted under federal requirements effective October 1, 1984.

§3.3409. *Overpayments Received Pending Resource Liquidation.*

(a) The department may certify clients with excess real property that is a barrier to eligibility for up to six months. The client must, however, make a good faith effort to sell the property, and agree to repay the department for cash assistance received. The first of the six months counted as an overpayment in this situation is the first month the client receives benefits.

(b) If the client does not sell the property by the sixth month, the department denies benefits for the seventh month and initiates procedures for recovery in denied cases.

(c) If the client sells the property in or before the sixth month, the department reminds the client of the agreement and requests immediate full repayment of the total cash benefits received.

(d) If the client sells the property but repays only a portion of the cash assistance received, the department redetermines eligibility for future months. The department considers the amount of the remaining proceeds as countable resources. If the client remains eligible, the department initiates recoupment. If the client is ineligible, the department initiates procedures for recovery in denied cases.

(e) If the client sells the property, spends all the proceeds, and requests AFDC benefits, the department certifies the client if otherwise eligible, and initiates recoupment procedures.

(f) If the client retains the proceeds, refuses to repay, and requests AFDC benefits, the department counts the proceeds as a resource. The department denies benefits if the proceeds in combination with other countable resources exceeds the resource limit. The department initiates procedures for recovery in denied cases. If the client is eligible, the department initiates recoupment.

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.

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Four Months Post-Medicaid Coverage Eligibility

40 TAC §3.4301

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective October 1, 1984.

§3.4301. *Extended Medicaid Coverage*

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

(c) The certified group is also eligible for Medicaid benefits during the four-month period following denial of their benefits if:

(1) the certified group received child support in an amount sufficient to cause denial;

(2) the group received and was eligible for AFDC payments in three of the six months before the month of ineligibility.

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.

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40 TAC §3.4303

The new section is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The rule is adopted under federal requirements effective October 1, 1984.

§3.4303. *Nine Months Extended Medicaid Coverage.*

(a) If DHR denies an AFDC certified group because AFDC adjusted net income increases when the 1/3 or \$30 only earned income disregard is removed, the certified group is eligible for Medicaid benefits for the nine-month period following AFDC denial. This eligibility continues regardless of changes in the group's situation.

(b) If the certified group receives an ineligible payment month's benefit, the department considers the month of ineligible payment as a month of extended Medicaid coverage.

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.

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Work Incentive Program

40 TAC §3.5002

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31,

which authorizes the department to administer public assistance programs. The amendment is adopted under federal requirements effective October 1, 1984.

§3.5002. *Exemptions.* A client is exempt from the requirement to register for employment services if he is:

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

(5) Permanently or temporarily ill or incapacitated. DHR authorizes an exemption for temporary illness or incapacity for up to 90 days. A client in the last four months of pregnancy (sixth through ninth months) is considered temporarily incapacitated during this four-month period.

(6)-(10) (No change.)

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.

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Child Support Program

40 TAC §3.6009, §3.6010

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. The amendments are adopted under federal requirements effective October 1, 1984.

§3.6009 *Child Support Payment Received by IV-D Agency.* When child support payments have been transferred to the Office of the Attorney General, the funds are disbursed according to provisions of federal law. Court orders may require an absent parent to pay both on child support arrearages and current month support obligations. When more than one absent parent is involved in an AFDC case, the child support agency may initiate collections to meet court-ordered monthly support obligations of one or all of the absent parents. Amounts collected on arrearages and in excess of the monthly support obligation will be used to reimburse the state for past assistance paid to the AFDC client.

§3.6010. *Case Action Indicated by Receipt of Child Support.*

(a) When the computer report indicates that the total monthly collections (excluding an amount up to \$50) received on the absent parent's support obligation equal or exceed the grant, the worker must investigate the circumstances, notify the client of any adverse actions, and take one of the following steps:

(1) deny the grant and transfer the case to four months post-medical assistance only;

(2) increase the grant if recognizable needs have increased since the computer report was printed;

(3) sustain the grant if the grant has already been increased.

(b) A certified group may be comprised of children of more than one absent parent. When child support is received for the child(ren) of one absent parent and countable support equals or exceeds the group's recognizable needs, the certified group is ineligible. If one child receiving support from a separate absent parent is excluded from the certified group because of an eligibility factor other than income or resources, the payment is not counted against the needs of the certified group.

(c) When more than one child is receiving support from the same absent parent, and one of the children is excluded from the certified group, the department checks with the local child support unit to determine if the court order specifies an amount of support per child. If the court order does not specify the amount of child support designated for each child of that absent parent, the entire child support payment counts against the needs of the certified group. If the client wishes to have the court order changed, he must obtain an attorney. Child support attorneys are not responsible for making these changes for the client.

(d) If a grant is adjusted because of the exclusion of a child whose needs were included in the certified group, the department must inform the local child support unit.

(e) When a caretaker's needs have been removed for failure to remit child support payments to the department, the full payments (without the up-to-\$50 disregard) are countable income in determining eligibility and the benefit amount for the children. No amount is disregarded or diverted to meet the needs of the caretaker.

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 November 2, 1984.

TRD-8411066 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 1, 1984
Proposal publication date: N/A
For further information, please call (512) 450-3766.

The Review Process

40 TAC §3.7105

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 31, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective October 1, 1984.

§3.7105. *Special or Incomplete Reviews.*

(a) These types of reviews are made between periodic reviews. Incomplete reviews are made when a change in circumstances occurs which is not substantial enough to require a complete review. This change may be reported by the client, or the worker may learn of it through some other source. Special or incomplete reviews usually involve only one area which may affect eligibility or the amount of the grant. The completion of an application form is not required; however, the client must be notified of a negative grant change. If the case changes prove to be substantial, it may be necessary for the worker to initiate a complete review.

(b) An AFDC client is eligible for the earned income disregards only for a specific number of months. The client may not receive these disregards for more than the allowed number of months.

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 November 2, 1984

TRD-8411067 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: October 1, 1984
Proposal publication date: N/A
For further information, please call (512) 450-3766.



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 Texas Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to the Code, Chapter 5, Subchapter L. 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 adopted standard and uniform statistical plans for automobile insurance; for certain lines of insurance regulated under the Insurance code, Chapter 5, Subchapter B; for fire and

allied lines insurance; for multiperil insurance; for inland marine insurance; and for workers' compensation insurance.

The following is adopted: automobile statistical plan—all coverages, published by the National Association of Independent Insurance; automobile statistical plan—all coverages, published by the National Independent Statistical Service; automobile statistical plan—private passenger nonfleet automobile liability, no-fault, and physical damage, distributed by Insurance Services Office; commercial statistical plan (CSP), published by Insurance Services Office; personal lines statistical plan (other than automobile), published by Insurance Services Office, commercial minimum statistical plan, published by Insurance Services of America, fidelity and surety minimum statistical plan, published by the Surety Association of America; glass statistical plan, published by the American Association of Insurance Services; general liability statistical plan, published by the American Association of Insurance Services; statistical plans for casualty lines (other than automobile), published by the National Association of Independent Insurers; fidelity and surety statistical plan, published by the Surety Association of America; Texas property statistical plan for residential and commercial risks, published by State Board of Insurance, Texas inland marine statistical plan, published by the National Association of Independent Insurers; inland marine statistical plan, published by the American Association of Insurance Services, current reporting of crop-hail insurance procedure and code manual, published by the Crop-Hail Insurance Actuarial Association; Texas workers' compensation unit statistical plan manual, published by the National Council on Compensation Insurance; and burglary statistical plan, published by the American Association of Independent Insurers

The purpose of this action is to approve the various current statistical plans under the Insurance Code, Article 5.96 or Article 5.97, or both, depending on the line or lines of insurance involved. Article 5.96 and Article 5.97 were enacted by House Bill 1487, 68th Legislature, 1983, as a procedural alternative to the Administrative Procedure and Texas Register Act

This action is to readopt current statistical plans. It will not change any present procedure or requirement of the board.

This action does not alter the board's previous action in adopting statistical plans, and such action is expressly affirmed.

This board action is effective November 30, 1984.

This notification is filed pursuant to the Insurance Code, Article 5.96 and Article 5.97, which exempt it from the requirements of the Administrative Procedure and Texas Register Act

Issued in Austin, Texas, on November 5, 1984

TRD-8411256 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has adopted the current rules and rates governing the insuring of automobiles and standard automobile endorsements (*Texas Automobile Manual*); Texas standard provisions for automobile policies (October 1, 1974, edition), Texas standard provisions for automobile policies (June 1, 1981, edition); and the automobile liability experience rating plan. The purpose of the action is to adopt current manual rules, policy and endorsement forms, and a rating plan which have been previously adopted to be adopted under the Insurance Code, Article 5.96. Article 5.96 was enacted by House Bill 1487, 68th Legislature, 1983, as an alternative procedure to the Administrative Procedure and Texas Register Act.

This action will not change any present procedure or requirement of the board.

This action does not affect the board's previous action in adopting the current automobile manual, automobile policy and endorsement forms, and rating plan, and such action is expressly affirmed.

This board action is effective November 30, 1984.

This notification is filed pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on November 5, 1984

TRD-8411257 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: November 30, 1984
For further information, please call (512) 475-2950

The State Board of Insurance has adopted the current Texas basic manual of rules, classifications, and rates for workers' compensation and employers' liability insurance, "simplified" workers' compensation and employers' liability policy and endorsement forms, and Texas experience rating plan manual for workers' compensation insurance. The purpose of this action is to adopt under the procedure specified in the Insurance Code, Article 5.96, the current manual rules, forms, and rating plan for workers' compensation and employers' liability insurance. Article 5.96 was enacted by House Bill 1487, 68th Legislature, 1983, as an alternative procedure to the Administrative Procedure and Texas Register Act.

This action readopts current manual rules, forms, and rating plans under Article 5.96. It will not change any present procedure or requirement of the board.

This action does not affect the board's previous action in adopting the current manual, forms, and rating plans, and such action is expressly affirmed.

This action is effective November 30, 1984.

This notification is filed pursuant to the Insurance Code, Article 5.96, which exempts it from the require-

ments of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on November 5, 1984.

TRD-8411258 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 30, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has adopted standard and uniform manual rules, a rating plan, and policy and endorsement forms for fire and allied lines insurance and multiperil insurance. The purpose of this action is to adopt the various current manual rules, rating plan, and policy and endorsement forms under the procedure specified in the Insurance Code, Article 5.96. Article 5.96 was enacted by House Bill 1487, 68th Legislature, 1983, as an alternative procedure to the Administrative Procedure and Texas Register Act.

This is a readoption under Article 5.96. It will not change any present procedure or requirement of the board.

This action does not alter the board's previous action in adopting current manual rules, rating plans, and policy and endorsement forms for fire and allied lines insurance and multiperil insurance, and such action is expressly affirmed.

This action is effective November 30, 1984.

This notification is filed pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on November 5, 1984.

TRD-8411259 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 30, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has approved the current general liability experience rating plan regulated under the Insurance Code, Article 5.15. The purpose of this action is to approve, under the Insurance Code, Article 5.97, the current general liability experience rating plan. Article 5.97 was enacted by House Bill 1487, 68th Legislature, 1983, as an alternative procedure to the Administrative Procedure and Texas Register Act.

This action is to reapprove the current rating plan under Article 5.97. It will not change any present procedure or requirement of the board.

This action does not affect the board's previous action in approving the general liability rating plan, and such action is expressly affirmed.

This action is effective November 30, 1984.

This notification is filed 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 November 5, 1984.

TRD-8411260 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 30, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has adopted standard and uniform retrospective rating plans authorized under the Insurance Code, Article 5.77. These retrospective rating plans are as follows:

- (1) workers' compensation rating supplement retrospective rating Plan D—Texas;
- (2) Texas automobile supplement retrospective rating Plan D;
- (3) retrospective rating Plan D—Texas rating supplement for general liability glass and theft lines;
- (4) retrospective rating Plan D—Texas;
- (5) retrospective rating plans determination of excess loss premium factors—Table H;
- (6) retrospective rating Plans A, B, C, and J—Texas;
- (7) endorsement supplement retrospective rating plans (Plans A, B, C, J, and D)—Texas; and
- (8) Texas retrospective rating Plan D—Table M, all lines.

The purpose of this action is to approve the various retrospective rating plans under the Insurance Code, Article 5.96 or Article 5.97, or both, depending on the line or lines of insurance involved. Article 5.96 and Article 5.97 were enacted by House Bill 1487, 68th Legislature, 1983, as a procedural alternative to the Administrative Procedure and Texas Register Act.

This action is to readopt current retrospective rating plans under Article 5.96 or Article 5.97, or both. It will not change any present procedure or requirement of the board.

This action does not affect the board's previous action in adopting or approving current retrospective rating plans, and such action is expressly affirmed.

This board action is effective November 30, 1984.

This notification is filed pursuant to the Insurance Code, Article 5.96 and Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on November 5, 1984.

TRD-8411261 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: November 30, 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*.

Automated Information Systems Advisory Council

Tuesday, November 13, 1984, 9 a.m. The Board of the Automated Information Systems Advisory Council made emergency additions to the agenda of a meeting to be held in the commissioners conference room, 510 South Congress Avenue, Austin. The additions concerned two new emergency rules. The emergency status is necessary because the legislature has directed the council to adopt emergency rules in its statute.

Contact: Charlotte Craig, 510 South Congress Avenue, Austin, Texas 78704.

Filed: November 6, 1984, 2:03 p.m.
TRD-8411270

State Bar of Texas

Thursday, November 15, 1984, 10 a.m. The Executive-Budget Committee of the State Bar of Texas will meet in the President's Room, second floor, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear reports from the president, the executive director, president-elect, immediate past

president, board chairman, Supreme Court liaison, general counsel, the 1985 Legislative Program, the 1985 convention, the Special Committee on Facilities and Equipment, the Committee on Audit and Finance, the Standing Committee on Professional Development, and a report concerning budgetary matters; consider implementation of the procedural rules under Article X; hear the report and recommendations of the Committee on Professional Efficiency and Economic Research; hear a request from the Committee on Professional Competence; and consider the budget for the Lawyers' Assistance Committee

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4746.

Filed: November 7, 1984, 2:42 p.m.
TRD-8411329

Texas State Board of Chiropractic Examiners

Thursday and Friday, November 15 and 16, 1984, 9 a.m. daily. The Texas State Board of Chiropractic Examiners will meet in Room C-245, 1300 East Anderson Lane, Austin. According to the agenda, the board

will conduct an enforcement hearing; discuss possible board rules pertaining to relicensing seminars; the filing of a motion for continuance; legislation to place the Texas Chiropractic Association Peer Review under the Board of Chiropractic Examiners; consider committee reports; and discuss the annual Federation Convention in February 1985, the 100-day report for fiscal year 1984, the fiscal year 1985 budget, a special funding request for the 1985 session, and legislative budget board staff recommendations.

Contact: Edna A. Parsons, 1300 East Anderson Lane, Suite C-245, Austin, Texas 78752, (512) 835-2006.

Filed: November 6, 1984, 9:34 a.m.
TRD-8411263

Texas Cosmetology Commission

Saturday, November 17, 1984, 1 p.m. The Texas Cosmetology Commission will meet at the Frank Joseph Cosmetology Building, 1111 Rio Grande Street, Austin. Items on the agenda include disciplinary hearings for Darrell Warren, Gloria Almendarez, and Louise Moulton; student hours, contract

students, prior meeting minutes, and the Barber Board contract.

Contact: Herbert E. Cohen, 1111 Rio Grande Avenue, Austin, Texas 78701, (512) 475-1400.

Filed: November 6, 1984, 2:22 p.m.
TRD-8411271

Monday, November 19, 1984, 9 a.m. The Texas Cosmetology Commission will meet at the Austin Hilton Inn, IH 35 at Highland Mall, Austin. Items on the agenda include student hours, facial schools, instructor licenses, Examination Committee and Legislative Committee reports, and old and new business. The commission will also meet in executive session.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-1400.

Filed: November 6, 1984, 2:22 p.m.
TRD-8411272

Council on Disabilities

Friday, November 16, 1984, 10 a.m. The Council on Disabilities will meet at the Criss Cole Center, 4800 North Lamar Boulevard, Austin, Texas 78756. According to the agenda, the council will hear reports on the service information management system, the results of the pilot demographic survey and task force status, and discuss and consider the long range state plan for persons with disabilities.

Contact: Terry Reed Goodman, Sam Houston Building, Room 207-C, 201 East 14th Street, Austin, Texas 78701, (512) 475-3021.

Filed: November 5, 1984, 3:53 p.m.
TRD-8411243

East Texas State University

Thursday, November 8, 1984. Committees of the Board of Regents of East Texas State University (ETSU) met in the board room, McDowell Administration Building, Commerce. Times, committees, and agendas follow.

1:45 p.m. The Academic Affairs Committee considered a report on federation of north Texas area universities; ETSU-Commerce and ETSU-Texarkana reports for summer 1984, concerning faculty workload and undersized classes; ETSU-Commerce and ETSU-Texarkana reports

for fall 1984, concerning faculty workload and undersized classes; ETSU-Commerce curriculum changes and a departmental name change; and discussed Texarkana policies.

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012.

Filed: November 5, 1984, 11:23 a.m.
TRD-8411202

2:30 p.m. The Campus and Building Committee considered a housing report, ratification of a contract for repair and resurfacing of tennis courts and an all-weather track, and considered approval of preliminary plans for renovation of the Memorial Student Center

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012.

Filed: November 5, 1984, 11:25 a.m.
TRD-8411199

3:15 p.m. The Finance and Investment Committee considered additions and transactions to ETSU-Commerce and ETSU-Texarkana 1984-1985 operating budgets; action to reappropriate accounts and balances for fiscal year ending August 31, 1984, for ETSU-Commerce and ETSU-Texarkana; and action to delete surplus equipment from inventory records

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012.

Filed: November 5, 1984, 11:24 a.m.
TRD-8411200

4 p.m. The Executive Committee considered a motion on property option and authority to execute real estate instruments.

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012.

Filed: November 5, 1984, 11:24 a.m.
TRD-8411203

Friday, November 9, 1984, 9 a.m. The Board of Regents of East Texas State University met in the boardroom, McDowell Administration Building, ETSU, Commerce. According to the agenda summary, the board considered motions on a property option, authority to execute real estate instruments, and approval of preliminary plans for renovation of the Memorial Student Center, ratification of a contract for repair and resurfacing of tennis courts and an all-weather track; reports concerning housing and federation of north Texas area universities; summer and full faculty

workloads and undersized class reports for ETSU-Commerce and ETSU-Texarkana; curriculum changes for ETSU-Commerce and a departmental name change, consideration and additions and transactions to the 1984-1985 operating budget for ETSU-Commerce and ETSU-Texarkana, action to reappropriate accounts and balances for fiscal year ending August 31, 1984, for ETSU-Commerce and ETSU-Texarkana; and delete surplus equipment from the inventory. The board also met in executive session.

Contact: Steve W. Batson, East Texas State University, Commerce, Texas 75428, (214) 886-5012

Filed: November 5, 1984, 11:23 a.m.
TRD-8411201

Texas Economic Development Commission

Thursday, November 15, 1984, 5 p.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission will meet at the Sheraton, 441 Rio Concho, San Angelo. According to the agenda summary, the commission will take action on program guidelines concerning industrial development bonds for small business concerns; designate board representatives to satisfy IRC, §103(k), and/or commercial project approval requirements; and take action on proposed projects pursuant to program guidelines.

Contact: Margo Wilton or John Kirkley, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

Filed: November 7, 1984, 9:49 a.m.
TRD-8411300

Texas Employment Commission

Tuesday, November 13, 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 approve prior meeting notes; consider internal procedures of the Office of Commission Appeals; consider and take action on higher level appeals in unemployment cases on Docket 46; and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, Austin, Texas 78778, (512) 397-4415.

Filed: November 5, 1984, 4:01 p.m.
TRD-8411244

**State Ethics Advisory
Commission**

Friday, November 16, 1984, 10 a.m. The State Ethics Advisory Commission will meet in Room 310, old Supreme Court Room, Capitol Building, Austin. According to the agenda, the commission will approve the meeting minutes of September 14, 1984; consider opinion requests and drafts; review the budget; discuss legislative recommendations; and set the date for the next meeting.

Contact: Gregory Pollock, P.O. Box 13485, Austin, Texas 78711-3485, (512) 475-1429.

Filed: November 5, 1984, 10:42 p.m.
TRD-8411196

**Texas Health Facilities
Commission**

Friday, November 16, 1984, 9 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Silsbee Doctor's Hospital, Silsbee
AH84-0730-500

Diagnostic Center Hospital, Houston
AH84-0619-395

The New Age Hospice, Houston
AH84-0117-038

St. Luke's Episcopal Hospital and Texas
Children's Hospital, Houston
AH84-0716-463

John Knox Village of the Lower Rio
Grande Valley, Weslaco
AN84-0531-318

St. Paul Medical Center, Dallas
AH84-0803-510

Amendments of Certificate of Need Orders

Irving Dialysis Center, Irving
AS83-0113-029A(092484)

Woods Psychiatric Institute, Abilene
AH83-0802-073A(100184)

St. Luke's Episcopal and Texas
Children's Hospital, Houston
AH81-0811-011A(100284)

Declaratory Rulings

Galveston Hospice Group, Inc.,
Galveston
AH84-1005-648

St. Anthony Center, Houston
AN84-0823-541

Notices of Intent

Dallas Medical and Surgical Hospital
Corporation, a Texas corporation,
Dallas
AH84-0926-603

Motion for Rehearing/Reconsideration
Computer Diagnostics, Bryan
AO84-0224-127

Petition for Reconsideration
St. Joseph Hospital, Bryan
AH84-0418-241

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

Filed: November 7, 1984, 9:38 a.m.
TRD-8411301

Addition to the previous agenda;

The commission will consider for adoption on an emergency basis an amendment to 25 TAC §507.5 (e), concerning acquisition of major medical equipment.

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

Filed: November 7, 1984, 9:38 a.m.
TRD-8411302

**Texas Department of Human
Resources**

Friday, November 16, 1984, 8:30 a.m. The Texas Council of Child Welfare Boards of the Texas Department of Human Resources will meet in the first floor conference room, John H. Winters Human Resources Center, 701 West 51st Street, Austin. According to the agenda summary, the council will meet in executive session to discuss planning and preparing the meeting and discuss budget-related items. The council will convene in open session at 10 a.m. to hear reports from the state office, the treasurer's report, committee reports on issues, education, and public information, regional reports; hear a training conference update; and discuss the family outreach program.

Contact: James C. Marquart, P.O. Box
2960, Austin, Texas 78769, (512) 450-3365.

Filed: November 7, 1984, 11:04 a.m.
TRD-8411310

Saturday, November 17, 1984, 9 a.m. The Medical Care Advisory Committee of the Texas Department of Human Resources will meet in Classroom 1, second floor, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the committee will approve the minutes; hear the commissioner's comments; audit trails; hear reports on Medicaid expansion for the medically needy, the HMO pilot project, Vendor Drug Formulary Advisory Subcommittee on drug product estimated acquisi-

tion cost, the mandate that skilled Medicaid facilities participate in Medicare, the ICF/SNF proposed rate change, the ICF-MR and state schools proposed rate change, and adult protective services.

Contact: Larry Corley, P.O. Box 2960,
Austin, Texas 78769, (512) 450-3020.

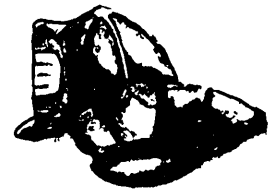
Filed: November 5, 1984, 10:45 a.m.
TRD-8411195

**Texas Commission on Human
Rights**

Friday and Saturday, November 16 and 17, 1984, 2 p.m. and 9 a.m. respectively. The Texas Commission on Human Rights will meet in Room 103, E. O. Thompson Building, 920 Colorado Street, Austin. According to the agenda summary, the commission will approve minutes; consider a report concerning the meeting with the governor's budget office; discuss legislation and the proposed worksharing agreement; review the commission's draft of the annual report; consider Finance, Operations, and Executive Committee reports; and discuss the 1985 management plan, salary increases, a report concerning the meeting with the EEOC general counsel, the EEO conference, posting of vacant positions, and unfinished business. The commission will also meet in executive session. The public business meeting will convene at 2:30 p.m. on November 16, 1984.

Contact: William M. Hale, 7215 Cameron
Road, Austin, Texas 78752, (512) 459-0944.

Filed: November 7, 1984, 3:15 p.m.
TRD-8411335



State Board of Insurance

Wednesday, November 7, 1984, 2 p.m. The State Board of Insurance made an emergency revision to the agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. According to the revised agenda, the board considered a correction to a filing by PMI Mortgage Insurance Company of new and revised rates for various owner-occupied mortgage guaranty insurance premium plans approved on October 16, 1984. The emergency status was necessary because the rates approved by Board Order 45462

will be effective November 15, 1984, and it was considered in the best interest of the industry and public for the corrected rates to be placed in effect November 15, 1984, to replace the incorrect ones. Otherwise, erroneous rates would be required to be charged.

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

Filed: November 5, 1984, 4:24 p.m.
TRD-8411245

Thursday, November 8, 1984, 11 a.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board considered Rule 059.04 01.003, dealing with the maintenance of tax rates to be set under the Insurance Code, Chapters 5, 9, and 23. The emergency status was necessary because the rates had to be properly adopted so that taxes could be paid by the statutory due date.

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

Filed: November 8, 1984, 8:37 a.m.
TRD-8411341

Wednesday, November 14, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will meet at the request of the Texas Legal Reserve Officials Association to consider disciplinary letters to some insurance companies and the sanctions imposed on such companies. The board also will consider the commissioner's and fire marshal's reports (including personnel matters) and 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: November 5, 1984, 4:24 p.m.
TRD-8411246

Wednesday, November 14, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider Rule 059 03 49 001, as published in the the May 25, 1984, issued of the *Texas Register* (9 TexReg 2858), Rule 059.53.08 .003, as published in the May 25, 1984, issue of the *Register* (9 TexReg 2859); and Rules 059.41.43 100-.107, .109-.113, .115, .116, .118-.122, and .124-.127, as proposed at 9 TexReg 3992.

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

Filed: November 5, 1984, 4:24 p.m.
TRD-8411247

Legislative Council

Thursday-Saturday, November 15-17, 1984, 9 a.m. daily. The Legislative Oversight Committee on Mental Health and Mental Retardation of the Legislative Council will meet in the Driskill Room, Driskill Hotel, Sixth Street and Congress Avenue, Austin. According to the agenda, the committee will continue a discussion of planning issues, including reports from the Needs Assessment Subcommittee and the Plan Content Subcommittee; discuss the management of services, funding issues, quality control issues, and tabled issues; and consider a presentation and conduct a discuss of the Texas Department of Mental Health and Mental Retardation's plan for mental retardation services.

Contact: Karen F. Hale, 4600 Burnet Road, Austin, Texas 78756, (512) 459-6584.

Filed: November 7, 1984, 11:25 a.m.
TRD-8411311

State Library and Archives Commission

Tuesday, November 27, 1984, 2 p.m. The Records Management and Preservation Advisory Committee of the State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the committee will consider a report of accomplishments and recommendations, a report on responses to a records management questionnaire, a report on the investigation of sanction for noncompliance with existing legislation, and other business.

Contact: Susan Tension, P.O. Box 2960, Austin, Texas 78769

Filed: November 6, 1984, 9:32 a.m.
TRD-8411268

Texas Parks and Wildlife Commission

Thursday, November 8, 1984, 9 a.m. The Texas Parks and Wildlife Department of the Texas Parks and Wildlife Commission made an emergency addition to the agenda of a meeting held in Building B, 4200 Smith School Road, Austin. The addition concerned land acquisitions for Washington County and San Saba County. The emergency status was necessary to consider contracts of sale to take advantage of an offer

which was available for a limited period of time.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

Filed: November 7, 1984, 4:24 p.m.
TRD-8411339

Texas State Board of Public Accountancy

Thursday-Saturday, November 15-17, 1984, 9:30 a.m. Thursday and Friday and 10 a.m. Saturday. The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin, on Thursday and Friday, and in the Frank Erwin Special Events Center, Red River Street and Martin Luther King Boulevard, Austin, on Saturday. According to the agenda summary, the board will meet in executive session on Thursday and Friday to conduct informal conferences and other board business. On Saturday, the board will conduct a swearing-in ceremony for new certified public accountants.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: November 7, 1984, 10:04 a.m.
TRD-8411305

Public Utility Commission of Texas

Friday, November 9, 1984, 9 a.m. The Hearings Division of the Public Utility Commission of Texas made an emergency addition to the agenda of a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned consideration of Docket 5905—an appeal of an interim order in the application of Southwestern Bell Telephone Company for authority to implement private coin service. The emergency status was necessary because the time to rule on this application would expire November 10, 1984.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 5, 1984, 2:48 p.m.
TRD-8411212

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.

Texas Register

Friday, November 16, 1984, 9 a.m. A prehearing conference in Docket 5709—application of Texas Utilities Electric Company for a proposed transmission line in Rusk County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 7, 1984, 3:22 p.m.
TRD-8411336

Addition to the previous agenda:

A prehearing conference in Docket 5993—appeal of West Texas Utilities Company from the rate-making actions of the City of Baird, *et al*

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 7, 1984, 8:55 a.m.
TRD-8411277

Friday, November 16, 1984, 10 a.m. a fourth prehearing conference in Docket 5755—inquiry of the commission into whether the certificate of convenience and necessity granted to Houston Lighting and Power's Malakoff Electric Generating Station should be canceled

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 7, 1984, 3:22 p.m.
TRD-8411337

Monday, November 19, 1984, 9 a.m. A prehearing conference in Docket 5975—complaint of W. Thomas Anderson, Jr., against Glenlake Water System.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 7, 1984, 8:54 a.m.
TRD-8411274

Friday, November 30, 1984, 10 a.m. A rescheduled hearing on the merits for Docket 5235 and Docket 5655—application of Ladshaw Miller Development Co., Inc., to amend a certificate of convenience and necessity; and the application of Green Valley Water Supply Corporation for a cease and desist order against the City of Schertz.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 7, 1984, 8:55 a.m.
TRD-8411275

Thursday, December 6, 1984, 10 a.m. A prehearing conference to resolve discovery disputes in Docket 5948—application of Guadalupe-Blanco River Authority for authority to implement a new contract rate.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 7, 1984, 2:23 p.m.
TRD-8411330

Wednesday, January 19, 1985, 10 a.m. A hearing on the merits in Docket 5948—application of Guadalupe-Blanco Authority for authority to implement a new contract rate.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 7, 1984, 2:23 p.m.
TRD-8411331

Wednesday, January 23, 1985, 10 a.m. A hearing on the merits in Docket 5854—petition of Herman Walker to terminate water service in Waco.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: November 7, 1984, 8:55 a.m.
TRD-8411276

Thursday, January 24, 1985, 10 a.m. a hearing on the merits in Docket 5980—application of Hill Country Telephone Cooperative, Inc., for rate/tariff approval.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 7, 1984, 2:23 p.m.
TRD-8411332

State Purchasing and General Services Commission

Thursday, November 15, 1984, 10 a.m. The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. According to the agenda, the commission will consider reviewing for adoption 1 TAC §113.2 and §113.3, regarding sole source procurements; 1 TAC §113.9, concerning term contracts and the establishment of an exception to the discount-from-list bid procedure for Class 715 (currently in effect on an emergency basis); 1 TAC §113.10, concerning delegated purchases of services (currently in effect on an emergency basis),

a status report on the acquisition of various parcels of property; amending provisions of the interagency contract status; reviewing proposed legislation establishing an automated services bureau; and setting the date and time for the next meeting.

Contact: Homer Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211 or STS 822-2211.

Filed: November 7, 1984, 4:19 p.m.
TRD-8411358

Texas Rehabilitation Commission

Wednesday, November 14, 1984, 9:30 a.m. The Planning Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 163, 118 East Riverside Drive, Austin. Items on the agenda include a process to review state plans of other agencies, the dissemination of grant products, a fiscal year 1985 forum methodology, recommendations from grant projects, a review of the fiscal year 1985 grants kit, and other new and unfinished business.

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: November 6, 1984, 9:21 a.m.
TRD-8411266

Thursday, November 15, 1984, 9:30 a.m. The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 302, 118 East Riverside Drive, Austin. Items on the agenda include the perfection of the agenda, a review of agency budget items and goal and objective worksheet activities, a discussion of recommendations from presenters at the 1984 grants conference, a review of legislative priorities of advocacy/consumer groups, a Community Residential Services Task Force update, public information activities, and other new or unfinished business.

Contact: Joellen F. Simmons, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867

Filed: November 6, 1984, 9:21 a.m.
TRD-8411265

School Land Board

Thursday, November 15, 1984, 10 a.m. The School Land Board will meet in Room 831,

Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previous meeting minutes and consider pooling applications, an application for a patent under the Texas Constitution. Article 7, §4A, discussion of a land sale, final approval of a land trade, coastal public lands easement applications, and cabin permit applications.

Contact: Linda K Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas (512) 475-4307.

Filed: November 7, 1984, 2:52 p.m.
TRD-8411334

State Securities Board

Tuesday, November 20, 1984, 9 a.m. The securities commissioner of the State securities Board will conduct a hearing at 1800 San Jacinto Street, Austin. According to the agenda summary, the hearing is to determine whether the application of National Securities Corporation as a securities dealer should be granted or denied

Contact: A J Ellisor, 1800 San Jacinto Street, Austin, Texas

Filed: November 7, 1984, 10:59 a.m.
TRD-8411309

Commission on Standards for the Teaching Profession

Thursday, November 15, 1984. Committees of the Commission on Standards for the Teaching Profession will meet at the Texas Education Agency North Building, 1200 East Anderson Lane, Austin Times, rooms committees, and agendas follow

9 a.m. In Room 101-E, the Interim Reports Committee will consider interim reports from Austin College, Bishop College, Southern Methodist University, Texas Southern University, and the University of Texas at El Paso

11:30 a.m. In Room 101-E, the Committee on Recruiting and Training Members of Visiting Teams will consider a recommendation of the adoption of a form to be utilized in processing reports of visiting evaluation teams and discuss plans for team visits in 1985-1986

1 p.m. In Room 105, the Committee on Membership will review nominations for commission membership

3 p.m. In Room 101-E, the Committee on Standards and Procedures for Institutional

Approval will discuss continued approval of the alternative program for teacher education at Rice University.

4 p.m. In Room 101-E, the Committee on Certification Programs and Requirements will consider a status report on certification test development, a recommendation of requirements for professional and special service certificates, a recommendation of a calendar for the adoption of professional and special service certificates, and program descriptors for certain approved teaching fields and delivery systems for secondary certification.

Contact: Dr Edward M Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042

Filed: November 5, 1984, 4 27 p.m.
TRD-8411254, 8411251, 8411252,
8411250, 8411253

Friday, November 16, 1984. A committee of the Commission on Standards for the Teaching Profession and the full commission will meet in the Texas Education Agency North Building, 1200 East Anderson Lane, Austin Times, rooms, and agendas follow

8:15 a.m. In Room 105, the Executive Committee will meet and the commission chairman will discuss agenda items with committee chairmen and review agenda items for each committee with committee chairmen prior to committee meetings

9 a.m. The commission will consider information items, including an analysis of attendance at the 37th Annual Texas Conference on Teacher Education, a summary of State Board of Education considerations, a letter from Henry Wheeler to teacher educators, and reports from the Interim Reports Committee, the Committee on Certification Programs and Requirements, the Committee on Membership, the Committee on Recruiting and Training Members of Visiting Teams, and the Committee on Standards and Procedures for Institutional Approval

Contact: Dr Edward M Vodicka, 201 East 11th Street, Austin, Texas 78701. (512) 834-4042.

Filed: November 5, 1984, 4:25 p.m.
TRD-8411255, 8411249

Teachers' Professional Practices Commission

Friday, November 16, 1984, 9:30 a.m. A seven-member committee of the Teachers'

Professional Practices Commission will meet in Room 101-E, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will review and make any recommendations concerning changes in the booklet *Rules of Procedure for Hearing Complaints Before the Teachers' Professional Practices Commission of Texas*

Contact: James Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

Filed: November 5, 1984, 4:25 p.m.
TRD-8411248

Texas A&M University System

Monday, November 19, 1984, 11:30 a.m. The Committee for Service Units of the Board of Regents of the Texas A&M University System will meet at the Texas Agricultural Extension Center Stations, Pecos, Sonora, Fort Stockton, and El Paso. According to the agenda, the committee will inspect several west Texas agricultural facilities including the stations at El Paso, Fort Stockton, Pecos, and Sonora.

Contact: Vickie Burt, Texas A&M University System, College Station, Texas 77843.

Filed: November 7, 1984, 3:34 p.m.
TRD-8411338

Texas State University System

Committees of the Board of Regents of Texas State University System and the full board will meet in the conference room, first floor, Student Center, Angelo State University, San Angelo Days, times, committees, and agendas follow

Thursday, November 15, 1984, 2 p.m. The Building Committee will review construction projects and documents for the four universities in the system

Thursday, November 15, 1984, 3 p.m. The Curriculum Committee will review curriculum needs and requests for the four universities in the system.

Thursday and Friday, November 15 and 16, 1984, 3:30 p.m. and 9 a.m. respectively. The Board of Regents will review matters of the board and the four universities in the system

Contact: Lamar Urbanovsky, 201 East 14th Street, Room 505, Austin, Texas 78711, (512) 475-3876.

Filed: November 7, 1984, 11:43 a.m.
TRD-8411312-8411314

Veterans Land Board

Tuesday, November 13, 1984, 3 p.m. The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the October 18, 1984, minutes, consider the double submission fee for lender by Lomas & Nettleton (passed over by the board at the October 18, 1984, meeting), consider the sale of forfeited tracts on the February general land sale; and general business

Contact: Richard Keahey, Stephen F. Austin Building, 1700 North Congress Avenue, Room 738, Austin, Texas, (512) 475-6755

Filed: November 5, 1984, 2:35 p.m.
TRD-8411204

**Board of Vocational Nurse
Examiners**

Monday-Wednesday, December 3-5, 1984, 8 a.m. daily. The Board of Vocational Nurse Examiners will meet at the Best Western Villa Capri, 2400 IH 35 North, Austin. According to the agenda summary, on Monday the board will approve minutes, hear the executive director's report, and the report of the director of education (concerning program contacts, seminars, seminar attendance, and rules and regulations changes regarding 22 TAC §233.57, relating to program concerns), consider unfinished business and new business and a request for a change in 22 TAC §231.41, regarding fees, and conduct administrative hearings. On Tuesday and Wednesday, the board will conduct a business meeting and administrative hearings. In addition, the board may possibly meet in executive session during any of the three days.

Contact: Joyce A. Hammer, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071

Filed: November 6, 1984, 9:33 a.m.
TRD-8411269

Texas Water Commission

Wednesday, November 21, 1984, 1:30 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will the application of Lone Star Waste Disposal

Service, Inc., for proposed Permits WDW-203 and WDW-204, for Calhoun County.

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

Filed: November 7, 1984, 1:44 p.m.
TRD-8411317

Monday, December 17, 1984, 10 a.m. The Texas Water Commission rescheduled a meeting to be held in the Emergency Medical Services Training Building, 7411 Park Place, Houston. According to the agenda summary, the commission will consider the application of Vern Norman, P O Box 1046, Pearland, Texas 77581, to the Texas Department of Water Resources for a proposed Permit 12978-01 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 Sommersetshire Estates wastewater treatment plant, which is to serve the needs of a mobile home park. The meeting was originally scheduled for November 29, 1984, as published at 9 TexReg 81

Contact: Lee Ann Newberry Jones, P O Box 13087, Austin, Texas 78711, (512) 475-1339

Filed: November 5, 1984, 3:36 p.m.
TRD-8411241

Addition to the previous agenda

The commission will consider the application of the City of Houston, P O Box 1562, Houston, Texas 77001, to the Texas Department of Water Resources for an amendment to Permit 10495-99 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of two million gallons per day to four million gallons per day. The applicant proposes to construct additional treatment facilities to accommodate growth in the service area. The proposed permit would also revise effluent limits for biochemical oxygen demand and total suspended solids from 20 mg/l to 10 mg/l for biochemical oxygen demand and 15 mg/l for total suspended solids and would add requirements for monitoring nitrogen levels. The hearing was previously scheduled for November 20, 1984, as published at 9 TexReg 79

Contact: Lee Ann Newberry Jones, P O Box 13087, Austin, Texas 78701, (512) 475-1339

Filed: November 5, 1984, 3:36 p.m.
TRD-8411242

Wednesday, December 19, 1984, 10 a.m. The Texas Water Commission will meet in

the auditorium, Bank of the Southwest, 910 Travis, Houston. According to the agenda summary, the commission will consider the application of TEC Industries, Inc. (formerly Faust Properties, Inc.), 6319 Skyline Drive, Houston, Texas 77057, to the Texas Department of Water Resources for proposed Permit 12864-01 to authorize a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 50,000 gallons per day from the proposed Sharonwood Place Mobile Home Park Sewage Treatment Plant, which is to serve a mobile home park. A hearings examiner of the commission convened a public hearing on this application on July 24, 1984. On October 24, 1984, the commission remanded this application for further public hearing.

Contact: Kevin McCalla, P O Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: November 7, 1984, 1:44 p.m.
TRD-8411318

**Texas Department of Water
Resources**

Thursday, November 15, 1984, 1 p.m. The Texas Water Development Board of the Texas Department of Water Resources will meet in the El Paso City Council Chambers, El Paso. According to the agenda summary, the board will consider approval of minutes, the development fund manager's report, a grant increase for the City of Grandview, financial assistance to the City of Yantis and the City of Joaquin, authorization to execute a contract with High Plains Underground Water Conservation Water District 1, joining the Lavaca-Navidad River Authority in application to amend the Lake Texana certificate of adjudication, the repeal of 31 TAC §§355.101-355.108 and the adoption of proposed 31 TAC §§355.101-355.110, concerning the water conservation, water quality and water development planning and research, and flood control planning fund of the water loan assistance fund.

Contact: Charles E. Nimir, P O Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: November 7, 1984, 8:47 a.m.
TRD-8411273

West Texas State University

Wednesday, November 14, 1984, 2 p.m. The Board of Regents of West Texas State University (WTSU) will meet in Room 211,

Virgil Henson Activities Center, West Texas State University, Canyon. According to the agenda summary, the board will consider the president emeritus of WTSU, an inauguration date; the report of the Advisory Athletic Committee concerning conference affiliation and action on the committee's recommendation; a residence for the president of WTSU; business and finance items, including budget changes, construction contracts, construction contract change orders, a legislative appropriation request, the prepayment of bonds, and an investment report; and faculty and staff curriculum items, including resignation, leave of absence, employment, a major in computer science for the existing bachelor of science degree, and a major in agriculture under the existing master of science degree. The board will also meet in executive session.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79016, (806) 656-3962.

Filed: November 6, 1984, 9:33 a.m.
TRD-8411360

Texas Wheat Producers Board

Wednesday, November 14, 1984, 8 a.m.
The Texas Wheat Producers Board of the Texas Department of Agriculture will meet in the KMA boardroom, Hilton Inn, 401 Broad Street, Wichita Falls. Items on the agenda include the 1985 National Association of Wheat Growers nonlegislative contract review, the 1985 U.S. Wheat Associates market development contract review, renewal of the Extension District 3 pest management contract, and the midyear budget review and adjustment.

Contact: Bill Nelson, Texas Commerce Bank, Suite 625, Amarillo, Texas 79109, (806) 352-2191

Filed: November 6, 1984, 9:24 a.m.
TRD-8411262

Regional Agencies

Meetings Filed November 5

The Dallas Area Rapid Transit Authority, Communications and Community Involvement Committee, met at 601 Pacific Avenue, Dallas, on November 8, 1984, at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Dawson County Central Appraisal District, Board of Directors, met in emergen-

cy session at 611 North Dallas Avenue, Lamesa, on November 7, 1984, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Houston-Galveston Area Council, Home Rule Cities Caucus, met in Salon B, Marriott Astrodome, Houston, on November 8, 1984, at 6:30 p.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 993-4596.

The Hunt County Tax Appraisal District, Board of Directors, met in the boardroom, 4815-B King Street, Greenville, on November 8, 1984, at 7 p.m. Information may be obtained from Henry J. Popp or Jeanne Penney, 4815-B King Street, Greenville, Texas 75401.

The Permian Basin Regional Planning Commission (PBRPC), Board of Directors, will meet at the PBRPC offices, Midland, on November 14, 1984, 1:30 p.m. The Housing Finance Corporation will meet at the same location on the same day at 2 p.m. Information may be obtained from Pam K. Hammit, P.O. Box 6391, Midland, Texas, (915) 563-1061.

The South Texas Private Industry Council met at the Zapata Community Center, U.S. Highway 83, Zapata, on November 8, 1984, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1969, Laredo, Texas 78041, (512) 722-4656.

The West Central Texas Council of Governments, Executive Committee, will meet at Briarstone Manor, 101 Eplen's Court, Abilene, on November 15, 1984, at 5:15 p.m. The Big Country Development Corporation will meet at the same location on the same day at 5:30 p.m. The Big Country Development Corporation Board of Directors will meet at the same location on the same day at 6 p.m. The Board of Directors and general membership will meet at the same location on the same day at 7 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-8411198

Meetings Filed November 6

The Archer County Appraisal District, Board of Directors, will meet at 106 West Main Street, Archer City, on November 14, 1984, at 5 p.m. Information may be ob-

tained from A. G. Reis, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Carson County Appraisal District, Board of Directors, will meet at 220 Main Street, Panhandle, on November 14, 1984, at 8 a.m. Information may be obtained from Dianne Lavake, Box 970, Panhandle, Texas 79068.

The Region IX Education Service Center, Board of Directors, will meet at 301 Loop 11, Wichita Falls, on November 15, 1984, at 2 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

The Edwards County Appraisal District, Appraisal Review Board, met at the new county office building, Rocksprings, on November 12 and 13, 1984, at 2 p.m. daily. Information may be obtained from Frank O. Cloudt, Box 378, Rocksprings, Texas 78880, (512) 683-2337.

The Central Appraisal District of Erath County, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on November 14, 1984, at 10 a.m. Information may be obtained from James Bachus, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Fisher County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Fisher County Courthouse, Roby, on November 13, 1984, at 7:30 p.m. Information may be obtained from Clay Fowler, Drawer J, Rotan, Texas 79546, (915) 735-2578.

The Grayson Appraisal District, Board of Directors, met in emergency session at 205 North Travis, Sherman, on November 6, 1984, at noon. Information may be obtained from Sandra Bollier, 124 South Crockett, Sherman, Texas 75090.

The Gregg County Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on November 13, 1984, at noon. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hansford County Appraisal District will meet at 13 West Kenneth Avenue, Spearman, on November 14, 1984, at 9 a.m. Information may be obtained from Alice Peddy, Box 567, Spearman, Texas 79081, (806) 659-5575.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East

Court Plaza, Anson, on November 15, 1984, at 9 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas, (915) 823-2422.

The Nolan County Central Appraisal District, Appraisal Review Board, met in the county commissioners room, Nolan County Courthouse, Sweetwater, on November 9, 1984, at 9:30 a.m. Information may be obtained from Patricia Davis, P. O. Box 1256, Sweetwater, Texas 79556.

The Nortex Regional Planning Commission, Executive Committee, will meet in the Clipper Room, Trade Winds Motor Hotel, 7212 Broad Street, Wichita Falls, on November 15, 1984, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Upshur County Appraisal District, Board of Directors, met in the district office, Warren and Trinity Street, Gilmer, on November 12, 1984, at 7:30 p.m. Information may be obtained from Louise Stracener, Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, Texas, (214) 843-3041
TRD-8411267

Meetings Filed November 7

The Amarillo Mental Health and Mental Retardation Center, Executive Committee

of the Board of Trustees, will meet in Room G-15, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on November 15, 1984, at noon. The Board of Trustees will meet in Room J-13 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 Blanco County Appraisal District, Board of Directors, met in emergency session at the Blanco County Courthouse Annex, Johnson City, on November 9, 1984, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Region VIII Education Service Center, Board of Directors, will meet at 100 North Riddle Street, Mt. Pleasant, on November 15, 1984, at 7 p.m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mt. Pleasant, Texas 75455

The Garza County Appraisal District, Board of Directors, will meet at the Courthouse, Post, on November 13, 1984, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on November 13, 1984, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on November 12, 1984, at 4 p.m. Information may be obtained from L. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460

The Lee County Appraisal District, Board of Review, will meet at 218 East Richmond Street, Giddings, on November 15, 1984, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, will meet at 3232 Briarcrest Drive, Bryan, on November 15, 1984, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, Ph D, P. O. Box 4588, Bryan, Texas 77805, (409) 696-8585

The Palo Pinto Appraisal District, Board of Directors, will meet at the Courthouse, Palo Pinto, on November 14, 1984, at 3 p.m. Information may be obtained from Edna Beaty, P. O. Box 250, Palo Pinto, Texas 76072, (817) 659-3651, ext 208

The Upper Leon River Municipal Water District, Board of Directors, will meet at the general office of the filter plant, Proctor Lake, Comanche County, on November 15, 1984, at 6:30 p.m. Information may be obtained from Zollie Skaggs, Box 67, Comanche, Texas 76442, (817) 879-2258.
TRD-8411333

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

Capital Area Planning Council Consultant Proposal Request

This request for consultant services is filed under Texas Civil Statutes, Article 6252-11c.

The Capital Area Planning Council (CAPCO) and the Alamo Area Council of Governments (AACOG) are pursuing the development of an airport systems plan for the Austin-San Antonio corridor. The study is to be conducted in the context of state planning Region 12, including Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Llano, Lee, Travis, and Williamson Counties; and state planning Region 18, including Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson Counties. The project is to be funded in part by the Federal Aviation Administration (FAA). Consultants will be required to meet the minimum standards set out by federal regulations and guidelines.

Further information may be obtained from Donald L. Spence, AICP, Director of Comprehensive Planning, at the CAPCO offices, for a copy of basic screening criteria and instructions for submitting qualifications, (512) 443-7653.

Consultant funds available for the study will not exceed \$100,000. Consultant qualifications for development of the plan will be received until noon on Monday, November 26, 1984, at the CAPCO offices, 2520 IH 35 South, Suite 100, Austin, Texas 78704-5798.

A Joint Airport Systems Technical Steering Committee will screen consultant qualifications submitted and select three to five firms from which to request proposals. As presently scheduled, proposals from selected firms will be received in December 1984, and a contract is to be awarded in January 1985.

Issued in Austin, Texas, on November 5, 1984

TRD-8411285 Richard G. Bean
Executive Director
Capital Area Planning Council

Filed November 7, 1984

For further information, please call (512) 443-7653.

Comptroller of Public Accounts Decision 11,348

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

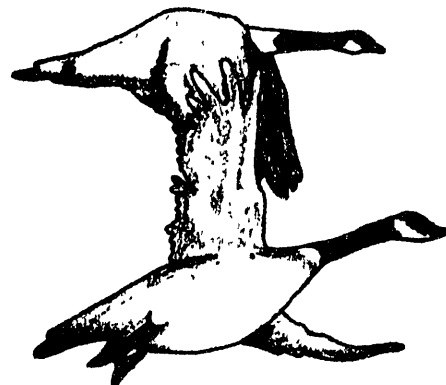
Summary of Decision. The petitioner acquired federal income tax credits due to its net operating losses, its purchase of equipment that qualify for the investment tax credit, and its payment of income tax to foreign countries. The petitioner listed the amounts of all three types of credits in the assets section of its balance sheet. The petitioner does not have a current federal income tax liability, nor has it had a liability in the past three years, and its books are kept in accordance with generally accepted accounting principles. The petitioner's unused federal income tax credits shown on its books and financial statements as part of its assets should be considered an increase of its taxable capital for franchise tax purposes.

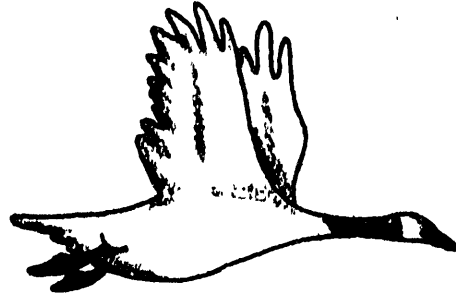
Issued in Austin, Texas, on November 2, 1984.

TRD-8411197 Bob Bullock
Comptroller of Public Accounts

Filed: November 5, 1984

For further information, please call (512) 475-1938.





**Office of Consumer Credit
Commissioner
Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 11/18/84-11/24/84	18.25%	18.25%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 11/01/84-11/30/84	20.00%	20.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/84-12/31/84	21.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/84-12/31/84	21.19%	N/A
Standard Annual Rate— Article 1.04(a)(2) ⁽²⁾ 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/84-12/31/84	21.00%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/84-12/31/84	19.32%	N/A
Judgment Rate— Article 1.05, §2 11/01/84-11/30/84	10.32%	10.32%

(1) For variable rate commercial transactions only
(2) Only for open end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)

(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose
Issued in Austin, Texas, on November 5, 1984.

TRD-8411176 Sam Kelley
Consumer Credit Commissioner

Filed: November 5, 1984
For further information, please call (512) 475-2111.

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

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

Should any person wish to become a party or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party or interested person.

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

Northeast Outpatient Surgical Center Partnership
and Humble Medical Properties, Ltd., Humble
AS84-1022-671

DR/NIEH—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to acquire an existing health care facility is required for a change in the ownership interest of Certificate of Need AS83-1209-421, which was jointly issued to Northeast Outpatient Surgical Center Partnership (NOSC) and Humble Medical Proper-

ties, Ltd. (HMP); or, in the alternative, that only a notice of intent to acquire an existing health care facility is required. Certificate of Need AS83-1209-421, issued on July 19, 1984, authorized the construction, equipping, and operation of an 11,202-square-foot ambulatory surgery center in Humble. NOSC is 75% owned by area doctors and 25% by Ambulatory Hospitals of America, Inc. (AHA). AHA will withdraw as a general partner and sell its entire interest to some or all of the doctors. HMP is owned by AHA as a general partner with 1.0% ownership and with the remaining 99% ownership being owned by 16 area doctors. AHA will withdraw as a general partner and sell its 1.0% interest to Drs. Michael A. DeLuca, Ira S. Kaufman, and Gerald J. DeLuca and three of the 16 doctors who will become the general partners). The 16 doctors will then sell a 4.7% limited partnership interest to Dr. Francisco Ruiz.

Lockhart Acquisition Corp., a wholly owned subsidiary of Hospital Corporation of America, Nashville, Tennessee

AH84-1030-687

NIEH—Request for a declaratory ruling that a certificate of need is not required for Lockhart Acquisition Corp. to acquire by purchase 100% of the leasehold interest in Lockhart Hospital, an existing 44-bed general acute care hospital located in Lockhart Hospital, Inc., a Texas corporation and subsidiary of Forum Group, Inc.

HCA Health Services of Texas, Inc., a Texas Corporation and subsidiary of Hospital Corporation of America, Nashville, Tennessee

AH84-1030-688

NIEH—Request for a declaratory ruling that a certificate of need is not required for HCA Health Services of Texas, Inc., to acquire by purchase Parkview Hospital, an existing 60-bed general acute care hospital located in Midland, from Midland Hospital Corp., a Texas corporation and subsidiary of Forum Group, Inc.

Hospital Corporation of America, Nashville, Tennessee

AH84-1030-689

NIEH—Request for a declaratory ruling that a certificate of need is not required for Hospital Corporation of America to acquire 100% of the stock of Doctor's Hospital Permian Basin, Inc., a Texas corporation and subsidiary of Forum Group, Inc. Doctor's Hospital Permian Basin, Inc., is the legal owner of Doctor's Hospital of the Permian Basin, an existing 75-bed general acute care hospital located in the Midland. Doctor's Hospital Permian Basin, Inc., will become a subsidiary of Hospital Corporation of America and will remain the legal owner of the hospital

HCA Health Services of Texas, Inc., a Texas corporation and subsidiary of Hospital Corporation of America, Nashville, Tennessee

AH84-1030-690

NIEH—Request for a declaratory ruling that a certificate of need is not required for HCA Health

Services of Texas, Inc., to acquire by purchase Greenleaf Psychiatric Center, an existing 76-bed hospital with 54 psychiatric and 22 drug abuse beds located in Bryan, from Greenleaf Psychiatric Center, Inc., a Texas corporation and subsidiary of Forum Group, Inc.

Hospital Corporation of America, Nashville, Tennessee

AH84-1030-691

NIEH—Request for a declaratory ruling that a certificate of need is not required for Hospital Corporation of America to acquire 100% of the stock of Waco Hospital Corporation, a Texas corporation and subsidiary of Forum Group, Inc. Waco Hospital Corporation is the legal owner of The Brazos Center for Psychiatry, an existing 80-bed hospital with 64 psychiatric and 16 drug abuse treatment beds located in Waco. Waco Hospital Corporation will become a wholly owned subsidiary of Hospital Corporation of America and will remain the legal owner of the hospital.

Methodist Hospital of Dallas for Methodist Medical Center (formerly Methodist Hospital of Dallas for Methodist Central Hospital), Dallas

AH80-1124-024A(102984)

CN/AMD—Request for an extension of the completion deadline from October 31, 1984, to December 31, 1984, in Certificate of Need AH80-1124-024, which authorized the certificate holder to renovate 8,000 square feet of space on the ground floor of Methodist Medical Center and to relocate and expand the Neonatal Special Care Unit.

Republic Health Corporation, a Delaware corporation, Dallas

AH84-1031-693

NIEH—Request for a declaratory ruling that a certificate of need is not required for Republic Health Corporation to acquire Houston Northwest Medical Center, an existing 424-bed general acute-care hospital located in Houston. The acquisition will result from a merger of Republic Acquisition Corp., a Delaware corporation and wholly owned subsidiary of Republic Health Corporation, with and into Health Resources Corporation of America, a Delaware corporation. Health Resources Corporation of America will be the surviving corporation and will become a wholly owned subsidiary of Republic Health Corporation, a Delaware corporation.

Issued in Austin, Texas, on November 7, 1984

TRD-8411304 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: November 7, 1984

For further information, please call (512) 475-8940.

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed

first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities, NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project, and EC indicates exemption certificate

Should any person wish to become a party or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person should be mailed to the chair of the commission at P. O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party or interested person.

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

Pearland Convalescent Center, Inc., doing business as Windsong Village Convalescent Center, Pearland

AN83-0427-410A(092684)
CN/AMD—Request for an amendment of Certificate of Need AN83-0427-410, which authorized the certificate holder to add 42 ICF-III beds, dining, laundry, storage, and administrative and support areas through the construction of an 11,499-square-foot addition. The certificate holder requests an amendment to increase the square footage of the new addition from 11,449 to 14,500 square feet, increase the project cost from \$545,740 to \$840,000; and extend the completion deadline from April 1, 1985, to October 1, 1985

McKenna Memorial Hospital, Inc., and Comal County Hospital Authority, New Braunfels
AH81-0217-021A(092684)

CN/AMD—Notice of an amended amendment application. Request for an extension of the completion deadline from September 30, 1984, to September 30, 1985, and an increase in the total project cost from \$12.58 million to \$13.18 million in Certificate of Need AH81-0217-021, as amended by AH81-0217-021A(122983), which authorized the certificate holder to conduct a construction and renovation project involving a total of 85,806 square feet

Caprock Hospital District, Floydada
AH84-0914-586

DR—Request for a declaratory ruling that neither a certificate of need nor a notice of intent to ac-

quire an existing health care facility is required for Caprock Hospital District to resume operation of Caprock Hospital, an existing hospital located in Floydada. On or about September 1, 1981, Caprock Hospital District leased Caprock Hospital to Caprock Hospital Medical Services, Inc., doing business as Caprock Hospital. The lease agreement was terminated by the hospital district on June 18, 1984, and, effective July 1, 1984, the hospital district resumed operation of Caprock Hospital.

Issued in Austin, Texas, on November 7, 1984

TRD-8411303 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed, November 7, 1984

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

✓ **Texas Department of Human
Resources
Consultant Contract Award**

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) furnishes this notice of consultant contract awards. The consultant proposal request was published in the August 24, 1984, issue of the *Texas Register* (9 TexReg 4603)

Description of Services, Names of Contractors, and Value of Contract.

Psychological/psychiatric evaluation, counseling/therapy, and court testimony. James A. Armsworth, 4848 North East Stallings Drive, Suite 201, Nacogdoches, Texas 75961—\$20,000

Counseling/therapy and court testimony. Phyllis Ford-Karr, CSW, 2194 A Eastex Freeway, Beaumont, Texas 77704—\$13,800

Psychological/developmental testing, counseling/therapy, and court testimony. The Beaumont Neuropsychiatric Clinic, 3240 Fannin Street, Beaumont, Texas 77701—\$32,500.

Psychological/developmental testing, psychological/psychiatric evaluation, counseling/therapy, and court testimony. Joe Kartye, Ph.D., 4000 South Medford Drive, P.O. Box 1871, Lufkin, Texas 75901—\$32,000

Beginning and Ending Dates. The contracts began November 1, 1984, and end August 31, 1985

Due dates of Documents/Reports. Documents will be filed within established time frames according to the plan of operation and as requested by DHR staff

Issued in Austin, Texas, on November 2, 1984

TRD-8411068 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Filed, November 2, 1984

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

Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) invites all interested parties to submit proposals to provide consultant services to this agency.

Description of Services. The purpose of the proposed contract is to develop task inventories for unit supervisor and program director positions, determine if they are properly structured, recommend appropriate changes in task assignments to enhance staff utilization, and develop appropriate recommendations to improve program management.

Contract Term. The project is expected to begin on or about December 14, 1984, and to be completed by March 29, 1985.

Contact Person. For additional information, a copy of the RFP, or to notify DHR of your intent to make a proposal, contact D. W. Bond, Jr., Assistant Commissioner for Personnel Management, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 450-3590.

Closing Date. Closing date for receipt of offers to provide these services is December 3, 1984.

Selection Criteria. Proposals presented will be judged on the firm's demonstrated knowledge of and experience with task analysis/work measurement methodologies, including job and organizational structures and job kind and job level; knowledge of and experience with DHR and its service delivery mission, including organizational and staff functions; adequateness of the technical approach in the proposal in terms of overall project management controls; and reasonableness of cost proposed in relation to the work described. The contract award will not necessarily be made to the lowest bidder, but to the lowest and best bidder in relation to the evaluation criteria.

This award is subject to availability of funds.

Issued in Austin, Texas, on November 2, 1984.

TRD-8411069 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Filed: November 2, 1984
For further information, please call (512) 450-3786.

The Prosecutor Council Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Prosecutor Council invites the offer of services on a consulting basis to assist the council in performing its statutory duties.

Description of Services. The council is in need of investigative services in assisting it in handling the complaints concerning prosecutorial misconduct and incompetence. That person should be familiar with the statutory

requirements and the council procedures in handling complaints. The council will want the person retained to be able to start immediately. In addition, the council wishes this person to be able to provide articles for the *True Bill* on investigative techniques. He should also be familiar with the operation of prosecutors' offices throughout the state and be able to serve as a liaison between the council staff and investigators throughout the state. Finally, this person should be able to assist the council in preparing the syllabus for the Investigator's School and to evaluate and contribute to the *Investigator's Desk Manual* and other publications of the council in the appropriate areas.

Contact. Further information concerning this offer may be obtained from Andy Shuval, Executive Director, Prosecutor Council, P.O. Box 13555, Austin, Texas 78711, (512) 475-6825.

Closing Date. The deadline for receipt of application to the Prosecutor Council is 5 p.m. on December 14, 1984.

Method of Selection. The Prosecutor Council will award the contract on the basis of past experience in performing the services requested, familiarity with the operation of prosecutor's offices, and demonstrated ability to provide the services in a timely manner. Knowledge of the council disciplinary procedures and ability to produce with a minimum of orientation is a major factor in evaluating qualifications. This consulting service is presently being provided by Robert J. "Duke" Bodisch, and the contract will be awarded to him unless a better proposal is submitted.

All proposals should be submitted in writing. Proposals will be evaluated by the Prosecutor Council, and further information may be requested. The award of the contract will be by the Prosecutor Council.

Issued in Austin, Texas, on November 2, 1984

TRD-8411049 Andy Shuval
Executive Director
The Prosecutor Council

Filed: November 2, 1984
For further information, please call (512) 475-6825.

Public Utility Commission of Texas Consultant Proposal Request

This consultant proposal request (CPR) is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The Public Utility Commission of Texas (PUC) is seeking a consultant to conduct a comprehensive audit of the management and operations of El Paso Electric Company (EPEC). The audit will include an assessment of the impact to the utility's ratepayers of the operations and financial transactions of the Franklin Land and Resources subsidiary. In addition, the audit will include a review of the ratepayer impact of the trust arrangements the utility has for fuel and electric generation.

El Paso Electric is a generating and transmitting electric utility located in El Paso, serving 158,000 customers in Texas and 40,000 in New Mexico. The company has 1,078

employees and a net generating capacity of 990 megawatts. System peak for 1983 was 746 MW, a growth of 0.3% over 1982. Fuel mix for 1983 was 71% natural gas, 27% coal, and 2.0% oil. Net operating revenues for 1983 were \$302 million

El Paso has a 15.8% interest in the Palo Verde Nuclear Generating Station under construction near Phoenix, Arizona

Franklin Land and Resources is a wholly owned subsidiary created in 1977. Its assets at the end of 1983 were \$56 million. Franklin Land's business includes leasing, securities investment, real estate, and the provision of equity funds to other companies. The subsidiary contributed \$3.8 million in revenues to El Paso Electric in 1983.

This RFP is issued by the PUC, which is the sole point of contact. The PUC will be the principal client for this study. The consultant will enter into a three-part contract with EPEC and the PUC, although EPEC will make all payments after approval by the PUC. The consultant will be selected by and report to the PUC during the course of the audit.

The State of Texas will not be responsible for any costs incurred by any unsuccessful respondent to this CPR, and it will not be responsible for any costs incurred by the successful contractor prior to the effective date of any contract resulting from this CPR.

The PUC reserves the right to reject any and all proposals received as a result of this CPR, or to negotiate separately with competing contractors. The PUC reserves the right to accept other than the lowest offer.

A preproposal conference will be held on November 19, 1984. Notice should be given prior to the 19th and confirmed in writing if the consultant plans to attend the preproposal conference and intends to submit a proposal. Interested parties should contact Richard Grefie, Manager of Management Studies, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0338, for a complete copy of the request for proposals (RFP).

Proposals will be due at or before 3 p.m. on Friday, January 11, 1985.

All proposals received shall be subject to evaluation by a committee of qualified PUC personnel for the purpose of selecting the proposal which most closely meets the requirements of the RFP. The staff will make a recommendation to the PUC commissioners, who will make the final selection. The following areas of consideration will be used in making the selection:

Understanding of the Problem. This refers to the contractor's understanding of the commission and utility needs that generated the RFP, the agency's objective in asking for the services or undertaking the study, and the nature and the scope of the work involved.

Professional Personnel. This refers to the competence of the professional personnel who would be assigned to the job by the contractor. Qualifications of professional

personnel will be measured by education and experience, with particular reference to experience on studies similar to that described in the RFP.

Contractor Qualifications. This includes the ability of the contractor to meet the terms of the RFP, including the time constraint, and the quality, relevancy, and recency of studies and projects completed by the contractor. Technical expertise and management operational auditing techniques, knowledge of the utility industry, and independence with respect to present and historical utility company relationships will be considered.

Soundness of Approach. Emphasis here is on the techniques for collecting and analyzing data, sequence and relationships of major steps, and methods of managing the study.

Cost. While this area will be weighed heavily, it will not necessarily be the deciding factor in the selection process.

Issued in Austin, Texas, on November 1, 1984

TRD-8411211 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Filed November 5, 1984

For further information, please call (512) 458-0100

Texas State Treasury Department Consultant Contract Award

This notice of award of consulting service contract is filed pursuant to Texas Civil Statutes 6252-11c(6)(b). The request for consultant proposal was published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2105).

The consultant will be designing and installing an automated cash management system to support treasury fiscal operations.

The name and address of the consultant are Arthur Andersen & Co., 816 Congress, Suite 1500, Austin, Texas 78701.

The total value of the contract is \$400,000. The beginning date was July 20, 1984, and the ending date is January 20, 1986.

Due date for the completion of system installation is January 20, 1986.

Issued in Austin, Texas, on November 1, 1984

TRD-8411033 Jorge A. Gutierrez
General Counsel
Texas State Treasury
Department

Filed November 2, 1984

For further information, please call (512) 475-2591.



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The CODE is sold in complete sets or by individual title. The Quarterly Update Service is also available to ensure that your new CODE is accurate, dependable, and current.

The TEXAS ADMINISTRATIVE CODE is published by Hart Information Systems (a subsidiary of Hart Graphics in Austin) under the editorial direction of the Office of the Secretary of State. Please call or write today for additional information.

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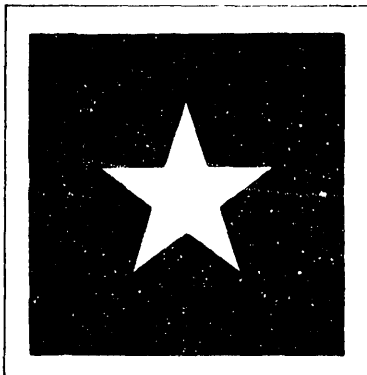
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