

# TEXAS REGISTER

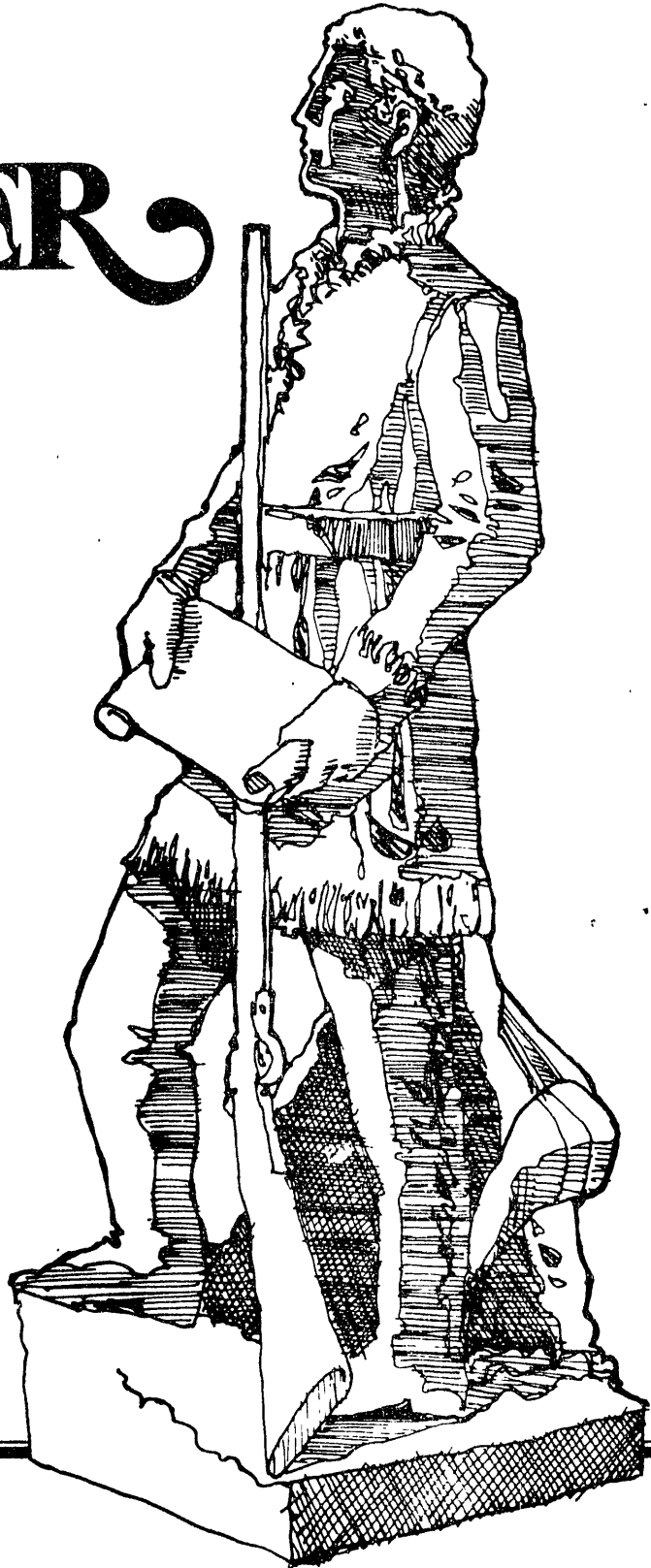
## In This Issue . . .

Texas Department of Human Resources adopts emergency amendments to rules affecting AFDC, ACABD, child welfare services and family self-support services as a result of the Omnibus Budget Reconciliation Act of 1981 which reduced federal funding for social services; effective date—October 1 . . . . . 3724

Texas Department of Agriculture proposes new sections of the Texas Pesticide Control Act to provide more effective enforcement; proposed date of adoption—November 9 . . . . . 3746

The Automated Information Systems Advisory Council adopts emergency rules on procurement procedures for state agencies while reviewing the current process; effective date—October 2 . . 3722

The Railroad Commission of Texas proposes an amendment concerning emergency procedures for rate applications based on increased fuel costs; proposed date of adoption—November 9 . . . 3754



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

Titles 1, 4, 7, 10, 13, 16, 19, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

- 1 is the title (agencies grouped together by subject title which are arranged alphabetically)
- TAC is the *Texas Administrative Code*
- §27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 6, July 81

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

# TEXAS REGISTER

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The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

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

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

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## CODIFIED

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### TITLE 1. ADMINISTRATION

#### Part X. Automated Information Systems Advisory Council

##### Chapter 201. Acquisition of Automated Information Systems

The Automated Information Systems Advisory Council has been given responsibility to review and prepare a report on certain procurement actions contemplated by state agencies. This review is to be done in accordance with guidelines established by the council. This emergency rule sets the first of these guidelines in place so that a procedure is available under §201.1 to process procurement requests.

There are now 14 such purchases backlogged in the office. No progress can be made toward the acquisition of these items until the review process is in place, constituting an emergency.

This section is adopted under authority provided by House Bill 1463, Acts of the 67th Legislature.

*§201.1. Guidelines for Justification of Data Processing Procurements.* In accordance with §9, subsection (b), House Bill 1463, 67th Legislature, 1981, interim guidelines for the written justifications to accompany requests for acquisition of automatic data processing equipment, software and services that establish a new, or materially change an old system are as follows.

(1) General requirements.

(A) The relationship of costs and expected benefits should be studied carefully before spending public money. It is specifically required prior to acquiring computer resources or services. The documentation required is the normal result of such a study and should involve little additional effort.

(B) The extent of the study and the detail required in the documentation will vary with the amount of money to be spent and the resource or service to be bought. It should at least be clear from the documentation that the resource or service is needed, suitable for the intended use, and the most cost effective of available alternatives.

(C) Depending upon the nature of the contemplated acquisition, some elements of this suggested outline may be redundant; some intuitively obvious; some not applicable. Where those situations exist, it should be noted.

(D) The form of the documentation is optional. Documentation is acceptable if the requirements enumerated below are satisfied in a reasonable and coherent manner.

(2) Identification. Identify, as precisely as possible, the resource or service sought and detail the estimated costs.

(3) Planned uses.

(A) Requirements.

(i) Describe each of the principal present and planned applications in terms of what is to be done, how much is to be done (volumes or counts of files and records), and how often it is to be done. Project the workload volumes over the expected life of the system.

(ii) Describe the problems or needs which require a change from existing operations.

(B) Systems design.

(i) Describe, for each of the applications above, how it is to be done, use narration, systems flow charts or graphic aids supplemented by narration, depending upon the problem.

(ii) Describe changes from existing system, content and purpose of proposed outputs, content and source of input data, and processing operations.

(C) Utilization. Summarize, by application, the present and estimated future utilization of equipment, if applicable. Project the anticipated utilization over the expected life of the system.

(4) Expected benefits. Describe, for each of the principal applications, the benefits that will result from use of the proposed resource.

(A) Identify, in detail, savings or other economic gains expected over the estimated life of the system.

(B) Summarize any expected improvements in service effectiveness which cannot be assigned a direct dollar value.

(5) Costs. Summarize, for the application above, the current and anticipated costs over the expected life of the system. Show start-up and recurring costs, including those outside of the data processing organization, if applicable. For example:

- (A) equipment purchase or rental cost,
- (B) cost of installation,
  - (i) transportation,
  - (ii) site preparation, and
  - (iii) conversion from present operations;
- (C) software purchase or rental cost;
- (D) personnel;
- (E) contract services;
- (F) data communication services;
- (G) supplies;
- (H) other operating expense.

(6) Alternatives considered.

(A) Describe, for the principal applications, other alternatives considered in solving the problem, including:

- (i) simplifying present operations;
- (ii) utilizing existing or other facilities;
- (iii) other resources considered.

(B) Describe the steps taken to utilize like resources already existing within the agencies of the state through interagency sharing or acquisition of surplus resources. Identify the agency and person contacted and the results of the agency contact.

(C) Summarize the comparative costs of alternatives considered in the format of paragraph (5) of this section. The comparative summaries in paragraphs (6) and (7) of this section may be combined.

(D) Identify the comparative costs of available methods of financing the proposed acquisition, if applicable.

(7) Future schedule. Show the schedule of plans for getting the system into operation, including site preparation, installation, selection and training of personnel, programming and conversion.

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

Doc. No. 817046      John A. Lovelady  
                                  Chairman  
                                  Automated Information Systems  
                                  Advisory Council

Effective Date: October 2, 1981

Expiration Date: January 30, 1982

For further information, please call (512)475-7881.

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

##### Subchapter Y. Special Rules of Practice and Procedure in Rail Rate Cases

The Railroad Commission of Texas renews the emergency effectiveness of new §§5.564-5.566 (051.03.30.014-.016). The text of the rules as adopted on an emergency basis may be found at 6 TexReg 2206.

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

Doc. No. 817047      Walter Earl Lillie  
                                  Special Counsel  
                                  Railroad Commission of Texas

Effective Date: October 16, 1981

Expiration Date: December 15, 1981

For further information, please call (512) 445-1186.

## TITLE 25. HEALTH SERVICES

### Part VIII. Interagency Council on Early Childhood Intervention

#### Chapter 621. Early Childhood Intervention Program

##### Conduct of Council Meetings

The Interagency Council on Early Childhood Information Services adopts on an emergency basis new §§621.1-621.5 (302.01.01.001-.005) concerning the conduct of council meetings. Senate Bill 630 passed by the 67th Legislature, Regular Session 1981, established the council effective September 1, 1981.

The bill requires the council to have rules covering the conduct of council meetings. In addition, the council needs to conduct business as soon as possible which directly affects the health, safety, and welfare of handicapped children covered by the law. Therefore, these rules are adopted on an emergency basis so that the council will be able to meet and conduct such public business as soon as possible. Delay in certain cases would present an imminent peril to the health, safety, and welfare of the handicapped children.

These sections are adopted under authority of Texas Civil Statutes, Article 4413(43a), §2(d).

**§621.1 (302.01.01.001). Introduction.** These rules outline the procedures the council will follow in the conduct of its meetings.

**§621.2 (320.01.01.002). Applicability of Texas Open Meetings Law.** The council in all its meetings is subject to the requirements of the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

**§621.3 (320.01.01.003). Notice of Meetings.**

(a) Written notice giving the date, time, place, and subject of each meeting shall be prepared as required by the Open Meetings Law.

(b) A copy of the notice will be sent to each council member prior to the meeting.

(c) The meetings will be held at least quarterly and generally will be located in Austin, Texas.

**§621.4 (320.01.01.004). Transaction of Business.**

(a) All meetings will be conducted according to Roberts Rules of Order.

(b) All actions taken must be approved by a majority vote of the members present.

**§621.5 (320.01.01.005). Public Participation.** All requests from the public to participate in meetings shall be submitted to the council chairperson who will arrange for reasonable public participation.

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

Doc. No. 816962      Clift Price, M.D.  
                                  Associate Commissioner for Personal  
                                  Health Services  
                                  Texas Department of Health

Effective Date: September 30, 1981

Expiration Date: January 28, 1981

For further information, please call (512) 458-7241.

## NONCODIFIED

### Texas Department of Human Resources

#### AFDC

The Texas Department of Human Resources adopts, on an emergency basis, the following amendments to its rules on the Aid to Families with Dependent Children (AFDC) Program. It is necessary to adopt emergency amendments as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which changes the AFDC and Medicaid portions of the Social Security Act. Program changes specifically mandated by the Act will be filed as final rules effective October 1, 1981. In addition, the Act provides several program options which the states must implement October 1, 1981. These program options in the federal law make it necessary for the department to adopt the following emergency amendments to ensure the continued health, safety, and welfare of AFDC recipients.

Because the law no longer allows states to provide AFDC to 19- and 20-year-old children and allows the states an option to cover certain 18-year-old children, the department amended the rules which define a dependent child. As amended, the rules define a dependent child as someone under the age of 18 or under 19, if a full-time student in a secondary school (or the equivalent level of technical or vocational training), if reasonably expected to graduate or complete training before reaching age 19. College students age 18 and over are no longer eligible as dependent children.

The department also amended the rules regarding the deduction allowed for work-related expenses if the client is employed part time. Under the new law, states are given the option of allowing a maximum deduction of \$75. The amended rules allow a deduction of the actual amount up to a maximum of \$70 for part-time work. These rules are also amended as required by law, to define part-time employment as less than 40 hours per week.

The department's amended rules about child care expenses that can be deducted from earnings in part-time employment situations provides that the maximum deduction allowed is \$150. The law gave states the option of allowing a maximum deduction of up to \$160 for part-time work.

In addition, the medical assistance rules are amended to reflect that certain individuals age 18-21 are no longer eligible for Medicaid coverage because of the changed definition of a dependent child in AFDC and because coverage of individuals not in school is not required.

#### Legal Requirements 326.10.21

The amendments to Rules 326.10.21.001 and .003 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

#### .001. Age.

(a) In order to receive assistance, [as] a "dependent child" *must* [federal and state law require that a child] be under the age of 18 [years], or under the age of 19 [21 years] and a student regularly attending a *secondary* school, [college, or university] or regularly attending a course of vocational or technical training, *if reasonably expected to graduate or complete training before reaching age 19* [designed to fit him for gainful employment].

(b) The grant can be continued through the month in which the child attains his 18th birthday, or in which he attains his 21st birthday if he is regularly attending school.]

#### .003. Establishing School Attendance.

(a) *Except in WIN counties, the eligibility of children under the age 18 does not require school attendance or satisfactory grades. However, 18 year old children must be full-time students in a secondary school, or the equivalent level of vocational or technical training. Eligibility ceases once high school or training has been completed. Also, if the child's 19th birthday will occur before graduation or completion, eligibility ceases at the 18th birthday. Verification of school attendance is required at application and at each periodic review for all children age 18, and for children age 16-17 in WIN counties.* [An otherwise eligible child under the age of 18 may not be denied AFDC regardless of whether he or she attends school or makes satisfactory grades. All children, 18 to 21 years old, are included in the grant if they are students regularly attending school. Verification of school attendance is required at each periodic review for all children 12 to 21 years old and for children 16 and 17 years old who reside in WIN counties and are not registered for WIN. A child may be considered a student regularly attending school (including schools for the deaf and blind) if he or she:

(1) Is enrolled and physically attending full time a program of study or training leading to a certificate, diploma, or degree; or

(2) Is enrolled and physically attending at least half-time a program of study or training leading to a certificate, diploma, or degree, and is regularly employed or available for and actively seeking part-time employment; or

(3) Is enrolled and physically attending at least half-time a program of study or training leading to a certificate, diploma, or degree, and precluded from full-time attendance or part-time employment because of a verified physical handicap.]

(b) *A child will be considered a student regularly attending school (including those for the deaf or blind) if enrolled and physically attending, full time, a program of study. If 18 years old and in a vocational or technical school, the course of study must be designed to result in gainful employment. Handicapped children may attend fewer hours than other students or receive instructions from a visiting teacher at home.* [When a handicapped child is receiving instruction in his own home rather than physically attending classes as described in subsection (a) of this section, he is considered in regular attendance.]

(c) Full-time and half-time attendance are defined as set forth in Veterans Administration (VA) requirements:

(1) A trade or technical school involving shop practice, full-time is 30 clock hours per week and half-time is 15 clock hours; a program without shop practice, full-time is 25 clock hours and half-time is 12 clock hours;

[(2) A college or university, full-time is 12 semester or quarter hours and half-time is 8 semester or quarter hours;

[(3) A secondary school, full-time is 25 clock hours per week or four Carnegie units per year and half-time is 12 clock hours or two Carnegie units.

[(4) A secondary education program of cooperative or apprenticeship training, full-time attendance is as defined by state regulation or policy.]

[(c)(d)] A child is considered in regular attendance in months he is not attending because of official school or training program vacation, temporary illness, convalescence, family emergency, or if he plans to or has made arrangements to attend school the next semester

[(d)(e)] There may be a child who is carrying fewer subjects than would be considered normal for full-time attendance, but due to the child's limitations, this program of training or study constitutes the maximum extent of his capabilities. Only in these rare instances will written verification from the school be required. This substantiating statement will be filed in the case record with the verification of eligibility.

[(e)(f)] An AFDC child enrolled in a Cooperative School Program is considered a full-time student. These programs are jointly operated by participating local school districts, Texas Rehabilitation Commission (TRC), and Texas Education Agency (TEA). These programs are designed to serve any child with a handicap. Most of the children's handicaps are mental retardation.

[(f)(g)] Children are enrolled at age 15 and must be removed by age 21. When first enrolled, they are provided orientation and vocational training in a classroom setting. Then, when ready, they are moved into a part-time job for on-the-job training. They also continue to attend classes. The amount of time spent on each is very flexible, as are the salaries paid. As soon as a student is able to hold a job full time for an entire semester at the federal minimum wage or more, he is graduated from the school and the program. Until the child is graduated, or until age 21, he is carried on the school rolls as a full-time student. Therefore, any earnings he receives will be totally disregarded in determining eligibility and amount of grant for the family.

[(h) For AFDC eligibility purposes, however, these students must meet the same age and income requirements applied to other students.

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 816983 Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Effective Date: October 1, 1981  
Proposal Publication Date: January 29, 1982  
For further information, please call (512) 441-3355, ext. 2037.

### Determination of Need 326.10.31

The amendments to Rules 326.10.31.009 and .010 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.009. *Definitions—Child.* A child is an unmarried person under age 19 [21] who meets the relationship requirements of the AFDC program. Whether a particular child is eligible for

inclusion in the grant depends on the child meeting all the eligibility requirements of the program.

### .010. *Persons Who Can Be Included in the Certified Group.*

(a) The AFDC certified group can include only the following individuals:

(1) (No change.)

(2) Children under age 18, or under age 19 [21] if regularly attending school or training, and within the required degree of relationship. Eligibility can be continued through the month in which the child becomes 18 or 19 [21].

(3) (No change.)

(b) All other persons are ineligible to be included in the AFDC grant.

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 816984 Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Effective Date: October 1, 1981  
Expiration Date: January 29, 1982  
For further information, please call (512) 441-3355, ext. 2037.

### Income 326.10.33

The amendments to Rules 326.10.33.031 and .033 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.031. *Earned Income of Students and Youth.* The earned income of an AFDC child under age 14 is never considered. The earned income of a child age 14 but under 19 [an individual age 14-21] is [never] considered [either] in [the] both preliminary tests but not [test or] thereafter so long as the person is a full-time student; or the person is a part-time student and is not a full-time employee. *Employment is considered full time if it involves 40 or more hours per week.* [The earned income of an individual over 21 who is a student is considered as any other earnings, unless otherwise exempted.]

.033. *RSDI Benefits for Students.* RSDI benefits for 18 [to 21] year old [olds] children or 18-21-year-old caretaker students are provided only when they are full-time students. Thus, these benefits are disregarded as income or resources in determining eligibility.

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 816985 Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Effective Date: October 1, 1981  
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For further information, please call (512) 441-3355, ext. 2037.

### Budgeting Process 326.10.34

The amendments to Rules 326.10.34.015 and .016 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

**.015. Definition—Work-Related Expenses.**

(a) (No change.)

(b) **The full-time employment deduction—A standard work-related expense deduction of \$75 is allowed for full-time employment. Employment for 40 or more hours per week is considered full time. The \$75 amount is used in full-time employment situations whether the actual amount of work-related expenses is more or less.** [If the client states that his or her expenses are \$34 or less, a standard figure of \$34 is deducted whether he or she works full-time or part-time. If the client provides information reflecting expenses greater than \$34, then the actual expenses will be allowed. The expenses as declared on the application/review form by the recipient and for which he or she can provide substantiation are to be accepted if they do not appear unreasonable or inconsistent to the worker at the local level. If the standard figure is used, no other expenses are allowed.]

(c) **The part-time employment deduction—If a client is employed part time (less than 40 hours per week), the deduction allowed for work-related expenses is the actual amount up to a maximum of \$70. The actual expenses (excluding transportation expenses) as declared on the application/review form by the recipient and for which he can provide substantiation are to be accepted if they do not appear unreasonable or inconsistent to the worker at the local level.**

(d)(c) The expense of transportation by public or private vehicle from residence to place of employment (one round trip each work day) is based on the actual cost not to exceed the maximum rate per mile currently paid to state employees. [If the client uses his or her own vehicle, the rate allowed is the maximum rate per mile currently paid to state employees.] Car payments, upkeep, and any additional expenses are not deductible since these expenses are considered included within the mileage allowance. The actual cost of bus transportation, including transfers, is allowed without regard to the cost per mile limitation.

**.016. Definition—Child Care.**

(a) Child care is defined as the actual time devoted to the care and supervision of a child(ren). The amount of time that can be recognized for child care is limited to the 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 in full-time employment situations. A \$150 maximum is allowed in part-time employment situations.** The child care can be provided in the home or some other setting.

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

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 816988 Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Effective Date: October 1, 1981  
Expiration Date: January 29, 1982  
For further information, please call (512) 441-3355, ext. 2037.

## Medical Assistance 326.10.41

The amendments to Rule 326.10.41.001 are adopted on an emergency basis under the authority of the Human

Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

**.001. AFDC Household Members Eligible for Title XIX Services.**

(a) Individuals eligible to be certified for medical assistance are:

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

(4) A child(ren) 18-21 years old in an AFDC household, meeting AFDC eligibility requirements except that he is not regularly attending school, has insufficient income to meet his recognizable needs, and has never been married.

(5) An only child age 18-21 years old in a family meeting all AFDC eligibility requirements except that he does not regularly attend school. (The parent(s) in this situation are not eligible for any type of benefits.)

(4)(6) Foster children who are certified for AFDC foster care or who meet the requirements for medical assistance under Type Program 09. [The children in paragraphs (4) and (5) have their individual income applied against the recognizable needs allowance for a one child, noncaretaker case to determine if they have income sufficient to meet their needs. Computations determining eligibility for medical assistance only for an 18-21 year old child are fully recorded on the clearance record reflecting both needs and income.]

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 816987 Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

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## Work Incentive Program 326.10.51

The amendments to Rule 326.10.51.003 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

**.003. Exemption Situations.**

(a) (No change.)

(b) A certified AFDC recipient who is:

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

(3) **Age 18 and regularly attending a secondary school or regularly attending a course of vocational or technical training if reasonably expected to graduate or complete training before reaching age 19** [to 21 attending school full-time].

(c) Children who have not reached their 16th birthday, whether or not they are attending school, are not required to register. Certified children who are 16 but not yet 19 [21] who are enrolled in or have been accepted for enrollment as a full-time student for the next school term are not required to register.

(d)-(o) (No change.)

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### Verifications 326.10.73

The amendments to Rule 326.10.73.003 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

#### .003. Requirements.

(a) The following items must be verified for both applications and reviews:

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

(4) School attendance for all children age 18 [to 21] and children 16 to 18 in WIN regions who are not WIN registrants. This may be verified with a written statement or collateral contact with school officials or interviews with family/neighbors.

(b)-(d) (No change.)

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### Case Classification 326.10.74

The amendments to Rule 326.10.74.008 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.008. *Adverse Actions that are Effective Immediately.* In the following situations, the client does not have the right to continue receipt of benefits pending an appeal.

(1) Termination of the grant when a recipient attains the maximum age, such as an AFDC child reaching 18 years of age and not attending a *secondary school or a course of vocational or technical training*, or 19 [21] years of age if attending a *secondary school or a course of vocational or technical training*.

(2)-(9) (No change.)

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### Family Self-Support Services

The Texas Department of Human Resources adopts, on an emergency basis, rules concerning family self-support services. The emergency rules are adopted as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the es-

tablishment of a block grant of federal funds for social services to needy citizens of the state. This block grant represents a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. These changes in federal law make it necessary for the department to adopt these rules on an emergency basis to be effective October 1, 1981, to ensure the continued health, safety, and welfare of the recipients of family self-support services.

As a result of the decreased federal funding from Title XX, the following changes are necessary in family self-support services. The DHR/VR and emergency family services are being deleted. In an effort to provide some statewide services directed at client self-sufficiency, a new employment service which focuses on client employability assessment, referral, and placement is being implemented with funding from Title IV-A.

Day care services are also being modified: to include food stamp recipients as eligibles; to change the priority of eligible recipients; to eliminate day care programs exclusively serving handicapped children; to limit DHR-funded children to 30% of provider agreement facilities capacity; to implement a fee schedule for provider agreement facility day care; to delete payment for "extra meals" in contract facilities; and to delete day care policies related to the Federal Interagency Day Care Requirements.

Client priorities for family planning services are being established, as well as a fee system for client participation in the cost of all family planning services.

The Title XX income eligibility level is being established at 47% of the state median income. Monthly income tables for families of various sizes are being included.

In addition, the department is repealing, on an emergency basis, several rules that conflict with the emergency family self-support rules. In the near future, all family self-support rules will be proposed in a single rule chapter; at the same time, the department will propose the repeal of duplicative rules in other chapters (WIN, EPSDT, etc.).

### General Information 326.17.01

New Rule 326.17.01.001 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

.001. *Family Self-Support Services.* The Omnibus Budget Reconciliation Act of 1981, has necessitated changes in programs and services, as reflected in emergency Family Self-Support Services rules filed October 1, 1981. Because of the reduction in funding and the emergency rules which have been filed to implement program changes, any conflicting rules, or references to the following in existing rules, are no longer in effect:

- (1) DHR/VR services;
- (2) child care programs offering exclusive services to handicapped children;
- (3) payments for extra meals to DHR-subsidized children in provider agreement centers;
- (4) purchased Title XX training for day care providers; and

(5) Federal Interagency Day Care Requirements, QCCR, and QCCR waiver procedures.

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## Eligibility Determination and Monitoring 326.17.10

New Rules 326.17.10.001 and .004 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

### .001. Eligible Individuals.

(a) The following individuals are eligible for directly delivered family support services:

- (1) AFDC recipients;
- (2) SSI recipients;
- (3) refugees receiving cash assistance; and
- (4) Medicaid eligibles under 21 years old for EPSDT only.

(b) The following individuals are eligible for purchased family self-support services:

- (1) AFDC recipients;
- (2) SSI recipients;
- (3) refugees receiving cash assistance;
- (4) individuals whose family monthly gross income is equal to or less than 47% of the state's median income for a family of four adjusted for family size;
- (5) adolescents receiving family planning outreach without regard to income; and

(6) victims of family violence and any individuals living with victims of family violence are eligible for family violence services without regard to income.

(c) All individuals needing information and referral services may receive them without regard to income. All refugees are eligible for English as a second language (ESL) and purchased employment services without regard to income.

### .004. Determination of Title XX Income Eligibility.

(a) Those families whose monthly gross income is equal to or less than 47% of the state's median income for a family of four adjusted for family size are eligible for service as income eligibles. The 47% level for the State of Texas for fiscal year 1982 is:

Family Size	47% State Median Income
1	\$476.90
2	\$623.65
3	\$770.39
4	\$917.13
5	\$1,063.87
6	\$1,210.61

(b) In families with more than six members, add \$27.51 for each additional family member.

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## Employment and EPSDT Services 326.17.21

New Rules 326.17.21.001 and .002 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

.001. *Service Priorities.* Employment services assist clients to meet their income needs. Emphasis is on providing services to help clients increase their employability. Services are intended for clients who can become self-supporting or increase their level of self-support with minimum intervention by DHR.

.002. *Eligibility Criteria.* Current recipients of AFDC, SSI, or refugee cash assistance are eligible for employment services.

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## Day Care and Child Development Services 326.17.31

New Rules 326.17.31.002, .003, .005, .008, .020, .022, .024-.026, and .057 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

.002. *Eligibility for Day Care Services.* Purchased day care services are provided to children from birth through 13 years, who are in need of protective services; who are recipients of AFDC, SSI, refugee cash assistance, or food stamps; or whose parents' or caretakers' income is below the established income eligibility level for Title XX services.

.003. *Priorities for Provision of Purchased Day Care Services.* Eligible children are admitted to the Purchased Day Care Program from waiting lists and continue to receive day care services according to the following priorities.

(1) To prevent or remedy abuse or neglect of the child, including ensuring adequate care and supervision of the child. (Referrals from protective services, without regard to income.)

(2) To allow current AFDC/SSI and refugee cash assistance recipients to participate in employment or training programs that are a part of a family self-support case plan.

(3) To allow other recipients of AFDC, SSI, refugee

cash assistance, food stamp, and income eligible parents or caretakers to participate in work or training, or to spend up to 30 days seeking employment. (This is not renewable without intervening employment.)

*.006. Services to Children of WIN Participants and Other DHR Employment-Related Cases.* Day care services are provided to children to allow their parents to participate in DHR Work Incentive (WIN) services or other employment services that are part of a direct delivery case plan. Services may be provided in day care centers or family day homes through purchase of service contracts and provider agreements. Prior authorization by a WIN or family support worker is a prerequisite for enrollment.

*.008. Services to Other AFDC, SSI, Food Stamp, Refugee Cash Assistance Recipients or Income Eligible Parents Participating in Employment or Training.* Day care services under Priority 3 are provided to enable eligible refugees, current AFDC, SSI, and food stamp recipients, and income eligible parents who do not have a DHR direct delivery case plan, to retain, train for, or to actively seek employment. The parent must participate in employment or training for a child to be served under this work/training provision. Unemployed parents are allowed a maximum of 30 calendar days to actively seek employment. The 30 days are not renewable without intervening employment.

*.020. Provider Agreement Purchase Procedures—Day Care Centers.*

(a) Provider agreements for day care services are negotiated with facilities that are licensed, certified, or registered with the Licensing Branch. This type of contractual agreement allows DHR to meet regional day care needs of high priority children by purchasing a portion of a center's capacity of the total capacity of a day home.

(b) In centers and group day care homes, DHR will purchase 30% or less of the licensed capacity under a provider agreement. This percentage is effective October 1, 1981, for providers serving 30% or less on that date. Providers serving more than 30% on October 1, 1981, have until October 1, 1982, to phase their enrollment of DHR-referred children down to 30% or less. All providers desiring to serve more than 30% of capacity must participate in the competitive procurement process.

*.022. Determining Providers' Potential for a Provider Agreement.*

(a) Centers or day homes recruited to provide services through a provider agreement must have the potential for meeting DHR purchase requirements.

(b) Child development staff will determine that providers who are selected for provider agreement:

(1) are licensed, certified, or registered and are not currently in violation of licensing standards;

(2) have the ability to deliver services which comply with DHR's specifications for purchase of day care service;

(3) are willing to enter into a provider agreement and abide by its terms;

(4) offer services which match regional need regarding location, ages served, and hours of operation; and

(5) have rates which are not in excess of the applicable DHR maximum rate of payment for day care.

*.024. Renewal of Provider Agreements.*

(a) Provider agreements are limited to six months duration and terminate on the date shown on the provider

agreement for child day care form. Before the termination date on the agreement, the child development specialist must review the status of the facility with the licensing branch and assess the facility's compliance with the purchase requirements that are specified in the provider agreement

(b) Provider agreements are renewed with providers who:

(1) have no current violations of the licensing standards;

(2) comply with the purchase specifications in the signed provider agreement; and

(3) have no outstanding service improvement agreements.

*.025. Service Plans for Day Homes.*

(a) Potential providers who are screened and found acceptable will be assisted by the child development staff in developing their plan for providing services.

(b) The provider must complete and submit a signed day home service description and agreement form. The day home service description and agreement, with the attachment of the service plan, becomes the plan of operation for the day home.

*.026. Negotiation of Day Homes Agreements.* Upon completion of the day home provider's service plan and acceptance of the agreement, the child development staff will evaluate the plan to determine its compliance with items on the day home service description and agreement form. The child development specialist negotiates and signs the provider agreement after determining that the planned services meet purchase requirements.

*.057. Fees in Provider Agreement Facilities.*

(a) A weekly fee based on family income will be charged for children who become income eligible while being served in a provider agreement facility. The fee for one child will be 2.0% of the gross monthly income based on the most recent eligibility certification.

(b) An additional 0.5% of the gross family income will be charged per week for all other children in the family served. One-half of the total fee will be charged when children are enrolled for half days.

(c) Fees will be assessed by DHR workers for each client. The weekly rate that DHR will pay the facility for each child will be the facility's weekly rate minus the fee assessed for the child. The day care facility must collect all fees from parents. The day care facility must develop policies and guidelines to reduce or waive fees for individual families and document in the child's record the decision to waive or reduce fees, and the reasons for that decision. The facility must document reasonable efforts to collect fees from parents. Fee waivers or reductions should not be open-ended and should change as a family's circumstances change.

(d) The facility should develop policies for terminating enrollment for nonpayment of fees. Enrollment should be terminated for nonpayment of fees according to these established policies.

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## Family Planning Services 326.17.32

New Rule 326.17.32.002 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

### .002. *Priority Groups for Family Planning Services.*

(a) The following groups are to be given priority for family planning services:

(1) current recipients of AFDC, refugee cash assistance, or SSI; and the following individuals as long as their income does not exceed 47% of the state median income:

(2) youths living in conditions conducive to giving birth out-of-wedlock;

(3) mothers with children born out-of-wedlock within the last two years;

(4) all other MAO recipients and persons whose income is below the currently defined Title XX maximum income level.

(b) Priorities are used as guidelines for decision-making by both DHR staff and contract providers. Priorities must be used in selecting clients from waiting lists for services.

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## Child Welfare Services

The Texas Department of Human Resources adopts, on an emergency basis, the following repeals and amendments to its rules on child welfare services. The emergency rules are adopted as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. This block grant represents a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. These changes in federal law make it necessary for the department to adopt these rules on an emergency basis to be effective October 1, 1981, to ensure the continued health, safety, and welfare of the recipients of child welfare services.

The major rule changes in child welfare services delete the following: ongoing services to Priority III clients; services to unmarried and school-age parents; and ongoing services to juveniles, truants, and runaways in Priority II and III.

Rules on Priority I intake reports are amended to include truants, runaways, CHINS, or unmarried school-age parents alleged to have incurred Priority I abuse or neglect. Also included are court-ordered services, when the nature of the service requires them to begin within 24 hours.

The rules on Priority II intake reports are amended to include all other children who are alleged or found to be abused or

neglected or for whom a court orders services. Also, truants, CHINS, or unmarried school-age parents alleged to have incurred Priority II abuse or neglect are included.

The rules on Priority III intake reports are amended to delete abuse or neglect. The Priority III intake services are defined as reports including children who are not actually abused or neglected or threatened with abuse or neglect or for whom services are not court ordered. Reports will be taken and an investigation will be conducted to determine for reports on truants, CHINS, runaways, and unmarried school-age parents if Priority I and II abuse or neglect is involved. If not, a case will not be opened and referrals to community resources will be made as necessary. Department staff may supervise volunteers serving Priority III clients in closed cases and may develop community resources to serve Priority III clients.

As a result of the above changes, all rules on purchased services for Priority III clients are deleted. Also, rules on purchased services for truants, runaways, juveniles, and unmarried school-age parents have been deleted.

The child welfare rules about AFDC foster care eligibility are amended to reflect the AFDC omnibus changes. These include references to the AFDC age requirements, real or personal property limit, degree of relationship, and stepparent income. References to foster children attending college are deleted.

## Legal Base for Child Welfare Services 326.50.71

The amendments to Rules 326.50.71.013, .018-.021 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

### .013. *Eligibility for Protective Services for Children.*

(a) All children and their families in need of protective services may receive these services without regard to income when the need for protective services is documented. For directly delivered protective services, a worker documents the need for services by completing and filing in the case record the child protective services intake and Canris report. Need must be redetermined every six months for services to continue. Redetermination of need is documented by case recording when completed. ***Protective services are delivered consistent with the priorities of the protective services for children program.***

(b) In purchase of service contracts serving clients in need of protective services, the criteria for eligibility and the way eligibility is determined differ by the service given. [The criteria for eligibility and methods of determining eligibility by type of service are as follows:

(1) Purchased emergency shelter, community treatment services, emergency homemaker services, and protective day care are given without regard to income to all clients needing them who are in open protective services cases. A DHR worker determines eligibility by indicating on the report form a need for protective services. The worker authorizes the client to receive the purchased service by completing the eligibility for services without regard to income form which is given to and kept by the contract service agency. The worker must reauthorize services on the form every six months for services to continue.

(2) Purchased services for juveniles are given without regard to income to abused, neglected, or exploited

children, or children at risk of abuse, neglect, or exploitation. The contract service agency documents eligibility by completing the eligibility form before beginning services and every six months if services are to continue.

[(3) Purchased services for unmarried and/or school-age parents are given to clients who need them without regard to income. The contract services agency documents eligibility by completing the eligibility form before beginning services and every six months if services are to continue.]

**.018. Priority I Services and Responsibilities.**

(a) Intake services. Children in Priority I intake reports include those alleged or found to be abused or neglected [or otherwise in need of protection] to the extent that they are in immediate danger of death or serious physical harm, *or those for whom court-ordered services must begin immediately*. Immediately upon receiving the report, but in no case later than 24 hours, the following must be done:

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

(b) Priority I intake reports include the following:

(1)-(13) (No change.)

**(14) Truants, runaways, CHINS, or unmarried school-age parents alleged to have incurred Priority I abuse or neglect.**

**(15) Court-ordered services, when the nature of the services requires them to begin within 24 hours.**

(c) In home/removal services—When the findings of the investigation of a Priority I intake report indicate that the child will need continuing protection, *social and court-related services must be provided* to him in his own home to attempt to keep removal from becoming necessary or, if necessary, services to remove him from his home [must be provided]. If removal is necessary to protect the child, a court order should be sought before removal as the legal basis for the removal. In situations in which a child's health or physical safety is in immediate danger, an emergency removal would be appropriate if a court order cannot be obtained before removal without harming or endangering the child. The services for children in DHR's managing conservatorship must emphasize permanent planning for children.

(d)-(g) (No change.)

**.019. Priority II Services and Responsibilities.**

(a) Intake services—Priority II intake reports include all other children who are alleged or found to be abused or neglected or *for whom a court orders services* [otherwise in need of protection for any immediate danger of harm]. As soon as possible after receiving the report, but in no case more than the length of time agreed upon in the annual regional service plan between the region and the program manager for protective services for children, the region must begin intake services to these children. Law enforcement should be notified of Priority II harm to children in accord with discussions reached with local police departments. The notification should be made as soon as the worker confirms that the child's situation is the type about which the child welfare unit has agreed to notify the local law enforcement agency.

(b) Priority II intake reports include the following:

(1)-(10) (No change.)

**(11) Truants, runaways, CHINS, or unmarried school-age parents alleged to have incurred Priority II abuse or neglect** [A school-age or unmarried parent seeks

help in planning for the safe birth and care of the baby when there is no other resource to help the youth].

[(12) Runaways under Chapters 15 and 34, Texas Family Code, immediately needing services or placement for whom there are no resources other than DHR.

[(13) Chronic truants under Chapters 15 and 34, Texas Family Code, are reported when the school has taken every action possible, including court, for whom there are no resources other than DHR.

[(14) DHR is court-ordered to provide services or placement for juveniles in need of supervision (CHINS).

[(15) A youth needs available contracted services for juveniles or for unmarried or school-age parents and there are no resources other than DHR.]

~~(12)~~(16) Children for whom interstate protective placement is needed under the interstate compact on the placement of children, or other laws pertaining to the interstate placement of children.

~~(13)~~(17) Monitoring reports of abuse/neglect in public schools and in facilities regulated by the Licensing Division.

~~(14)~~(18) Court-ordered services when the nature of the services does not require that they begin in 24 hours [social studies on adoption petitions and on disputed conservatorships].

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

**.020. Priority III Services and Responsibilities.**

(a) **Priority III services and responsibilities may be provided only after Priorities I and II services have been provided and when resources are available. They may not be available in all parts of the state. Department direct delivery staff and purchase of service funds may not be used to provide in-home/removal/court-related services to Priority III clients.** [Intake services—Protective intake services for children not actually endangered or harmed may be delivered when regional and community needs exist and resources allow.] As allowed by licensing standards, qualified and adequately supervised volunteers, case aides, or field placement students may be assigned primary responsibility for Priority III responsibilities and services.

**(b) Intake services—Priority III intake reports include children who are not actually abused or neglected or threatened with abuse or neglect or for whom services are not court ordered.**

(c)[(b)] Priority III intake reports include the following:

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

(6) **Runaways** [A runaway] covered under Chapters 15 and 34, Texas Family Code *needing services or placement* for whom there are no resources other than DHR [is reported].

(7)-(8) (No change.)

**(9) Chronic truants covered under Chapters 15 and 34 of the Texas Family Code reported when the school has taken every action possible, including court, for whom there are no resources other than DHR.**

**(10) An unmarried school-age parent seeking immediate help in planning for the safe birth and care of the baby when there are no other resources to help the youth.**

~~(d)~~(c) **Information and referral** [In-home/removal services]—When the findings of the investigation indicate that the child and family need continuing contact to help the situation from deteriorating into abuse or neglect, *they*

*should be referred to available resources and the department's case should be referred* [services should be provided as resources allow. Removal would seldom be necessary to protect these children. Emergency removal procedures would rarely be applicable in these situations].

(e)(d)] Out-of town inquiries not related to investigations of child abuse or neglect nor to child placing.

(f)(e)] Development of community resources to provide Priority III services.

(g)(f)] Public information for Priority III services.

*After provision of Priority I and II service, department staff and purchase of service funds may be used for, but are not limited to use in, the following community development activities:*

(1) *Assistance through purchase of service contracts in developing volunteer or non-volunteer community resources which are funded by the community to provide services to Priority III clients.*

(2) *Supervision by department staff of volunteers providing services to Priority III clients.*

**.021. Child Welfare Earned Funds Contracts.**

(a) Child welfare earned funds (CWEF) are used to contract for needed services in addition to those in the local community. CWEF are also used to assist communities to provide new or expanded services to children when local funding for needed services is insufficient. CWEF may not diminish the county's financial commitment to provide services, replace foster care assistance funds, or be used for match money for Title XX purchase of services contracts. *All clients served by CWEF/Title IV-B contracts must be in an open protective services case and the services must be delivered consistent with the program's priorities.*

(b) (No change.)

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## Protective Services for Children 326.50.72

The amendments to Rules 326.50.72.035, .037, .064-.066, .069, .074, .075, .092, .094, and .098 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

**.035. Clarification of Report of a Child in Need of Protective Services.**

(a) When a report is received of a child in need of protection, the worker must try to get full information on the situation from the complainant. *Even though the report may appear initially to be Priority III, all available information should be obtained to determine whether abuse/neglect allegations are involved in the reported situation and whether the report should be classified as Priority I or II.* The complainant must be encouraged to give his name, although anonymous reports are accepted and investigated thoroughly since a complainant may not want to give his name because he fears retaliation. The complainant

should understand that his identity will not be revealed to the parents, but it may be given to the county or district attorney if legal intervention is necessary to protect the child. The complainant's willingness to testify in court, if necessary, should be determined.

(b) Intake staff must record the report. They should respond to the complaint as follows:

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

(3) Once it is decided that a report or referral is to be investigated, the following steps must be taken;

(A) (No change.)

(B) *The report is ranked and actions are taken to begin the investigation, inform the supervisor and notify law enforcement within time frames set in the department's priorities.*

(C)(B)] Immediately upon taking a complaint appearing to involve abuse or neglect, an inquiry is made to the Child Abuse and Neglect Reporting and Inquiry System (CANRIS) by telephoning the designated telecommunications center to determine if previous incidents of abuse or neglect involving this family have been reported.

(D)(C)] If the complaint was not reported as involving nor does it appear to involve abuse or neglect, and therefore will not be reported to CANRIS, then all persons in the case must be registered on SSMS via the SSMS client registration form.

(c) (No change.)

**.037. Investigation of Reports of Abuse or Neglect.**

(a) When *an abuse or neglect report is received* [a report falls within DHR's protective services responsibility, the] worker must investigate to determine whether the abuse or neglect occurred and whether the child needs protective services. The investigation is made in a nonaccusatory and nonpunitive manner. Protection will be provided for the child when needed. Priorities for how quickly to start the investigation are based on the seriousness of the child's situation. The investigation should be completed within 30 days if possible.

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

**.064. Truant and Runaway Children.**

(a) The department *receives reports on* [provides protective services for] truant and runaway children under the following circumstances:

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

(b) *The department investigates the report according to the department's priorities to determine if abuse or neglect of the child has occurred. If abuse or neglect has occurred, services may be provided.*

**.065. Children in Need of Supervision (CHINS).** DHR provides protective services for children ages 10 through 17 who are referred to DHR by the court for violation of §51.03(b), Conduct Indicating a Need for Supervision, of the Texas Family Code [or by others concerned for the youth's need for supervision to divert him from the criminal justice system]. *These services must be delivered consistent with the department's priorities.* CHINS offenses include the following:

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

**.066. Unmarried and School-Age Parents.** *The department receives reports on unmarried and school-age parents. Investigations are made on referrals of unmarried parents, of any age, and for school-age parents*

whether married or not, according to the department's priorities to determine if abuse or neglect has occurred. If abuse or neglect has occurred, services may be provided on the basis of the abuse or neglect. [DHR provides protective services for unmarried parents, of any age, and for school-age parents under age 21, whether married or not, who need assistance in planning for the birth, care, and rearing of their child, as a primary preventive measure and service against child abuse and neglect of the child. Parents under age 21 do not need to be in school to receive the services. Unmarried or school-age parents with one or more children may be high-risk and may need protective services to prevent or remedy sexual abuse of themselves or abuse or neglect of the child. AFDC mothers, age 9 to 21, have been identified as one group for whom protective services may be needed to prevent or remedy sexual abuse and/or neglect.]

.069. *Investigation of Reports Not Alleging Abuse or Neglect* [Referral of a Truant, Runaway, or CHINS Youth or Unmarried or School-Age Parents].

(a) *Referrals not alleging abuse or neglect fall into two categories and are responded to as indicated.*

(1) *Court-ordered non-abuse/neglect services—the department must provide the services ordered by the court. These services include:*

(A) *social study on adoption petition or disputed conservatorship;*

(B) *in-home or placement services for children under the court's jurisdiction.*

(2) *Community or self-referrals not alleging abuse or neglect—optional services.*

(b) *The investigation of a referral not alleging abuse or neglect is as follows.*

(1) *For court-ordered social studies on adoptive petitions or disputed conservatorship, see Rule 326.50.73.072.*

(2) *For all other referrals.*

(A) *An investigation and/or social study into the circumstances of the referred child. If abuse or neglect is suspected during the investigation, department policies must be followed.*

(B) *An assessment of the child's need for protection and services.*

(C) *Information, referral, and linkage to needed family and community resources, for all noncourt-ordered services.*

(D) *The provision of needed in-home or placement protective action for court-ordered services.*

(E) *A report of the findings of the investigation to the family, complainant, and to the court, if the service was court-ordered.*

(F) *If the investigation involves truancy or runaway, a report to the court, district or county attorney, and local law enforcement agency must be made.*

[Referrals of youth age 10-17 or unmarried or school-age parents must be investigated. The intake procedure must involve:

(1) an investigation and/or social study into the circumstances of the referred youth;

(2) an assessment of the youth's or unmarried or school-age parent's need for protection and services;

(3) the provision of needed protective action;

(4) information, referral, and linkage to needed family and community resources;

(5) a documentation of whether the youth's situation involves abuse or neglect;

(6) a determination of whether the youth needs in-home protective services;

(7) the report of the investigation to the family and complainant;

(8) reports to the court, district or county attorney, and local law enforcement agencies must be completed.]

.074. *In-Home Protective Services for Children.*

(a) The goal of in-home protective services for children is to prevent the need for removal of children from their homes. DHR must determine from the findings of its investigation whether protective services are needed *because of abuse or neglect* and when needed, if they can be effectively provided in the home. If the child is not in immediate danger of permanent harm, and the parents are willing to and capable of, improving the problem situation, DHR must work with the family to improve the care of the child and to provide or to arrange for other services as needed. AFDC or SSI recipients or income eligible clients who receive child protection services may be provided any DHR social, medical, and financial services available in the community. Clients must apply for, be eligible for, and able to utilize the services.

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

.075. *Plan of Services for In-Home Protective Services for Children.*

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

(c) The service plan must be updated as changes occur. The worker and family must reassess the service plan at a minimum of every six months. The supervisor must approve the initial and updated service plans. The service plan must include:

(1)-(7) (No change.)

(8) *required information when the child is also a truant, runaway, CHINS, or unmarried school-age parent.*

(9) *time frames for reports to the courts for the cases when in-home services are court-ordered. Reports on the child's circumstances must be made when the court indicates, but in no case less often than every six months.*

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

.092. *Abuse, Neglect, or Court-Ordered* [On-Going Protective] *Services for Truant, Runaway, or CHINS Youth.*

(a) *When truancy and runaway behavior is a major factor which contributes to abuse or neglect in the family, the worker should work toward the goals for protective services for children.* [On-going protective services are given to children, ages 10 through 17, by referring the youth to other community and family resources, direct delivery of services, and/or purchase of service contracts. The worker/provider must mutually determine a service plan with the youth and family within one month of referral and must re-evaluate the plan with them every six months. The worker/provider must make at least one contact with the family and the youth per month or document in the case record why the youth and family were not contacted.] *In addition*, ongoing protective services for youth are *also* directed toward keeping juveniles out of the criminal justice system *and enlarging* [The protective services worker should seek to enlarge] the youth's opportunities for socially productive and responsible roles. The youths should not be placed in groups made up solely of delinquent or pre-delinquent youth. Youth ages 18 to 19 [21] may be given continuing *placement* services if they were being served by the department when they became 18 and are completing school or vocational training.

(b) The worker [/contract provider] *may* [must] provide *or offer* services to the youth and his [or her] family directed

to one or more of the following:

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

(c) The worker [/contract provider] *should* [must] assess the need for legal, law enforcement, medical, *and/or* psychiatric [and/or protective] intervention. If the assessment indicates that intervention is necessary, the worker [/contract provider] *should* [must] provide or arrange services as resources allow.

*.094. Alternate Living Arrangements.*

(a) (No change.)

(b) Alternate living arrangements the worker, youth, and family should explore are:

(1) (No change.)

(2) *Substitute care* [Foster family home] placement with DHR or another child-placing agency *or institutional facility providing basic or specialized care.*

[(3) Foster group home placement with DHR or another child-placing agency.]

(3) [(4)] Half-way house living arrangement through TRC or another child-placing agency.

[(5) Institutional placement in a facility providing basic or specialized care.]

(4) [(6)] Educational, boarding, vocational, or military schools.

(5) [(7)] Emancipation.

(6) [(8)] Independent living arrangement—An independent living arrangement is a non-relative, nonlicensed situation in which the older child whose minority status has not been removed has placed himself without parental, court, or DHR permission or condonation. The department may not seek or place a child in an independent living arrangement or pay for the placement. However, the department may allow the older child to continue living independently after the older child has placed himself when the older child is not in physical danger, is not in danger of exploitation or has run away from approved placements, and the only alternative arrangement is a Texas Youth Council or juvenile probation detention facility which is an inappropriate placement for the child. The worker should give the child in an independent living arrangement the full range of the department's available services which the youth will accept and are appropriate to his needs, including helping the older child to leave the independent living arrangement if it proves harmful to him. The worker should intervene more and use a greater degree of legal authority, the younger the child is, and if the effects of placement are harmful to the child, the department should notify law enforcement of any aspect of the placement which appears unlawful. When an older child in the managing conservatorship of the department places himself in an independent living arrangement, the worker must document in the case record: who made the placement decision and who physically placed the child, whether the child is related to the provider in the independent living arrangement, the goal the child is working towards, how the child is moving toward the goal and the timetable, who is providing financial assistance, and what this living arrangement is providing this child. The courts should be sent a copy of the worker's findings and should be kept informed in writing of any significant changes in the living arrangement so that the court may involve itself as it deems appropriate in the child's situation. This ensures that judicial expertise and authority may be jointly responsible with DHR for the child's situation. The parents, when parental rights are not terminated, should be notified and kept informed of the child's circumstances. If the worker and supervisor have any questions as to whether this home is sub-

ject to licensing or certification as an agency home, contact should be made with the appropriate regional staff.

*.098. Abuse or Neglect [On-Going Protective] Services to [for] Unmarried or School-Age Parents.*

(a) *In addition to services to prevent further abuse or neglect,* [The department offers on-going protective services to unmarried and school-age parents by linking the parents to community and family resources, direct delivery of services, and purchasing services. Services to this client group are given as primary prevention of child abuse and neglect. Work with unmarried and school-age parents is mainly directed toward planning for the care and rearing of the baby] the worker [/contract provider] *may* [must] help *the unmarried school-age parents and her family* [parents] consider all the alternatives available for planning and caring for the baby. These alternatives could include any of the following: pregnancy termination, planning for adoption, or keeping and caring for the baby. If after all alternatives have been explored and the mother has decided on pregnancy termination, the worker/contract provider must refer her to appropriate resources. If the parent(s) choose to keep the child, the worker/contract provider must explore with the mother her financial ability to support the child and make plans for herself and the child and refer her to a family planning agency.

(b) (No change.)

(c) If the mother and significant others decide to place the child in adoption through DHR, the worker/contract provider must obtain a social history of the baby's background, obtain necessary legal work, and explore the need for and availability of foster care/maternity home care for mother and/or child. [In a contract agency which is not a licensed child-placing agency, the provider must refer to a licensed child-placing agency and other needed services where available.] The department will join the parents in a court petition to terminate the parent-child relationship and place managing conservatorship with the department. An affidavit of relinquishment should be executed by the parents, as outlined in §15.03 of the Texas Family Code. If the child is not the legitimate child of the alleged father, an affidavit of status of the child must be executed by the mother, if at all possible, as outlined in §15.04 of the Texas Family Code. If the parents wish to establish paternity or petition the court for child-support, the worker should help the parents get legal advice and services. If there are other legal problems, the worker should help the unmarried or school-age parents get legal advice and services in the community. A full social history about the baby must be obtained to aid in adoption placement. The worker should find out whether foster care or residential care in a maternity home may be available to the unmarried mother. Such living arrangements may be paid for by local funds or by the family, the father of the unborn child, another agency, or community resource

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## Protective Services for Children 326.50.72

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amined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.50.72.096 and .097 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.096. *Contract Services for Juveniles.*

.097. *Providers of Contract Services for Juveniles.*

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### Foster Case Placement Services 326.50.74

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The repeal of Rule 326.50.74.101 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.101. *College Attendance.*

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The amendments to Rule 326.50.74.106, .156-.158, and .164 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.106. *Foster Care Services for 18 Year Olds [after Age 18].* In most cases, foster care services must terminate at age 18 as the [when a ] child is legally an adult. However, persons age 18 [to 21] may continue in foster care or continue receiving services if they *were* [are] being served by protective services when they *became* [become] age 18 and are *enrolled full time in a secondary school (or equivalent level of technical or vocational training) and reasonably expected to graduate or complete training before reaching 19.* [completing school or vocational training. If foster care is to continue, it is voluntary and the youth must understand the terms and conditions of continuance.]

.156. *Eligibility for AFDC Foster Care, MAO Foster Care, and State-Paid Foster Care*

(a) The following eligibility requirements apply to Type Programs 08, 09, and 10. To be eligible for Type Programs 08, 09, or 10 benefits, the child must meet all of the following criteria.

(1) (No change.)

(2) The child must be under the age of 18, or *age 18* [21] if a *full-time student in a secondary school (or the equivalent level of vocational or technical training), if reasonably expected to graduate or complete training before reaching age 19* [regularly attending school]. *Foster care assistance can be continued through the month of the child's 18th birthday. If the child is reasonably expected to graduate or complete training on or before his 19th birthday, foster care assistance can be continued through the month of graduation/completion.* A birth certificate should be filed in the child's record as proof of age. This requirement is considered met if efforts have been made to obtain a birth certificate.

(3)-(7) (No change.)

(b) (No change.)

.157. *Additional Eligibility Requirements for Type Program 08 Only.*

(a) (No change.)

(b) AFDC relationship and domicile.

(1) The child must meet relationship and domicile criteria. Relationship and domicile are established when a child was living with one of the following relatives during the month court proceedings were initiated or during the six months prior to the month court proceedings were initiated.

(A) (No change.)

(B) Grandfather or grandmother (extended to *the degree* [all degrees] of "great" and "great-great" relationships).

(C) (No change.)

(D) Uncle or aunt (extended to *the degree* [all degrees] of "great" and "great-great" relationships).

(E) First cousin (*not removed to any extent*).

(F) Nephew or niece (*extended to great-niece*).

(G)-(I) (No change.)

(J) *Step-great or great-great grandparents.*

(2) Except for the spouses of the stepbrother, step-sister, stepfather, and stepmother, and *step-great or great-great grandparents*, all relatives listed above are qualified relatives [if the child lived with the relative and spouse as a family unit prior to their separation due to death, divorce, or desertion].

(c)-(f) (No change.)

(g) Need—Need must be established and documented by determining if the child's family was living at subsistence level based on the best information available about the number of family members and the amount of income available to the family according to current AFDC single figure needs. *Although under Texas law no legal ties exist between stepparents and stepchildren, federal regulations require a stepparent's income to be considered in determining whether the child's needs are being met. Therefore need must be determined in relation to a child's legal parent and stepparent. Stepparent income is considered only if the stepparent was ceremonially married to the child's legal parent.*

(h)-(i) (No change.)

.158. *Special Circumstances Regarding Eligibility for Type Programs 08, 09, and 10.*

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

(f) Eligibility for student age 18[-21].

(1) Students age 18[-21] may continue to receive foster care assistance if the student is regularly attending a *secondary school* [college], vocational, or technical training, and *plans to finish by his 19th birthday* and if the student continues to meet other eligibility criteria.

(2) Continuing managing conservatorship is not necessary if the department was managing conservator prior to the student's 18th birthday. If education of the student age 18[-21] is discontinued or interrupted except for illness, semester breaks, or summer vacation, eligibility is discontinued and the student cannot be reinstated for foster care assistance.

(3) When a student who is eligible for foster care assistance is temporarily residing in a dormitory while attending college, his residence is considered to be the licensed foster care facility. The foster home or institution must retain space for the student and continued parental responsibility while the student is in school.]

(3)(4) Payment is made to the foster care facility and must be used for the student's maintenance and expense while attending school. Financial arrangements must be recorded in the case record and be available for audit.

(4)(5) A case worker must be assigned to the student and foster facility as long as the student's case is open.

(g) (No change.)

.164. *Determination of Amount of Foster Care Payment.* Income received by the child is deducted from the foster care payment on a month-to-month basis. This includes income received from child support, SSI, RSDI, VA benefits, any other dependent or survivor's income, or other income from private sources. Income for children in the managing conservatorship of the department must be paid to the department as managing conservator. It may not be paid directly to the provider as caregiver. *Nonrecurring lump sum payments, except special AFDC payments, received after certification are considered income. If the lump sum payment plus any other countable income, earned or unearned, received during the month is equal to or greater than the cost of care, a period of ineligibility exists. The period of ineligibility is determined by dividing the amount of the lump sum plus other countable income by the monthly cost of care. The resulting quotient equals the number of whole months for which the child is ineligible for benefits. Any remaining funds must be used as unearned income in the first month following the period of ineligibility.* Income from the following sources is exempted from the deduction.

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

(3) RSDI benefits received by an 18 [-21] year old student.

(4)-(5) (No change.)

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## Out-of-Town Inquiries 326.50.76

The amendments to Rule 326.50.76.031 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.031. *OTIs Received from Other Agencies.*

(a) The local protective services unit determines

whether it can provide the service requested by another agency by considering the degree of danger to the child, type of referral, type of referrant, and local DHR caseload priorities. *The response to an out-of-town inquiry must be provided consistent with child protective service priorities.* In general, DHR responds to OTIs as follows:

(1) (No change.)

(2) Protective services complaint, referral, or investigation: DHR must *respond to OTIs to [act to] protect children referred [for protective services] when there are [definite] allegations of abuse or neglect.*

(3) (No change.)

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

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## Case Closure Procedure 326.50.77

The amendments to Rule 326.50.77.007 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.007. *Procedure.*

(a) (No change.)

(b) A child's case must stay open and a service plan active as long as:

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

(5) The child is receiving AFDC foster care, *state paid*, or Medicaid only foster care. *This includes a person 18 years old who is in a secondary school (the equivalent level of vocational or technical training) and reasonably expected to graduate or complete the training before reaching his 19th birthday.*

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

(c) (No change.)

(d) *If the investigation of a Priority III intake report reveals that abuse or neglect has not occurred in the reported situation, the case must be closed at intake and must not be opened for ongoing services. If the child and family need continuing contact to prevent the situation from deteriorating into abuse or neglect, they should be referred to available community resources.* A child's case may be closed only when the following conditions are met.

(1) The court has dismissed, transferred, or otherwise ended DHR's conservatorship or consummated the child's adoption, or the person *reaches* [becomes] 18 years of age. When the court dismisses, transfers, or otherwise ends conservatorship, or consummates the child's adoption, the worker must get a court order explaining final legal action for filing in the case record before closing the case. When a person in DHR's conservatorship turns 18, services may continue for a limited period.

(A)-(B) (No change.)

(C) When he is in foster care and in *a secondary school (or the equivalent level of vocational or technical training) and reasonably expected to graduate or com-*

plete the training before reaching his 19th birthday [school or training].

(D) (No change.)

(2) (No change.)

(e) (No change.)

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### Standards for Protective Services 326.50.80.001, .006

The amendments to Rules 326.50.80.001 and .006 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.001. *Protective Services for Abused and Neglected Children.*

(a) Standards for intake (includes information and referral).

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

(3) Priority I and II intake reports

(A) Children in Priority I intake reports include those alleged or found to be abused *or* neglected [or otherwise in need of protection], to the extent that they are in immediate danger of death or serious physical harm *or those for whom court-ordered services must begin immediately.*

Immediately upon receiving the report, but in no case later than 24 hours, the following must be done:

(i) (ii) (No change.)

(B) Priority II intake reports include all other children who are alleged or found to be abused *or* neglected, *or for whom services are legally required* [otherwise in need of protection from immediate danger or harm]. As soon as possible, but in no case more than the length of time agreed upon in the annual regional service plan between the region and the program manager for protective services for children, the region must begin intake services for these children. The investigations must be conducted by worker or above level direct delivery staff, except where otherwise noted.

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

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

.006. *Title XX Contracts*

(a) (No change.)

[(b) Standards for contracted juvenile services. The provider must meet the standards as defined in Rule 326.50.80.005—Protective Services for Juveniles

[(c) Standards for contracted unmarried and/or school-age parents' services. The provider must meet the standards as defined in Rule 326.50.80.004—Protective Services for Unmarried or School-Age Parents.]

[(b)(d)] Standards for contracted community treatment services.

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

[(c)(e)] Standards for contracted emergency home-maker services.

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

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### Standards for Protective Services for Abused and Neglected Children (Direct Delivery and Purchased Services) 326.50.80

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.50.80.004 and .005 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources

.004. *Protective Services for Unmarried or School-Age Parents.*

.005. *Protective Services for Juveniles.*

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### Organization, Administration, and Management

#### Support Documents 326.51.99

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Department of Human Resources adopts, on an emergency basis, the repeal of Rule 326.51.99.003, which adopts by reference the Title XX Comprehensive Annual Services Program Plan (CASPP). The CASPP described how the department provided Title XX services for the program year October 1, 1980, through September 30, 1981. It is necessary to repeal the CASPP rule as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment of the Social Security Act.

The revised Title XX law does not require a CASPP document, and therefore, the department must include in the rules for each program area the Title XX services to be pro-

vided. The changes in federal law make it necessary for the department to repeal this rule on an emergency basis to be effective October 1, 1981, to ensure the continued health, safety, and welfare of the recipients of Title XX services.

The repeal of Rule 326.51.99.003 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

*.003. Title XX Comprehensive Annual Services Program Plan.*

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## Family Services

The Texas Department of Human Resources adopts, on an emergency basis, rules concerning family self support services. The emergency rules are adopted as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. This block grant represents a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. These changes in federal law make it necessary for the department to adopt these rules on an emergency basis to be effective October 1, 1981, to ensure the continued health, safety, and welfare of the recipients of family self support services.

As a result of the decreased federal funding from Title XX, the following changes are necessary in family self support services. The DHR/VR and emergency family services are being deleted. In an effort to provide some statewide services directed at client self sufficiency, a new employment service which focuses on client employability assessment, referral, and placement is being implemented with funding from Title IV A.

Day care services are also being modified to include food stamp recipients as eligibles, to change the priority of eligible recipients, to eliminate day care programs exclusively serving handicapped children, to limit DHR funded children to 30% of provider agreement facilities capacity, to implement a fee schedule for provider agreement facility day care, to delete payment for "extra meals" in contract facilities; and to delete day care policies related to the Federal Interagency Day Care Requirements.

Client priorities for family planning services are being established, as well as a fee system for client participation in the cost of all family planning services.

The Title XX income eligibility level is being established at 47% of the state median income. Monthly income tables for families of various sizes are being included.

In addition, the department is repealing, on an emergency

basis, several rules that conflict with the emergency family self-support rules. In the near future, all family self-support rules will be proposed in a single rule chapter; at the same time, the department will propose the repeal of duplicative rules in other chapters (WIN, EPSDT, etc.).

## Family Services Delivery System 326.53.61

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.53.61.008-.034 is adopted on an emergency basis under authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

- .008. *Program Description.*
- .009. *Eligibility.*
- .010. *Explanation of Service Delivery System.*
- .011. *Crisis Intervention Services.*
- .012. *Services for Adolescents.*
- .013. *Housing Improvement Services.*
- .014. *Home Management Services.*
- .015. *Establishment of AFDC Protective Payee.*
- .016. *Priority of Mandatory Protective Payees in Relation to Child Support Cases.*
- .017. *Mandatory Third-Party Payees in Relation to Non-Participation in WIN.*
- .018. *Emergency Homemaker Services.*
- .019. *Community Services for Families.*
- .020. *Purchased Social Services.*
- .021. *Responsibilities of Family Services Workers.*
- .022. *Intake.*
- .023. *Registration.*
- .024. *Recording.*
- .025. *Service Plan.*
- .026. *Case Monitoring.*
- .027. *Case Reassessment.*
- .028. *Case Termination/Transfer.*
- .029. *Description of Information and Referral.*
- .030. *Resource Development.*
- .031. *Education.*
- .032. *Counseling.*
- .033. *Support Services.*
- .034. *Outreach.*

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For further information, please call (512) 441-3355, ext. 2037.

## Family Planning 326.53.62

The amendments to Rules 326.53.62.014 and .015 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

- .014. *Eligibility.*

(a) All recipients of aid to families with dependent children (AFDC), supplemental security income (SSI), medical assistance only (MAO) income eligibles, and income-eligible persons are eligible for family planning services.

[(b) By department policy, initial priority for family planning services shall be given to minors who may be considered to be sexually active and to young mothers with one or more children.]

(b)(c) Families and individuals shall be free to voluntarily accept or reject family planning services. Acceptance or rejection of a service shall not be a prerequisite for the receipt of other services or financial aid. Individuals must be assured choice of family planning methods and choice of service providers.

(c)(d) Family planning services shall be available without regard to marital status, age, sex, parenthood, religion, or ethnic group membership.

#### .015. Contracted Provider Services.

[(a) All eligible clients may receive family planning medical services from the following providers:

- (1) hospital family planning clinics;
- (2) private physicians; and
- (3) agency clinics (such as planned parenthood, community action agencies, public health service grantees including health departments with family planning clinics and mobile teams, etc.).

(b) Family planning services are available to Title XIX Title XX eligible clients at no charge from the above-listed providers if the provider is participating in the Title XIX program and is under a Title XX family planning contract with the department. It should be noted that individual private physician's offices are not covered under Title XX; only services by contracted hospitals and agencies are covered under Title XX.

(c) Whenever a family planning service cannot be provided without cost to a client (i.e. cannot be purchased by the department), the family services worker should refer the client needing and desiring such services to all other possible resources.]

Issued in Austin, Texas, on October 1, 1981.

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Commissioner  
Texas Department of Human Resources

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For further information, please call (512) 441-3355, ext. 2037.

### Day Care Services for Children 326.53.63

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rule 326.53.63.075 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

### .075. Texas Quality Child Care Requirements (Specifications for Purchase).

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Commissioner  
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### Health-Related Services 326.53.64

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.53.64.001-.007 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

- .001. Definition.
- .002. Eligibility.
- .003. Providers of Services.
- .004. EPSDT Health-Related Services.
- .005. EPSDT Referrals for Diagnostic and Treatment Services.
- .006. EPSDT Dental Services.
- .007. Non-EPSDT Health-Related Services.

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### Housing Improvement Services 326.53.65

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.53.65.001-.004 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

- .001. Definition.
- .002. Eligibility.
- .003. Providers of Services.
- .004. Responsibility of the Family Services Worker.

Issued in Austin, Texas, on October 1, 1981.

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 Commissioner  
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## Other Services 326.53.66

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.53.66.001-.005 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

- .001. *Home Management Services.*
- .002. *Services for Unmarried and School-Age Parents.*
- .003. *Emergency Homemaker Services.*
- .004. *Social Rehabilitation Services.*
- .005. *Community Services for Families.*

Issued in Austin, Texas, on October 1, 1981.

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 Commissioner  
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## Rehabilitation and Self-Support Services

The Texas Department of Human Resources adopts, on an emergency basis, rules concerning family self-support services. The emergency rules are adopted as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. This block grant represents a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. These changes in federal law make it necessary for the department to adopt these rules on an emergency basis to ensure the continued health, safety, and welfare of AFDC recipients.

As a result of the decreased federal funding from Title XX, the following changes are necessary in family self-support services. The DHR/VR and emergency family services are being deleted. In an effort to provide some statewide services directed at client self-sufficiency, a new employment service is being implemented with funding from Title IV-A, which focuses on client employability assessment, referral, and placement.

Day care services are also being modified: to include food stamp recipients as eligibles; to change the priority of eligible

recipients; to eliminate day care programs exclusively serving handicapped children; to limit DHR-funded children to 30% of provider agreement facilities capacity; to implement a fee schedule for provider agreement facility day care; to delete payment for extra meals in contract facilities; to delete day care policies related to the Federal Interagency Day Care Requirements.

Client priorities for family planning services are being established, as well as fee system for client participation in the cost of all family planning services.

The Title XX income eligibility level is being established at 47% of the state median income. Monthly income tables for families of various sizes are being included.

In addition, the department is repealing, on an emergency basis, several rules that conflict with the emergency family self-support rules. In the rules that conflict with the emergency family self-support rules if the near future, all family self-support rules will be proposed in a single rule chapter; at the same time, the department will propose the repeal of rule chapter; at the same time, the department will proposed the repeal of duplicative rule in other chapters (WIN, EPSDT, etc.).

## Overview 325.54.81

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.54.81.001 and .002 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

- .001. *Overview of Rehabilitation and Self-Support Services.*
- .002. *Program Definition.*

Issued in Austin, Texas, on October 1, 1981.

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 Commissioner  
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## DHR-VR Program 326.54.82

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.54.82.001, .007-.010 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

- .001. *Eligibility for DHR-VR Program.*
- .007. *Referral Responsibilities and Procedures.*

- .008. *DHR-Provided Social Services.*
- .009. *Resources for Services.*
- .010. *Social Rehabilitation Program.*

Issued in Austin, Texas, on October 1, 1981.

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For further information, please call (512) 441-3355, ext. 2037.

## Work Incentive Program

The Texas Department of Human Resources adopts, on an emergency basis, rules concerning family self-support services. The emergency rules are adopted as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment to the Social Security Act. This act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. This block grant represents a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. These changes in federal law make it necessary for the department to adopt these rules on an emergency basis to be effective October 1, 1981, to ensure the health, safety, and welfare of the recipients of family self-support services.

As a result of the decreased federal funding from Title XX, the following changes are necessary in family self-support services. The DHR/VR and emergency family services are being deleted. In an effort to provide some statewide services directed at client self-sufficiency, a new employment service which focuses on client employability assessment, referral, and placement is being implemented with funding from Title IV-A.

Day care services are also being modified: to include food stamp recipients as eligibles; to change the priority of eligible recipients; to eliminate day care programs exclusively serving handicapped children; to limit DHR-funded children to 30% of provider agreement facilities capacity; to implement a fee schedule for provider agreement facility day care; to delete payment for extra meals in contract facilities; and to delete day care policies related to the Federal Interagency Day Care Requirements.

Client priorities for family planning services are being established, as well as a fee system for client participation in the cost of all family planning services.

The Title XX income eligibility level is being established at 47% of the state median income. Monthly income tables for families of various sizes are being included.

In addition, the department is repealing, on an emergency basis, several rules that conflict with the emergency family self-support rules. Also, several emergency amendments to existing rules are being adopted to avoid conflicts with the Omnibus-related rules. In the near future, all family self-support rules will be proposed in a single rule chapter; at the same time, the department will propose the repeal of duplicative rules in other chapters (WIN, EPSDT, etc.).

## Eligibility 326.56.20

New Rule 326.56.20.014 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

### 014. *Former WIN Clients.*

(a) The children of a former WIN client, who successfully completes 30, 60, or 90 days of employment following entry into working registrant status and who continues to receive an AFDC grant, are eligible for child day care services as long as the client is employed, or for a maximum of 30 calendar days while actively seeking employment (not renewable without intervening employment).

(b) Former WIN participants (those who have successfully completed the 30, 60 or 90 days of employment after entering working registrant status) whose AFDC grant has been denied may continue to receive child day care services for a period up to one year from the date of grant denial if services are provided in a provider agreement facility and the former WIN participant remains employed and is income eligible.

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For further information, please call (512) 441-3355, ext. 2037.

## WIN Social Services 326.56.40

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.56.40.030, .032-.035 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

.030. *Definition of Vocational Rehabilitation Services.*

.032. *Procedure for Vocational Rehabilitation Services.*

.033. *Short-Term Remedial or Physical Restoration Medical Services.*

.034. *WIN-DPW-VR Model for Long-Term Joint Cases.*

.035. *Definition of Health-Related Services.*

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 817014      Marlin W. Johnston  
 Commissioner  
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## Protective Services for Adults 326.58.51

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.58.51.025 and .031 is adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

.025. *Summary of Out-of-Home Eligibility Characteristics.*

.031. *Eligibility for Out-of-Home Services.*

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 817016      Marlin W. Johnston  
    Commissioner  
    Texas Department of Human Resources

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For further information, please call (512) 441-3355, ext. 2037.

## Alternate Care for Aged, Blind, and Disabled Adults

The Texas Department of Human Resources adopts, on an emergency basis, the following repeals and amendments to its rules on the Alternate Care for Aged, Blind, and Disabled Adults (ACABD) Program. The emergency rules are adopted as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment of the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. This block grant represents a significant reduction in federal funding; therefore, the department must limit the level of services to accommodate the reduction in funds. These changes in federal law make it necessary for the department to adopt these rules on an emergency basis to be effective October 1, 1981, to ensure the continued health, safety, and welfare of the recipients of ACABD services.

The rules are amended to delete references to Rule 326.51.99.003 which was the department's rule on the Title XX Comprehensive Annual Services Program Plan (CASPP) showing how Title XX services are provided. Because a CASPP document is not required under the revised Title XX law, the rule is being repealed and the rules on services described by the CASPP are being filed in each specific program area. Therefore, the rules on eligibility criteria and levels of services are now included in the ACABD rules.

The rules are amended to include the income eligibility criteria for ACABD services. The criteria are changed for 70% to 58% for priority levels 1, 2, and 3 and from 70% to 33% for priority level 4. The amendments also delete priority level 5 and 6 from ACABD services. Individuals who do not meet the current eligibility criteria will be denied at the time of reassessment.

## Protective Services for Adults 326.58.51.

These amendments to Rules 326.58.51.021, .022, .024, and .030 are adopted on an emergency basis under the authority

of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

.021. *Definitions of Program Terms.*

(a)-(h) (No change.)

(i) *Income Eligible (I.E.)*—Refers to an aged, blind or disabled adult, who is not an SSI recipient, but who qualifies, in part, for ACABD services on the basis of having an income that is equal to or less than the level established by the department [Rule 326.51.99.003, adjusted for family size]. *The income eligibility criteria for community care services is set at 58% and 33% of the median income as adjusted for family size. The following charts establish the Title XX income limit for families of various sizes.*

**58% level (applies to priority groups 1, 2, and 3)**

Family Size	Annual Dollars	Monthly Dollars
1	\$ 7,062.27	\$ 588.52
2	\$ 9,235.27	\$ 769.61
3	\$11,408.28	\$ 950.69
4	\$13,581.28	\$1,131.77
5	\$15,754.28	\$1,312.86
6	\$17,927.29	\$1,493.94

**33% level (applies only to priority group 4)**

Family Size	Annual Dollars	Monthly Dollars
1	\$ 4,018.19	\$334.85
2	\$ 5,254.55	\$437.88
3	\$ 6,490.92	\$540.91
4	\$7,727.28	\$643.94
5	\$ 8,963.64	\$746.97
6	\$10,020.00	\$850.00

(j)-(k) (No change.)

(l) *Entitlement*—Any individual who meets ACABD eligibility requirements as specified in Rule 326.51.99.003 is regarded by DHR as possessing the right to receive the benefits of the appropriate service.]

(m) *Comprehensive Annual Services Program Plan (CASPP)*—Published each year, subject to public review and comment, and adopted by reference. Rule 326.51.99.003 specifies the Title XX services which the Department of Human Resources will provide, the number and characteristics of eligible clients to be served, and other budgetary and program information.]

(n) *Primary Home Care*—The objective of primary home care is to provide non-technical, medically-prescribed, and supervised in-home personal and housekeeping services for eligible Medicaid recipients, whose chronic health problems cause them to be functionally limited in the performance of daily living activities. Primary home care services are provided in the client's residence by a primary home care provider employed by a contract agency.

.022. *Eligibility for Services.* Client eligibility in each region is based on a broad scale of priority levels which include all potentially eligible groups. These groups are ranked so that those persons with greater needs are identified in an ordered scale, which allows the department [regional staff] to provide service first to those persons with greater needs. [Upon consideration of projected expenditures, allocated funding, attrition rates of current client groups, and the rate of requests for service, regional administrative staff are able



to determine how many client groups may be served. When this determination is made, regional staff declare in Rule 326.51.99.003 which groups will be served in each service area. If necessary, the rule is amended during the fiscal year in order to allow a region to serve as many clients as possible within available funding.]

**.024. Explanation of Priority Levels [Summary of In-Home Eligibility Characteristics].**

(a) Priority level 1—persons [age] 18 or older, who are SSI recipients or whose incomes are equal to or less than 58% [70%] of the State Median Income (SMI), and whose scores on the client needs assessment indicate "critical" needs; or persons 18 or older, who are SSI recipients or whose incomes are equal to or less than 58% of the SMI, who have eligibility for or have been denied a level or care for a Title XIX intermediate care facility or skilled nursing facility, and have a score on the client needs assessment which indicates "medium" needs or above. Persons who have been denied a level of care are required to apply for services within 90 days from the denial date. Persons whose eligibility as priority one, that is based on a denied level of care, are granted this status only once and will retain the status until the next assessment.

(b) Priority level 2—persons [age] 18 or older, who are SSI recipients or whose incomes are equal to or less than 58% [70%] of the SMI, and whose scores on the client needs assessment indicate "high" needs.

(c) Priority level 3—persons [age] 18 or older, who are SSI recipients or whose incomes are equal to or less than 58% [40%] of the SMI, and whose scores on the client needs assessment indicate "medium" needs.

(d) Priority level 4—persons [age] 18 or older, who are recipients of SSI or whose incomes are equal to or less than 33% [70%] of the SMI, and whose scores on the client needs assessment indicate "low" ["medium"] needs.

(f) Priority level 6—persons aged 65 or older, whose income are equal to or less than 40% of SMI, and whose scores on the client needs assessment indicate "low" needs.]

**.030. Eligibility for In-Home and Out-Of-Home Services.**

(a) Eligibility for in-home and out-of-home services is determined on the basis of the client's income, age, and need for service.

(1) Income—The income component of eligibility is satisfied if the client or applicant is a recipient of SSI, or is otherwise eligible according to income qualifications [as specified in Rule 326.51.99.003]. Income eligibility certification is based on information provided by the applicant regarding family size and monthly gross income. The applicant signs and dates the application with the understanding of the penalties for fraud which may ensue if misinformation is deliberately provided. Nevertheless, prudent judgment must be exercised in certification of eligibility based on applicant provided information.

(2) Age—ACABD in-home Title XX services are delivered to adults only. [Specified age criteria are published in Rule 326.51.99.003.]

(3) Need—The need for in-home services is determined by a trained DHR caseworker in a face-to-face interview. [Specific characteristics of the need component of eligibility are published in Rule 326.51.99.003.]

(b) **Effective October 1, 1981, the following priority groups are eligible for ACABD services:**

<b>In-Home Services:</b>	
<b>Family Care</b>	1-2
<b>Out-Of-Home Services:</b>	
<b>Congregate and Home-Delivered Meals</b>	1-4
<b>Alternate Living Plans</b>	1-4
<b>Special Services to Handicapped Adults</b>	1-4

(c) **When reassessed, family care clients in priority groups 1 and 2 remain eligible for services if they obtain a client needs assessment score of at least 50 and have an income equal to or less than 58% of the state median income. Family care clients receiving services in priority group 3 on October 1, 1981, remain eligible for services if they continue to meet the criteria for that priority.**

(d) **Clients who do not meet current eligibility criteria for in-home or out-of-home services will be denied at the time of reassessment.**

(e) **The availability of Title XX services is contingent upon available resources and funds. Services provided through the alternate care program may not be available in some geographic areas of the state.**

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Doc. No. 817015      Marlin W. Johnston  
                                  Commissioner  
                                  Texas Department of Human Resources

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For further information, please call (512) 441-3355, ext. 2037.

**General Information 326.60.31**

The amendments to Rule 326.60.31.001 are adopted on an emergency basis under the authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

**.001. Priorities for Provision of DHR-Purchased Day Care Services.**

(a) Purchased day care services should be provided to children (age zero through 13 years, or through age 17 when mentally or physically handicapped) in the order of priorities shown below. The order is affected by both the eligibility of the client and the purpose for which the service is given.

(1) To prevent or remedy abuse or neglect of a child, including ensuring adequate care and supervision.

(2) To allow parents or caretakers to participate in the Work Incentive Program (WIN) or Department of Human Resources-Vocational Rehabilitation Program (DHR-VR). Participation in these programs includes the period during which parents or caretakers remain eligible after completing the WIN or DHR-VR Program

(3) To allow aid to families with dependent children (AFDC), supplemental security income (SSI), or income-eligible medical assistance only (MAO) recipients to participate in employment or training.

(4) To allow income-eligible persons to participate in employment or training.

(5) To offer needed growth opportunities related to physical, social, and mental functioning to handicapped children of AFDC, SSI, or income-eligible MAO recipients.

(6) To offer needed growth opportunities related to

physical, social, or mental functioning to handicapped children of income-eligible persons.

[(7) To offer needed growth opportunities related to physical, social, and mental functioning to children of incapacitated AFDC, SSI, or income-eligible MAO recipients.

[(8) To offer needed growth opportunities related to physical, social, or mental functioning to children of incapacitated income-eligible persons.

[(9) To allow AFDC, SSI, or income-eligible MAO recipients to actively seek employment for a maximum of 60 calendar days (not renewable without intervening employment).

[(10) To allow income-eligible persons to seek employment for a maximum of 60 calendar days (not renewable without intervening employment).]

(a)(b) Priorities are used as guidelines for decision-making by both DHR staff and contract providers. Priorities must be used in selecting children from waiting lists for enrollment in care. This is the primary use of the priorities since most day care funds are encumbered by specific contracts. Application of the priorities to selection from waiting lists will be monitored by DHR regional staff.

(b)(c) Children, both with and without handicaps, will be treated equally in determining applicable priorities [except for subsection (a), paragraphs (5) and (6) of this rule which relate only to handicapped children]. When a child's situation is covered under several priorities, he or she will be placed on the waiting list as the highest applicable priority. [Children served according to any of the 10 priorities listed in these rules will be offered growth opportunities related to their physical, social, and mental functioning.]

(c)(d) In regions where there are a large number of high priority children on waiting lists, providers may be restricted through stipulations in their contracts to enrolling *only* children [only] from the highest priority groups. Once enrolled, these children should be allowed to remain in the facility even though their family situation moves them to a lower priority.

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 817017      Marlin W. Johnston  
                                  Commissioner  
                                  Texas Department of Human Resources

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## Child Development Programs

The Texas Department of Human Resources adopts, on an emergency basis, rules concerning family self-support services. The emergency rules are adopted as a result of the Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. This block grant repre-

sents a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. These changes in federal law make it necessary for the department to adopt these rules on an emergency basis to be effective October 1, 1981, to ensure the continued health, safety, and welfare of the recipients of family self-support services.

As a result of the decreased federal funding from Title XX, the following changes are necessary in family self-support services. The DHR/VR and emergency family services are being deleted. In an effort to provide some statewide services directed at client self-sufficiency, a new employment service which focuses on client employability assessment, referral, and placement is being implemented with funding from Title IV-A.

Day care services are also being modified: to include food stamp recipients as eligibles; to change the priority of eligible recipients; to eliminate day care programs exclusively serving handicapped children; to limit DHR-funded children to 30% of provider agreement facilities capacity; to implement a fee schedule for provider agreement facility day care; to delete payment for "extra meals" in contract facilities; and to delete day care policies related to the Federal Interagency Day Care Requirements.

Client priorities for family planning services are being established, as well as a fee system for client participation in the cost of all family planning services.

The Title XX income eligibility level is being established at 47% of the state median income. Monthly income tables for families of various sizes are being included.

In addition, the department is repealing, on an emergency basis, several rules that conflict with the emergency family self-support rules. In the near future, all family self-support rules will be proposed in a single rule chapter; at the same time, the department will propose the repeal of duplicative rules in other chapters (WIN, EPSDT, etc.).

## General Information 326.60.31

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.60.31.003-.007 is adopted on an emergency basis under authority of the Human Resources Code, Title 2, Chapter 22, with the approval of the Texas Board of Human Resources.

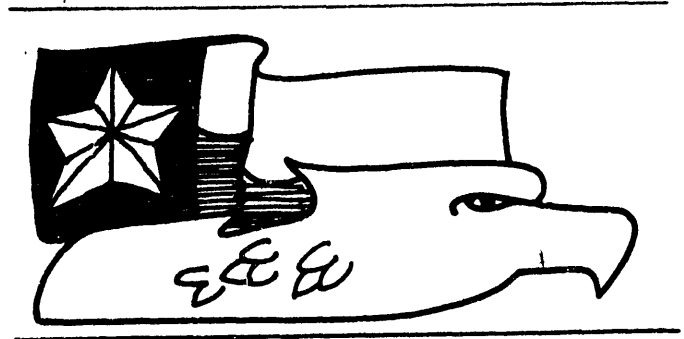
- .003. *Services to Children of DHR-VR and WIN Participants.*
- .004. *Services to Children of Parents Participating in Employment or Training.*
- .005. *Services to Handicapped Children.*

- .006. *Services to Children of Incapacitated Parents.*
- .007. *Services to Children of Parents Seeking Employment.*

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Expiration Date: January 28, 1982  
For further information, please call (512) 441-3355, ext. 2037.



Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

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

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

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## CODIFIED

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### TITLE 4. AGRICULTURE

#### Part I. Texas Department of Agriculture

##### Chapter 7. Pesticides

The Texas Department of Agriculture proposes new §§7.1-7.21 concerning pesticides. The Texas Pesticide Control Act, now cited in Agriculture Code, Title 5, Subtitle, B, Chapter 76, as amended, regulates every phase of pesticide use: providing for licensure of pesticide dealers and regulating their activities; providing for a correlation of duties with other agencies; and providing certification procedures for certain pesticide applicators and regulation of their activities. Recent amendments passed by the 67th Legislature, Regular Session (Senate Bill 602), have substantially altered

the law regarding pesticide control. This legislation has, among other things, substantially reorganized the responsibilities of the Texas Department of Agriculture, the Texas Animal Health Commission, and the Texas Department of Water Resources concerning certification of pesticide applicators; altered the requirements for issuance of commercial and noncommercial pesticide applicator's licenses to out-of-state applicants; and revamped the license renewal requirements.

In addition to changes in the Act brought about by Senate Bill 602, the department, in an attempt to bring its regulations more within the definition of a rule as contained in the Administrative Procedure and Texas Register Act, is currently rewriting many of its existing rules to make them more understandable. Therefore, the department is proposing for repeal §§7.1-7.29 (176.23.10.101-.129) and, at the same time, proposing new §§7.1-7.21, which will cover procedures necessary for the effective administration of the Texas Pesticide Control Act. The requirements contained within these new sections are proposed to augment those requirements presently set out in Agriculture Code, Chapter 76, as amended, and will affect all areas of the Texas Pesticide Control Act—additional definitions, label requirements, registration of pesticides, custom mixes, special local needs, experimental use permits, pesticide dealers, enforcement powers, pesticide use and application training programs, applicator certification classification of commercial and noncommercial license, commercial applicator license, commercial applicator proof of financial responsibility, noncommercial applicator license, certified private applicator license, expiration and renewal of license, maintenance of records, registration and inspection of equipment, complaint investigation, storage and disposal of pesticides, and use inconsistent with label directions. Rewriting the regulations affecting the Texas Pesticide Control Act should provide for more effective enforcement and improved administrative procedures.

William C. Neiser, director of fiscal services, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

David A. Ivie, director of the Agricultural and Environmental Sciences Division, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be to prevent misuse of potentially harmful pesticides and protect the health, safety, property, and welfare of each resident of the State of Texas. Since the proposed sections simply reflect recent changes in pesticide legislations, if any further public benefit is to be realized beyond enforcement of current pesticide regulations, it may be reorganization of agency responsibilities in the licensing of pesticide applicators and tightening of licensure requirements for out-of-state applicators.

(B) There will be no change in costs to individuals who are required to comply with the rule as proposed, because the proposed new sections do not substantively alter the licensing and renewal fees of the old pesticide regulations being simultaneously repealed.

Comments on the proposal may be submitted to David A. Ivie, director of the Agricultural and Environmental Science Division, Texas Department of Agriculture, P.O. Box 12847,

Austin, Texas 78711. All comments on the proposed rules should be submitted in writing and clearly identify the party or parties wishing the comment to be registered with the department.

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

Reagan V. Brown  
September 30, 1981

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of §§7.1-7.29 (176.23.10.101-.129) is proposed under the Agriculture Code, Title 5, Subtitle B, Chapter 76, as amended by Senate Bill 1276 passed by the 67th Texas Legislature, Regular Session. The Code provides the Texas Department of Agriculture with the authority to promulgate rules and regulations not inconsistent with the Act as may be necessary to carry out the various activities set out within the Act itself as respects the regulation of pesticides.

- §7.1 (176.23.10.101.). *Title.*
- §7.2 (176.23.10.102.). *Definitions.*
- §7.3 (176.23.10.103.). *Misbranded.*
- §7.4 (176.23.10.104.). *Label Requirements.*
- §7.5 (176.23.10.105.). *Pesticide Advisory Committee.*
- §7.6 (176.23.10.106.). *Registration of Pesticides.*
- §7.7 (176.23.10.107.). *Special Local Needs.*
- §7.8 (176.23.10.108.). *Denial or Cancellation of Registration.*
- §7.9 (176.23.10.109.). *Experimental Use Permits.*
- §7.10 (176.23.10.110.). *Rules and Regulations.*
- §7.11 (176.23.10.111.). *Pesticide Dealers.*
- §7.12 (176.23.10.112.). *Denial or Revocation of Pesticide Dealer License.*
- §7.13 (176.23.10.113.). *Enforcement.*
- §7.14 (176.23.10.114.). *Other Powers and Duties of the Commissioner.*
- §7.15 (176.23.10.115.). *Prohibited Acts.*
- §7.16 (176.23.10.116.). *Exemptions.*
- §7.17 (176.23.10.117.). *Regulation of Pesticide Use and Application.*
- §7.18 (176.23.10.118.). *Pesticide Application.*
- §7.19 (176.23.10.119.). *Pesticide Use without License or Application.*
- §7.20 (176.23.10.120.). *Classification of Commercial and Noncommercial License.*
- §7.21 (176.23.10.121.). *Commercial Applicators License.*
- §7.22 (176.23.10.122.). *Noncommercial Applicators License.*
- §7.23 (176.23.10.123.). *Private Applicators.*
- §7.24 (176.23.10.124.). *Supervision of Private Applicators.*
- §7.25 (176.23.10.125.). *Reciprocal Agreements.*
- §7.26 (176.23.10.126.). *License Renewal.*
- §7.27 (176.23.10.127.). *Maintenance of Records.*
- §7.28 (176.23.10.128.). *Regulation and Inspection of Equipment.*

§7.29 (176.23.10.129). *Storage and Disposal of Pesticides.*

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

Doc. No. 816941      Reagan V. Brown  
                                 Commissioner  
                                 Texas Department of Agriculture

Proposed Date of Adoption: November 9, 1981  
For further information, please call (512) 475-6346.

New §§7.1-7.21 are proposed under Texas Agriculture Code, Chapter 76, §76.004, which provides the Texas Department of Agriculture with the authority to adopt rules for carrying out the provisions of Texas Agriculture Code, Chapter 76, which includes rules providing for the collection, examination, and reporting of records, devices, and samples of pesticides; the safe handling, transportation, storage, display, distribution, or disposal of pesticides and pesticide containers; and labeling requirements of pesticides and devices.

§7.1. *Definitions.* In addition to the definitions set out in the Texas Agriculture Code, Chapter 76, §76.001 (1981), the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

Act—Texas Pesticide Control Act, codified at Texas Agriculture Code, Chapter 76 (1981).

Commissioner—Commissioner of agriculture, Texas Department of Agriculture.

Custom mix—A pesticide formulation produced on special request for a specific customer.

EPA—Environmental Protection Agency.

FAA—Federal Aviation Administration.

§7.2. *Resident Agents.*

(a) Any person designated by an out-of-state applicant as a resident agent for service of process in this state pursuant to Subchapters C, D, or E of the Act shall:

(1) be a citizen of this state; and

(2) maintain a permanent address within this state where documents dealing with the administration and enforcement of this law may be served.

(b) The registrant shall notify the commissioner in writing within 10 days of any change of his resident agent. Failure to give such notice shall be grounds for suspending the registration of the registrant's pesticides.

§7.3. *Label Requirements.* In addition to the labeling requirements contained in Subchapter B of the Act, every pesticide distributed within this state must be prominently labeled with the following information.

(1) The address of the manufacturer, registrant, or distributor of the product.

(2) The use classification for which it is registered, stated as:

(A) restricted-use,

(B) general use, or

(C) unclassified for which no statement is required.

(3) An ingredient statement giving:

(A) the accepted common name and/or chemical name of all active ingredients; and

(B) the percentage by weight of each active ingredient and the percentage by weight of inert ingredients;

(C) a trademark or trade name may not be used as

the name of an ingredient unless it has become the common name;

(D) the sliding scale method of expressing percentages shall not be used (example: active ingredient name—6.0% to 8.0%).

(4) Complete directions for all uses of the pesticide shown on the label or labeling that are necessary for effecting the purpose for which the product is intended, including but not limited to:

(A) application rates of product to be applied and examples of how to dilute the material to the proper concentration; provided however, that if the application rate is expressed as weight of active ingredient per unit area (example: one pound per acre), a statement of the weight of active ingredient per unit volume of pesticide formulation shall also appear on the label or labeling (example: four pounds per gallon);

(B) proper mixing procedures;

(C) the methods of applications;

(D) the limitations of applications;

(E) re-entry requirements and preharvest intervals consistent with federal regulations; and

(F) clean-up, storage, and disposal instructions.

(5) The net weight or measure of contents, exclusive of wrappers, or other materials:

(A) the net weight or measure of contents shall be the average contents unless explicitly stated as a minimum quantity;

(B) if the pesticide is a liquid, the net content statement shall be in terms of liquid measure at 68°F (20°C) and shall be expressed in conventional American units of fluid ounces, pints, quarts, and gallons;

(C) if the pesticide is a solid or semisolid, viscous or pressurized, or is a mixture of liquid and solid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces;

(D) in all cases, net content shall be stated in terms of the largest suitable units (example: one pound, 10 ounces, not 26 ounces);

(E) in addition to the required units, specific net contents may be expressed in metric units;

(F) variation above minimum content or around an average is permissible only to the extent that it represents deviation unavoidable in good and workmenlike manufacturing practice.

(G) variation below a stated minimum is not permitted;

(H) in no case shall the average content fall below the stated average content.

(6) Appropriate warning, symbols, symptoms of poisoning, antidote, treatments or procedures to take in case of overexposure and other cautionary statements as required by the regulations of the Federal Insecticide, Fungicide, Rodenticide ACT (FIFRA), based on the product's toxicity and use classifications.

(7) Numbers or other symbols to identify the manufacturer's lot and batch stamped on the pesticide container any place where they can be readily seen, provided however, it shall be unlawful to have more than one lot or batch number in a single package.

(8) It shall be unlawful to sell custom mixes without identifying the purchase on the label or labeling.

(9) All printing on the label shall be made with a nonsmearing permanent substance.

#### §7.4. Registration of Pesticides.

(a) In addition to the requirements contained in Subchapter C, Chapter 76 of the Act, the application for registration of a pesticide shall include:

(1) a list of dealers who will be distributing the pesticide;

(2) a location where samples of the product may be obtained; and

(3) the location of the lot or batch number on the container of the pesticide.

(b) If the registrant distributes a pesticide under more than one brand name or more than one formulation, each brand or formulation must be registered as a separate product.

(c) It shall be a violation to continue to distribute a pesticide for which a renewal application, including the required fee, has not been received after December 31 of the year of current registration.

(d) Renewal or registration fees collected by the commissioner as a condition for registration of a pesticide shall not be prorated.

#### §7.5. Custom Mixes.

(a) Custom mixes shall be sold only to those whose name appears on the label or labeling of the pesticide container and shall not be placed on the shelf for resale.

(b) Pesticide containers of custom mix pesticides shall bear an ingredient statement as required by §7.3 of this chapter (relating to Label Requirements).

§7.6. *Special Local Needs.* Before approving the registration of a pesticide under §76.046 of the Act, the commissioner shall determine:

(1) that a local need exists;

(2) that the applicant meets all other requirements for registration of a pesticide; and

(3) that the particular use of the pesticide has not been denied, suspended, or canceled by the EPA.

#### §7.7. Experimental Use Permits.

(a) Application for experimental use permits will be on forms prescribed by the commissioner and shall contain the following information:

(1) the name and address of the applicant;

(2) the name of the manufacturer of the product;

(3) the name and address of the person responsible for the experimental program if different from the applicant;

(4) the name of the pesticide;

(5) an ingredient statement as required in §7.2 of this chapter (relating to Resident Agents);

(6) the use or uses requested for the experimental permit; and

(7) the estimated amount of the product to be used.

(b) A registration fee of \$30 shall accompany each experimental use permit application if the pesticide is not currently registered for other uses in the state.

#### §7.8. Pesticide Dealers.

(a) It shall be a violation for a pesticide dealer required to be licensed by Subchapter D of the Act to continue to distribute restricted-use, or state-limited-use, pesticides after December 31 of each year without first having renewed his license in accordance with the Act.

(b) Application for a dealer's license shall be made on

forms prescribed by the commissioner and shall include the following:

- (1) the name of the business;
  - (2) the mailing address and location of the business;
- and
- (3) the name and address of the applicant's manager or agent.

(c) All applicants must submit a license fee of \$25 for each license requested. This fee will not be prorated. Dealers currently licensed under the Texas Herbicide Law, codified at Texas Agriculture Code, Chapter 75 (1981), will not be required to pay an additional fee as long as the herbicide license covers only one outlet. If the herbicide dealer's license is for more than one outlet, a license will be issued to one such outlet at no charge. Each additional outlet licensed must pay the pesticide dealer's license fee.

(d) A pesticide dealer's license shall not be transferable. In case of a change in ownership of a licensee's business, outlet, or facilities, a new application and fee are required.

(e) The record-keeping requirements imposed on licensed pesticide dealers by §76.075 of the Act may be satisfied by invoices, if such invoices are kept separate from the licensee's other sales records and contain:

- (1) the name, address, certified applicator number or dealer license number of the person to whom the pesticide was sold or delivered;
- (2) the date of sale;
- (3) the brandname, registration number, and manufacturer of pesticide; and
- (4) the quantity of pesticide sold.

(f) Restricted-use or state-limited-use pesticides may only be sold to certified applicators, persons acting under the direct supervision of a certified applicator, or a licensed dealer.

**§7.9. Enforcement.** In addition to the enforcement powers of the commissioner found in §§76.151-76.153 of the Act, the commissioner, or his authorized agent, may enter the premises of a registrant or dealer during normal business hours to:

- (1) examine records,
- (2) inspect any apparatus subject to the Act, or
- (3) inspect pesticide packaging, labels and labeling information for compliance with the Act.

**§7.10. Pesticide Use and Application Training Programs.**

(a) Any person or education institution may develop programs to train pesticide applicators in any phase of pesticide use.

(b) A training program must be approved by the commissioner if it falls within one or more categories:

- (1) conducted as part of the official certification process;
- (2) conducted to maintain applicator certification in lieu of retesting; or
- (3) claiming to be "approved," or "accepted," or using any term in its name that would lead the public to believe that it is approved.

(c) Any person or institution may request the commissioner to approve its training program. The request should include:

- (1) the categories or subcategories that will be included in the program;
- (2) a complete description of all information to be presented, and the methods used for presentation;

(3) the eligibility requirements for those allowed to attend the program;

(4) an estimate of the number of applicators to be trained; and

(5) the location of the proposed training sites, provided, however, that if a similar program is already being offered in the same area, a statement of why another one is needed is required.

(d) The commissioner may consult with officials of other regulatory agencies before he approves a training program if the training program involves applicators in categories under the jurisdiction of such agencies.

**§7.11. Applicator Certification.**

(a) The Texas Department of Agriculture will certify commercial and noncommercial applicators in the following license use categories and subcategories:

- (1) agriculture pest control,
  - (A) field crop pest control,
  - (B) fruit and vegetable pest control,
  - (C) weed and brush control,
  - (D) predatory animal control,
  - (E) farm storage pest control,
  - (F) fumigation,
  - (G) animal pest control,
    - (i) tick, louse, and mite control,
    - (ii) fly control;
- (2) forest pest control,
  - (A) insect and disease control,
  - (B) weed and brush control;
- (3) ornamental and turf pest control,
  - (A) plant pest control,
  - (B) greenhouse pest control,
  - (C) weed control;
- (4) seed treatments;
- (5) right-of-way pest control;
- (6) aquatic pest control,
  - (A) aquatic plant pest control,
  - (B) aquatic animal pest control.

(b) The Texas Department of Health will certify commercial and noncommercial applicators involved in public health pest control which shall encompass the following subcategories:

- (1) vector control,
- (2) rodent control, and
- (3) sanitation.

(c) Applicators involved in regulatory pest control or demonstration and research pest control will be licensed by the regulatory agency responsible for the category or subcategory of pest control for which the license is requested. Regulatory pest control or demonstration and research pest control licenses may be issued for any category or subcategory listed in this section.

**§7.12. Classification of Commercial and Noncommercial Licenses.**

(a) All testing conducted by a regulatory agency under the authority of Section 76.196 of the Act shall be designed to cover the information necessary for an applicant to demonstrate that he is competent to use and supervise the use of restricted-use and state-limited-use pesticides in a safe and effective manner. Anyone who makes a passing score on one or more test will be eligible to be a certified applicator in those categories or subcategories for which a passing score

was received and shall be certified as soon as all other licensing requirements are met.

(b) A fee of \$10 shall be required for testing each applicant in each license use category, and must be paid before the test or tests are given.

**§7.13. Commercial Applicator License.**

(a) An application for an original or renewal commercial applicator license filed with a regulatory agency pursuant to §76.108 of the Act shall contain the following information:

- (1) the name and address of the company,
- (2) the name and address of the owner or manager,
- (3) the name and address of each certified applicator employed by the company,
- (4) the categories and subcategories for which the license is requested,
- (5) the type, number, serial number, and license number of all application equipment, whether ground, aircraft (include "N" number), or other,
- (6) a statement of whether the applicant has ever had a previous license suspended, revoked, or refused in this, or any other state, and applicable details,
- (7) a statement of whether the applicant has ever been convicted of a felony and applicable details, and
- (8) the name and address of a resident agent for service of process for any actions instituted against the licensee in administration or enforcement of the Act or this chapter.

(b) Each application for an original or renewal commercial applicator's license must be accompanied by an annual license fee of \$75.

(c) Before a commercial applicator license may be issued, either the applicant, or one, or more of his full-time employees must be a certified applicator in each license use category requested. The licensee shall notify the proper regulatory agency immediately of any change of certified applicators, or change in license status of any certified applicator employee, owner, or associate of the licensee, of any change of address of the licensee.

**§7.14. Commercial Applicator Proof of Financial Responsibility.**

(a) A bond of liability insurance in the amounts and coverages shown in this subsection shall be required for each piece of application equipment falling within the following categories:

Category of Application Equipment	Amount and Extent of Coverage
Aerial	\$10,000 bodily injury
	\$20,000 aggregate
	\$10,000 property damage
Ground	\$5,000 bodily injury
	\$10,000 aggregate
	\$5,000 property damage
Hand Operated	\$5,000 bodily injury
	\$10,000 aggregate
	\$5,000 property damage

(1) the licensing agency may require a higher amount of surety bond or insurance from an applicant or current licensee than those amounts listed in this section if, in the determination of the licensing agency, the past performance of the applicant or current licensee warrants a greater degree of financial responsibility be shown.

(2) all insurance policies must include chemical drift coverage in the amount stated for all pesticides applied.

(3) a certified copy of the insurance policy, insurance certificate, or bond, signed by the proper authority for the insurance company or surety, must be submitted to the licensing agency as proof of coverage.

(b) This licensing agency must be notified at least 10 days before the insurance coverage or bond of a licensee is reduced or canceled.

(c) Each commercial applicator license will be automatically suspended, if bond or insurance coverage is:

- (1) canceled,
- (2) not maintained at the minimum amount required, or
- (3) not renewed before the expiration date of the bond or policy (renewal in this instance requires official certification to the regulatory agency of the renewal by the insuring company or surety).

(d) The license of a commercial applicator may be reinstated when the regulatory agency has proper notification that sufficient coverage is in full force and effect.

**§7.15. Noncommercial Applicator License**

(a) An application for an original or renewal noncommercial applicator license filed with a regulatory agency pursuant to §76.109 of the Act shall contain the same information as required for a commercial applicator license application by §7.12 of this chapter.

(b) Nongovernmental applicants shall pay an annual license fee of \$50 at the time of application. No fee will be charged for a license issued employees of a governmental entity for applying pesticides as part of their official duties. Governmental employees who apply restricted-use or state-limited-use pesticides outside of their governmental employment must pay the \$50 fee.

(c) Noncommercial applicator licenses will be issued only to persons who have qualified as certified applicators in the license use categories or subcategories for which the license is requested.

(d) It shall be the responsibility of the licensee to give written notice to the licensing agency of any change of his address or employment.

**§7.16. Certified Private Applicator License.** The Texas Department of Agriculture will establish and supervise a program to certify private applicators on a voluntary basis, to allow them to comply with federal law. This program will be based on the minimum requirements accepted by the administrator of the EPA for any approved state plan.

**§7.17. Expiration and Renewal of Licenses.**

(a) Renewal of a commercial or noncommercial applicator license must be made prior to the expiration of the applicator's current license. The holder of a license that expires without renewal shall not operate as a commercial or noncommercial applicator until a new application has been received and approved by the regulatory agency.

(b) Pursuant to §76.113 of the Act, the head of the licensing agency, in determining whether additional training shall be required of current licensees before renewal of their applicator licenses, may consider changes in technology, pesticide related problems, or the performance of individual applicators. If general retraining and/or retesting is required for all applicators in a category or subcategory, the licensing agency will publish notice at least six months in advance of



the license renewal date. If general retraining and/or retesting is required as a result of the applicator's performance, the agency may give notification and set a time and place of retraining that would be in the best interest of public health and environmental protection.

#### §7.18. Records.

(a) The records of pesticide uses required to be kept by licensees under the provision of §76.114 of the Act shall include:

- (1) the date of application, including the times of day or hours of operation;
  - (2) the person for whom the application was done (owner or lessee);
  - (3) the location of the land where the application was made, stated in a manner that would permit inspection by authorized parties;
  - (4) the name of the pesticide applied including:
    - (A) its EPA registration number;
    - (B) active ingredient(s);
    - (C) rate of active ingredient per unit;
    - (D) total amount of active ingredients; and
    - (E) total volume of spray mix applied per unit.
  - (5) the name of the pest for which it was used;
  - (6) the site treated (example: name of crop, kind of animal, etc.);
  - (7) climatological data, including but not limited to wind direction and velocity, air temperature, etc; and
  - (8) the FAA "N" number of aerial application equipment, or identification number of other types of application equipment, and decal number affixed to the application unit.
- (b) The regulatory agency may examine these records at any time during normal business hours, or by written request, require the licensee to submit a copy of these records.

#### §7.19. Registration and Inspection of Equipment.

(a) All application equipment used by commercial applicators must be registered with the licensing agency. The agency shall issue to the licensee a decal to be attached to each such piece of equipment in a conspicuous place. The decal will contain the following information:

- (1) the year licensed;
- (2) an identification number; and
- (3) the name of the issuing agency.

(b) The licensee shall notify the regulatory agency of any equipment changes made during the license year, and remove the decal before giving up possession of the equipment.

(c) All application equipment used by commercial applicators is subject to inspection by the regulatory agency at any reasonable time. Such equipment must be maintained in a condition that will provide safe and proper application of the pesticide. If the inspector finds that it is not, he shall require the needed repairs or adjustments before allowing the use of such equipment.

#### §7.20. Complaint Investigation.

(a) Any person who has experienced adverse effects from a pesticide application may file a complaint with the appropriate regulatory agency in accordance with §76.184 of the Act.

(b) If possible, the agency will investigate the complaint, and make a full written report.

(1) A preliminary report may be given to the parties directly involved in the incident. In cases where no apparent

adverse effects can be documented, the agency will give the information to the complaining party and cease the investigation.

(2) The final report will be made after all aspects of the case have been determined to the satisfaction of the investigating agency. This report will be made available to the parties concerned upon written request. The final report will prevail over the preliminary report if a conflict should arise.

(c) The investigating agency shall as soon as possible, notify the applicator(s) believed to be responsible for the complaint and the owner or lessee of the land where the application occurred.

(d) The investigating agency will not estimate monetary losses sustained.

#### §7.21. Storage and Disposal of Pesticides.

(1) No person may dispose of, discard, or store any pesticide or pesticide container in a manner that may cause or result in injury to humans, vegetation, crops, livestock, wildlife, pollinating insects, or pollution of any water supply or waterway.

(b) Pesticides intended for distribution or sale must be displayed or stored within an enclosed building or fenced area, and may not be displayed or stored within an enclosed buildings or fenced area, and may not be displayed on sidewalks, parking lots, similar open areas without surveillance.

(c) Pesticides in leaking, broken, corroded, or otherwise unsafe containers, or with illegible labels shall not be displayed or offered for sale. Such containers will be handled in a manner to prevent environmental contamination prior to proper disposal or return to manufacturer.

(d) Pesticide containers, concentrates, spray mixes, container rinsates, and/or spray system rinsates that are to be discarded shall be disposed of in accordance with pesticide label directions or in accordance with the provisions of the Texas Solid Waste Disposal Act (Texas Civil Statutes, Article 4477-7).

(e) The applicator, the owner of the pesticide, and/or the person in control of the mixing site shall be jointly and severally liable for proper storage and disposal of pesticide containers and contents. It will be acceptable for anyone of the parties involved to assume liability for compliance.

(f) All pesticide dealers shall have a list of poison control centers in the state to contact in the case of pesticide poisoning.

#### §7.22. Use Inconsistent with Label Directions.

(a) It shall be a violation for any person to use or cause to be used a pesticide in a manner inconsistent with its label or labeling. Use inconsistent with the label includes, but is not limited to:

(1) applications at sites, rates, concentrations intervals, or under conditions not specified in the label directions, except:

(A) applying a pesticide at any dosage, concentration, or frequency less than that specified on the labeling.

(B) applying a pesticide against any target pest not specified on the label or labeling if the application is to the crop, animal, or site specified on the label or labeling, unless the commissioner has determined that the use of the pesticide against other pests would cause an unreasonable adverse effect on the environment, and he has required a statement on the label of the pesticide so stating this determination.

(C) employing any method of application not prohibited by the labeling.

(D) mixing a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling.

(2) Tank mixing of pesticides, or using application techniques, or equipment prohibited by the label;

(3) failure to observe reentry intervals, preharvest intervals, or worker protection requirements;

(A) it is the responsibility of the person in control of the commodity or site treated to be knowledgeable of and comply with the requirements of this section.

(B) If a commercial applicator furnishes the pesticide, it is his responsibility to notify the person in control of the commodity or site treated of the above requirements, prior to, or at the time of treatment by:

(i) furnishing a label of the pesticide(s) used; or

(ii) providing the requirements in writing.

(4) improper storage or disposal of the pesticide or its container.

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

Doc. No. 816942 Reagan V. Brown  
Commissioner  
Texas Department of Agriculture

Proposed Date of Adoption: November 8, 1981

For further information, please call (512) 475-6346.

## Chapter 15. Consumer Services Division

### Grain Sampling

The Texas Department of Agriculture proposes new §§15.91-15.97 concerning grain sampling. The proposed sections are submitted in response to the recent legislative mandate of the Grain Samplers Law, Senate Bill 932, 67th Legislature, Regular Session, 1981. Perforce of this recent statute, the commissioner of agriculture, Texas Department of Agriculture, has been directed to adopt standards for the proper sampling of grain for grading purposes and licensing standards for persons who sample grain. In the interest of carrying out his responsibilities under this Act, the commissioner hereby submits §§15.91-15.97.

Section 15.91 provides definitions pertaining to the sections contained in this subchapter. Section 15.92 provides detailed standards relating to grain sampling distributions, analysis, safety, and equipment by adopting by reference portions of the Grain Inspection Handbook of the Federal Grain Inspection Service, United States Department of Agriculture, Chapters 2, 3, 4, and 5, as well as Appendixes A and B. A brief outline of the material adopted appears below.

#### Chapter Two—General Guidelines for Grain Inspection

##### §2.1—Safety

##### §2.2—Accessibility of Grain Offered for Inspection

##### §2.3—Sample Handling and Security

##### §2.4—Unusual Conditions

##### §2.5—Odor Determinations

#### Chapter Three—Probe Sampling

##### §3.1—The Equipment

##### §3.2—General Procedures

##### §3.3—Carriers Containing Inferior Portions

##### §3.4—Sampling Patterns

##### §3.5—Probe Sampling Sacked Grain

#### Chapter Four—Diverter-Type Mechanical Sampler

##### §4.1—General Information

##### §4.2—Duties and Responsibilities of the Sampler

##### §4.3—Mechanical Problems

#### Chapter Five—Ellis Cup, Pelican, and Woodside Sampling

##### §5.1—Ellis Cup Sampling

##### §5.2—Pelican Sampling

##### §5.3—Woodside (Mechanical) Sampling

#### Appendix A—Terms and Definitions

#### Appendix B—Online Monitoring Rates

Section 15.93 provides for the qualifications for grain samplers to be licensed by the Texas Department of Agriculture. Subsections within the section describe the equipment, competency in grain sampling, and competency in record keeping required of a license applicant. Section 15.94 provides for the grain sampling license application and accompanying license fee, and §15.95 provides for the surety bond which must accompany each grain sampling license. Subsections within this section describe the form, term, and amount of the bond. Section 15.96 provides the terms for renewal of the surety bond described in §15.95. Section 15.97 provides that surety bonds for out-of-state licensees must be subscribed by a Texas resident agent for the surety and accompanied by a corporate power of attorney.

It is hoped that the effect of these sections will be to standardize grain grading in this state and provide for a uniform pricing of similar grades and weights of grain no matter where or by whom the grain is sampled for quality. The licensing provisions of the proposed rules will assure that only qualified samplers will be establishing grade and value of grain products. The proposed sections have been previously adopted on an emergency basis effective September 15, 1981, and may be found at 6 TexReg 3534-3535.

William C. Neiser, director of fiscal services, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

#### (A) Effect on state government:

	1982	1983	1984	1985	1986
Estimated additional cost	\$5,063	\$5,358	\$5,382	\$5,410	\$5,442
Estimated reduction in cost	N/A	N/A	N/A	N/A	N/A
Estimated increase in revenue	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000

#### (B) There will be no effect on local government.

Bill Quicksall, director of the Consumer Services Division, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be increased availability of qualified grain samplers to grain industry in areas not currently served by officer graders which with the adoption of uniform grain sampling standards will serve to assure the pricing of grain uniformly for like quality and grade wherever graded. Such uniformity will foster predictability and stability within the industry which will serve as a tool for avoiding disputes between industry operatives. The consumer of Texas grain products ultimately will be the derivative beneficiary of increased stability.

#### (B) The possible economic cost to individuals who are

required to comply with the rule as proposed will be:

	1982	1983	1984	1985	1985
Cost of annual license and bond per license	\$125	\$125	\$125	\$125	\$125

Comments on the proposal may be submitted to Darrell Ketchum, supervisor, Grain Warehouse Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. All comments submitted should be in writing and clearly identify the party or parties wishing the comment to be registered with the department.

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

Reagan V. Brown  
October 2, 1981

The new sections are proposed under Texas Agriculture Code, Chapter 96, §96.002 (1981), which provides the commissioner of agriculture, Texas Department of Agriculture, with the authority to prescribe standards for the proper sampling of grain for grading purposes and reasonable qualifications for persons who may sample grain under a license issued by the commissioner. This authority was effective May 14, 1981, by virtue of the passage of Senate Bill 932, 67th Legislature, Regular Session (1981), (codified effective September 1, 1981, at Texas Agriculture Code, Chapter 96 (1981)).

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

Act—Grain Samplers Law, Texas Agriculture Code, Chapter 96 (1981).

Commissioner—Commissioner of Agriculture, Texas Department of Agriculture.

**§15.92. Standards for Sampling Grain.** The commissioner of agriculture, Texas Department of Agriculture, hereby adopts by reference the standards for grain sampling, United States Department of Agriculture, Federal Grain Inspection Service, Grain Inspection Handbook, Transmittal 1, Chapters 2, 3, 4, 5, Appendixes A and B (hereinafter, FGIS Handbook). The FGIS Handbook is available upon request from the Federal Grain Inspection Service, United States Department of Agriculture, 14th and Independence S.W., Room 16285, Washington, D.C. 20250.

**§15.93. Qualifications for Licensed Samplers.**

(a) The applicant must be in possession of, or demonstrate an ability to acquire, if licensed, all sampling equipment, devices, and tools necessary to perform his duties as a licensed sampler. For the purposes of this section the sampling equipment, devices, and tools deemed necessary shall be those stated in the FGIS Handbook and any other devices or tools necessary to carry out his sampling duties in the determination of the commissioner

(b) The applicant must be competent to properly label and preserve the identity of each and every sample taken in accordance with the FGIS Handbook.

(c) The applicant must be competent to keep accurate and permanent records on all samples taken and preserve such records for a period of two years from the time the sample was taken.

**§15.94. Application for License.**

(a) Application for a license under the Act shall be

made on the application for grain sampling license form furnished upon request by the Texas Department of Agriculture.

(b) The application shall be completed, subscribed by the applicant, and notarized before submission to the commissioner.

(c) An application fee of \$25 shall accompany the application and must be remitted before the license can be issued.

**§15.95. Surety Bond.** No license shall be issued under the Act but upon execution of a surety bond by applicant. The surety bond shall:

(1) be executed by the applicant as principal, by a corporate surety, licensed by the Office of the Secretary of State to do business in Texas, as surety, and shall name the State of Texas as obligee;

(2) to be conditioned upon faithful performance of all obligations of a licensed grain sampler required by the Act and applicable regulations issued by the Texas Department of Agriculture;

(3) be in the amount of \$10,000, and for a term of one year from the date of issue; and

(4) reflect on its face the expiration date of a bond.

**§15.96. Renewal of Surety Bond.**

(a) A new surety bond or a continuation certificate must be filed every year before the expiration date of the bond in order to keep the grain sampler's license in full force.

(b) Continuous term bonds or bonds with no expiration date will not be accepted.

**15.97. Surety Bond Subscribed by Texas Resident Agent.** Each bond, when submitted, renewed, continued or extended, must be subscribed by a Texas resident agent of the corporate surety and attached to a corporate power of attorney duly reflecting that the resident agent has full authority to act for the corporate surety in the execution of the surety bond, before such bond will be accepted by the Texas Department of Agriculture.

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

Doc. No. 817049      Reagan V. Brown  
Commissioner  
Texas Department of Agriculture

Proposed Date of Adoption: November 9, 1981  
For further information, please call (512) 475-6346.

## TITLE 7. BANKING AND SECURITIES

### Part III. State Banking Board

#### Chapter 31. Miscellaneous

##### General Rules

The State Banking Board proposes new §31.6 concerning the minimum capital requirement for an interim state bank charter.

O.A. Cassity, assistant general counsel, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

Mr. Cassity has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be lower capital costs for the creation of an interim bank since those banks are created merely to facilitate acquisition of banks by holding companies.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to O.A. Cassity, assistant general counsel, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

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

O.A. Cassity  
October 1, 1981

This section is proposed under Texas Civil Statutes, Article 342-305, which provides the State Banking Board with the authority to determine the adequacy of the proposed capital of a new state bank.

**§31.6. Minimum Capital for Interim Bank Charters.** The board shall determine the adequacy of capital for a proposed interim bank charter. However, in no case, shall an interim bank be chartered with a capital less than \$5,000.

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 816977 O.A. Cassity  
Assistant General Counsel  
State Banking Board

Proposed Date of Adoption: November 9, 1981  
For further information, please call (512) 475-4451.

## TITLE 13. CULTURAL RESOURCES

### Part V. Texas Sesquicentennial Commission

#### Chapter 53. Program Guidelines

The Texas Sesquicentennial Commission proposes an amendment to §53.2(b) (367.02.00.002(b)). The amendment changes the mailing address of the Sesquicentennial Commission to P.O. Box 1986, Austin, Texas 78767.

Randy M. Lee, executive director, has determined that for the first five-year period the rule will be in effect, there will not be fiscal implications as a result of enforcing or administering the rule.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) Public benefits—The goal of the agency is to reach as much of the Texas public as possible with the idea of celebrating the anniversary of Texas independence in 1986. This goal will be easier to achieve with a box number that reinforces the 1986 idea.

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

Public comment is invited and may be submitted in writing to Joanne W. Brown, Texas Sesquicentennial Commission, P.O. Box 19860, Southeast Station, Austin, Texas 78760.

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

Randy M. Lee  
September 25, 1981

The amendment is proposed under Texas Civil Statutes, Article 6252-17, which provides the Texas Sesquicentennial Commission with the authority to enact procedure rules.

**§53.2 (367.02.00.002). Criteria for Sanctioning Organizations.**

(a) (No change.)

(b) Application for sanction. To request official sanction, a committee or association planning group must submit an application in writing to the commission at P.O. Box 1986, [19860, Southeast Station] Austin, Texas 78767 [78760], on a form prescribed by the commission. The application shall include but not be limited to information describing all proposed uses of the Texas sesquicentennial logo by the organization. A description of the uses of the logo shall be as specific as possible.

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

Issued in Austin, Texas, on September 24, 1981.

Doc. No. 816978 Randy M. Lee  
Executive Director  
Texas Sesquicentennial Commission

Proposed Date of Adoption: November 9, 1981  
For further information, please call (512) 475-1986.

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

##### Subchapter U. General and Special Rules of Practice and Procedure

The Railroad Commission of Texas proposes an amendment to §5.461 (051.03.50.106) concerning emergency procedures for rate applications based on increased fuel costs. This amendment will add subsection (c) to this section in which the provisions of a periodic survey, conducted by the commission, of fuel prices within the State of Texas are set out.

Rory K. McGinty, assistant director of the Transportation Division, has determined that for the first five year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) Effect on state government:

	1982	1983	1984	1985	1986
Estimated additional cost	\$5,259	\$5,785	\$6,364	\$7,000	\$7,700
Estimated reduction in cost	0	0	0	0	0
Estimated increase on revenue	\$5,259	\$5,785	\$6,364	\$7,000	\$7,700

(B) There will be no effect on local government.

Mr. McGinty has also determined that for each year of the first five years of the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be 5.0% to 10% reduction in

the shipping cost relating to fuel adjustment charges.

(B) There will be no economic costs to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer, 12967, Austin, Texas 78711. Comments will be accepted for 30 days following publication in the *Texas Register*.

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

Walter Earl Lillie  
September 28, 1981

The amendments are proposed under Texas Civil Statutes, Article 911b, §4, (Vernon's 1964), which provides the commission with the authority to set rates for regulated intrastate motor carriers.

**§5.461 (051.03.50.106). Emergency Procedures for Rate Applications Based on Increased Fuel Costs.**

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

(c) **The commission shall conduct a periodic survey of fuel prices within the State of Texas.**

(1) **Each survey shall include a representative number of locations and shall cover:**

- (A) **both diesel and gasoline prices,**
- (B) **both bulk and pump prices.**

(2) **The results of each survey will be posted at a clearly designated place in the Transportation Division of the Railroad Commission on the third floor of its offices at 1124 IH 35 South, Austin. Information on fuel-cost surveys may be obtained at (512) 445-1330.**

(3) **Except as provided in paragraph (4) of this subsection, no fuel adjustment charge increase may be based on fuel prices higher than those reflected in the most current fuel price survey conducted by the commission.**

(4) **The commission may prescribe a fuel adjustment charge based on fuel prices higher than those reflected in the most current fuel prices survey conducted by the commission where the applicant has demonstrated that basing the fuel adjustment charge on the commission's survey price would cause undue hardship to affected carriers.**

(5) **Fuel adjustment charges over which the commission has continuing jurisdiction may be reduced to reflect the level of fuel prices shown in the most current fuel price survey conducted by the commission. The director may invoke §5.454 (051.03.50.054) of this title (relating to Suspension of Rules) by directing that a proceeding be instituted to consider reducing fuel adjustment charges under this paragraph. Proceedings instituted under this paragraph shall be conducted in accordance with subsection (b), paragraphs (1), (2), (3), and (4) of this section. The term "application," when used in subsection (b) of this section, shall include proposals made on the commission's own motion.**

**(6) Fuel adjustment charges may not be increased based on fuel price levels reflected in any price survey conducted by the commission.**

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

Doc. No. 817050 Owen T. Kinney, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: November 9, 1981  
For further information, please call (512) 445-1186.

## TITLE 22. EXAMINING BOARDS

### Part XXIX. Texas Board of Land Surveying

#### Chapter 661. General Rules of Procedures and Practices

##### Applications, Examinations, and Licensing

The Texas Board of Land Surveying proposes amendments to §661.45 (408.01.04.005) concerning examinations. The board proposes to amend the section pertaining to the use of programmable calculators or computers during examinations.

Betty J. Pope, executive secretary, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

The executive secretary has also determined that for each year of the first five years the rule as proposed is in effect:

- (A) There are no public benefits anticipated as a result of enforcing the rule as proposed.
- (B) There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Betty J. Pope, executive secretary, 1106 Clayton Lane, Suite 210 W, Austin, Texas 78723. Written public comment is invited for 30 days following publication of this *Register*.

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

Betty J. Pope  
September 29, 1981

The amendments are proposed under Texas Civil Statutes, Article 5282C, §9, which provides the Texas Board of Land Surveying with the authority to make and enforce all reasonable and necessary rules, regulations, and bylaws not inconsistent with the Texas Constitution, the laws of this state, and this Act.

**§661.45 (408.01.04.005). Examinations**

- (a) (No change.)
- (b) Calculators will be permitted to be used during any examination, but shall not be **programmable by magnetic card or tape** [programmed]. All calculators or computers [determined by the board, the executive secretary, or the ex-

amination monitor prior to or) *being used by an examinee during an examination, determined by the board to be programmable to magnetic card or tape*, [to have been programmed], shall cause immediate disqualification of the applicant for that examination.

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

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

Doc. No. 817045 Betty J. Pope  
Executive Secretary  
Texas Board of Land Surveying

Proposed Date of Adoption: November 9, 1981  
For further information, please call (512) 452-9427.

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 405. Client (Patient) Care

(Editor's note: Proposals submitted by the Texas Department of Mental Health and Mental Retardation will be published in the October 13, 1981, issue. The proposed date of adoption for all the rules is November 9, 1981. Sections affected by the action are listed below.)

##### Chapter 405. Client (Patient) Care

Subchapter Q. Departmental Procedures for the Protection of the Rights of Humans Involved in Research  
§ 405.401-405.414 (302.04.21.001-.004) (repeal)

Subchapter Q. Department Procedures for the Protection of Human Subjects Involved in Research  
§ 405.401-405.411 (302.04.21.101-.111) (new sections)

Subchapter R. General Procedures for Approval of Research  
§ 405.421, 405.423, 405.424, 405.426-405.428  
(302.04.22.001, .003, .004, .006-.008) (amendments)  
§ 405.425 (302.04.22.005) (repeal)

Subchapter GG. Regulations for Prescribing of Psychoactive Drugs  
§ 405.824 (302.04.39.004) (amendment)

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part IX. Commission on Jail Standards

#### Chapter 283. Discipline in County Jails

The Commission on Jail Standards proposes new §283.2 (217.18.00.002) concerning grievance procedures for inmates confined in county jails. This section will cover provisions for selecting members, filing, time limits, handling, safeguards, relief, review procedures, and release of information. The Commission on Jail Standards proposed these rules to comply with Public Law 96-247.

Robert O. Viterna, executive director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications as a result of enforcing or administering the rule.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be reduction of the potential for civil action cases which thus alleviate fiscal liability by county officials.

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

Comments on the proposal may be submitted to Robert O. Viterna, executive director, 411 West 13th Street, P.O. Box 12985, 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.

Robert O. Viterna  
September 8, 1981

The new section is proposed under Texas Civil Statutes, Article 5115.1, Title 18—Jails, which provides the Commission on Jail Standards with the authority to promulgate rules affecting county jails.

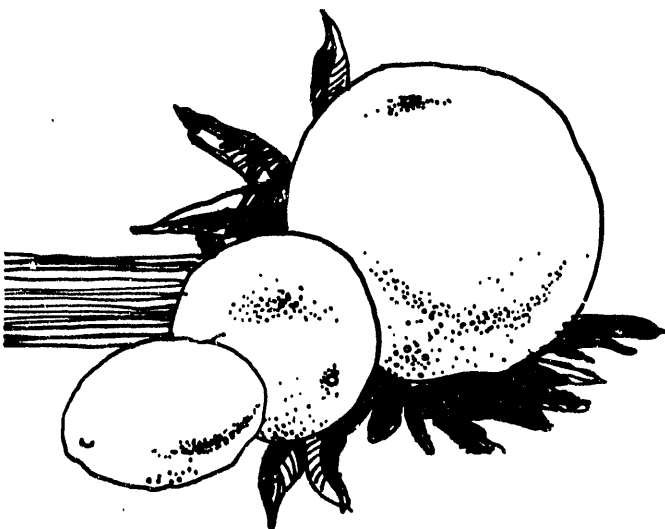
§283.2 (217.18.00.002). *Inmate Grievance Plan.* Every sheriff shall have and implement a written plan, approved by the commission, for inmate grievance procedures. This plan shall be an administrative means for the resolution of complaints. It supplements, but does not replace any informal grievance procedure or the inmate disciplinary procedure. Each plan shall:

(1) Provide for the selection of member(s) to constitute a grievance board. In small jails this may be one person. An inmate may also be a member.

(2) Provide specific instruction in inmate rules on how to file a grievance, i.e. in writing—right or privilege violated; persons involved; witnesses; times; date; pertinent details.

(3) Provide details on what constitutes grounds for initiation of a grievance:

- (A) violation of civil rights;
- (B) criminal act;
- (C) abridgement of inmate privilege;
- (D) proscribed act by jailer on duty.



(4) Provide maximum time limits not to exceed 60 days with interim response not to exceed 15 days for written replies by the grievance board.

(5) Provide for the expeditious handling of emergency grievances where delay could subject the inmate to personal injury or other damages.

(6) Provide safeguards for the inmate against reprisals in the resolutions of a grievance.

(7) Provide for meaningful relief of substantiated grievance (i.e. reinstatement of good time, additional visitation privileges).

(8) Provide a review procedure of grievances. If re-

quested by the inmate, preferably by person or persons not a member of the grievance board. The sheriff may review the results. His decision will be final.

(9) Provide for the release of information to inmates and employees only when specifically approved by the sheriff or his designated representative.

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

Doc. No. 817070

Andy J. McMullen  
Chairman

Commission on Jail Standards

Proposed Date of Adoption: November 9, 1981  
For further information, please call (512) 475-2716.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated; and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed, only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

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

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## CODIFIED

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## TITLE 19. EDUCATION

### Part II. Texas Education Agency

#### Chapter 85. Student Services

##### Subchapter H. Transportation Services

##### Types of Transportation

The Texas Education Agency adopts amendments to §§85.181-85.183 (226.34.63.010, .020, .030) with changes to

the proposed text published in the July 17, 1981, issue of the *Texas Register* (6 TexReg 2481). When the proposed text for §85.183(3)(A) (226.34.63.030(3)(A)) was published the word "resident" rather than "residence" was used in the submission. The word "residence" is used in the adopted version of this section. In subsection (1) of §85.183 (226.34.63.030), language has been added for private transportation that a determination of cost effectiveness be required for Texas Education Agency approval of private transportation applications.

The amendment provides that a student may be funded for private transportation from his or her residence to the nearest state-approved school bus route as well as from home to school. The rule thus allows schools to combine private and school bus transportation where this is the most cost-effective alternative.

Under the amended sections, a student may be funded for private transportation from his or her residence to the nearest state-approved school bus route as well as from home to school. Applications for private transportation must be approved by the local lawful authority and the Texas Education Agency which shall determine as a condition for approval that such service is cost-effective.

No comments were received concerning adoption of the amendments.

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.

Raymon L. Bynum  
September 18, 1981

The amendments are adopted under the authority of Texas Education Code, §16.005, which gives the Texas Education Agency the authority to adopt rules for the implementation and administration of the Foundation School Program; Texas Education Code, §16.205, which requires that all school bus routes be approved; and Texas Education Code, §16.206(f), which authorizes the allocation of funds for private transportation for certain students.

**§85.181 (226.34.63.010). Provision of Services by Type.** The types of transportation which shall be provided for eligible students are regular, private, contracted, and commercial (§§85.201-85.203 (226.34.64.010-.030) of this title (relating to Transportation Special Provisions)).

**§85.182 (226.34.63.020). Regular Transportation.**

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

(c) Basis for approval of routes.

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

(5) Applications for new bus routes for schools operating transportation systems must be approved by the lawful designated authority and received by the Texas Education Agency on or before December 22 of the current school year.

(6) (No change.)

(d) (No change.)

**§85.183 (226.34.63.030). Private Transportation.** Regulations for the approval of a private transportation service (service provided for eligible students transported by privately owned passenger vehicles) of a county or individual school district shall include the following:

(1) Applications must be approved by the local lawful



authority and the Texas Education Agency which shall determine as a condition for approval that such service is cost-effective.

(2) (No change.)

(3) A student may be transported to and from:

(A) his or her residence and the school the student attends;

(B) his or her residence and the nearest state-approved school bus route.

(4)-(5) (No change.)

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

Doc. No. 816959 Raymon L. Bynum  
Commissioner of Education

Effective Date: October 21, 1981  
Proposal Publication Date: July 17, 1981  
For further information, please call (512) 475-7077.

## Chapter 105. Foundation School Program

### Subchapter G. Transportation

The Texas Education Agency adopts amendments to §105.139 (226.41.07.090) with changes to the proposed text published in the July 28, 1981, issue of the *Texas Register* (6 TexReg 2741). The amendments implement Senate Bill 477, 67th Legislature, concerning bilingual education. The amendments provide for the transportation of eligible students in bilingual education and other special language programs required under the agency's new bilingual education rules, Chapter 77, Subchapter R.

No comments were received regarding the adoption of these amendments.

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.

Raymon L. Bynum  
September 18, 1981

The amendment to §105.139 is adopted under the authority of Texas Education Code, §21.460(b) which authorizes the Texas Education Agency to fund local school districts for the transportation of eligible students in bilingual education and other special language programs.

*§105.139 (226.41.07.090). Transportation of Students Enrolled in Required Bilingual Education and Other Special Language Programs.*

(a) Each school district operating an approved bilingual education or special language program under the provisions of Chapter 77, Subchapter R of this title (relating to Bilingual Education and Other Special Language Programs) shall be reimbursed for the cost of transporting eligible students. Student eligibility for transportation services is defined in §85.173 (226.34.62.030) of this title (relating to Vocational and Bilingual or Other Special Language Program Student Eligibility).

(b) The procedures by which funds are allocated for the transportation of eligible bilingual education students are:

(1) Application for bus routes shall be made directly to the Texas Education Agency.

(2) Each bus route serving students of limited English proficiency enrolled in approved bilingual education or other special language program shall be subject to a survey by the Texas Education Agency.

(3) A separate application shall be made for the reimbursement of funds.

(4) (No change.)

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

Doc. No. 816960 Raymon L. Bynum  
Commissioner of Education

Effective Date: October 21, 1981  
Proposal Publication Date: July 28, 1981  
For further information, please call (512) 475-7077.

## TITLE 22. EXAMINING BOARDS

### Part XI. Board of Nurse Examiners

#### Chapter 211. Bylaws

The Board of Nurse Examiners adopts amendments to §§211.4-211.6, 211.11, and 211.13-211.16 (388.01.00.004-.006, .011, and .013-.016) with changes to the proposed text published in the August 11, 1981, issues of the *Texas Register* (6 TexReg 2934). These amendments are necessary to comply with recent changes in the Nurse Practice Act, Texas Civil Statutes, Articles 4513-4528. The adopted rules will be in compliance with the new Nurse Practice Act. The reimbursement of board members to attend meetings has changed. The editorial changes make the rules easier to read.

No comments on the adoption of the amendments were received.

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.

Margaret L. Rowland  
September 28, 1981

The amendments are adopted under the authority of Texas Civil Statutes, Article 4514, §1, which provides authorization for the board to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

*§211.4 (388.01.00.004). Treasurer.* The treasurer shall work cooperatively with the executive secretary in the preparation of the annual budget to be adopted by the board.

(b) (No change.)

*§211.5 (388.01.00.005). Board Functions.* A member of the board shall be appointed as needed to serve as chairperson of committees to facilitate board functions. Nonboard members may be appointed in an advisory capacity to serve on committees.

## §211.6 (388.01.00.006). Board Members.

(a) Each member of the board shall receive per diem as provided by law for each day that the member engages in the business of the board.

(b) Each member of the board shall be reimbursed actual expenses for travel. In the event the board member uses his or her own car, reimbursement shall be made according to the recommended state travel regulations.

(c) The president, vice-president, or treasurer shall represent the board in an official capacity in legislative matters and in meetings with related groups.

## §211.11 (388.01.00.011). Executive Secretary.

(a) (No change.)

(b) All travel and other expenses of the executive secretary, which are incurred in the discharge of his or her official duties, shall be paid. The rate of reimbursement for the operation of personally owned automobiles shall be made according to the recommended state travel regulations.

(c) The executive secretary shall send a copy of minutes to each board member after each meeting.

(d) The executive secretary or a designate shall attend all meetings of the Board of Nurse Examiners.

## §211.13 (388.01.00.013). Legal Counsel.

(a) The board may retain legal counsel after certification of need by the attorney general.

(b) (No change.)

§211.14 (388.01.00.014). *Audit.* An audit shall be conducted according to the practice of the state auditor's department. The fiscal year shall be from September 1 through August 31. The auditor's report shall be provided for each board member and the report shall be on file in the office of the Board of Nurse Examiners.

§211.15. (388.01.00.015). *Amendments to Rules and Regulations.* Proposed changes to the rules and regulations may be made during a meeting of the board by a vote of the majority of the members. The board shall use the amendment procedure as stated in the Administrative Procedures Act.

§211.16 (388.01.00.016). *Parliamentary Procedure.* Robert's Rules of Order (revised) shall be used as the parliamentary authority at all meetings of the board.

Issued in Austin, Texas, on September 3, 1981.

Doc. No. 817072 Margaret L. Rowland, R.N.  
Executive Secretary  
Board of Nurse Examiners

Effective Date: October 26, 1981

Proposal Publication Date: August 11, 1981

For further information, please call (512) 478-9602.

## Chapter 213. Practice and Procedure

The Board of Nurse Examiners adopts amendments to §§213.1, 213.3, 213.4, 213.6-213.10, 213.12, and 213.13 (388.02.00.058, .060, .061, .063-.067, .069, and .070) without changes to the proposed text published in the August 11, 1981, issue of the *Texas Register* (6 TexReg 2935). These amendments are necessary to comply with recent changes in the Nurse Practice Act (Texas Civil Statutes, Articles 4513-4528) with minor additions and deletions for clarification

and editorial purposes. The amendments make the rules easier to understand and more readable. One of the changes increased the rate of reimbursement to witnesses for mileage.

No comments were received regarding the adoption of these amendments.

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.

Margaret L. Rowland  
September 28, 1981

These amendments are adopted under the authority of Texas Civil Statutes, Article 4514, §1, which provides authorization for the board to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

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

Doc. No. 817073 Margaret L. Rowland, R.N.  
Executive Secretary  
Board of Nurse Examiners

Effective Date: October 26, 1981

Proposal Publication Date: August 11, 1981

For further information, please call (512) 478-9602.

## Chapter 217. Licensure and Practice

The Board of Nurse Examiners adopts amendments to §§217.1, 217.2, 217.4-217.7, and 217.10 (388.04.00.001, .002, .004-.007, and .010) with changes to the proposed text published in the August 25, 1981, issue of the *Texas Register* (6 TexReg 3129). These amendments comply with changes in the Nurse Practice Act, make editorial changes, and update certain rules. The passing score on the state board test pool examination will change in July 1982.

The adoption of these amendments provides for the following: definitions in clear, concise, and understandable language; information on a new licensing examination beginning in July 1982, has been provided in the rules on Licensure by Examination; the rule Licensure by Endorsement is explained in clear language; and language in other rules is now in compliance with recent law changes.

No comments were received regarding the adoption of these amendments.

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

Margaret L. Rowland  
September 28, 1981

These amendments are adopted under the authority of Texas Civil Statutes, Article 4514, §1, which provides authorization for the board to make and enforce all rules and regulations for the performance of its duties and conducting of proceed-

ings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

**§217.1 (388.04.00.001). Definitions.** The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

**Accredited nursing program**—A school, department, or division of nursing accredited/approved by a nursing board or other licensing authority which has jurisdiction over accreditation/approval of nursing programs.

**Canadian Nurses' Association Testing Service examination (CNATSE)**—The test used by Canadian licensing authorities to measure minimal competence for licensure as a registered nurse and is recognized by the board.

**Candidate**—An individual who has completed an accredited nursing program and has been approved to write the state board test pool examination.

**Clinical laboratory**—Faculty-planned and guided learning experiences designed to assist students to meet the course objectives and to apply nursing knowledge and skills in the direct care of patients/clients. This includes associated clinical conference and planned learning experiences in skills laboratories, acute care facilities, extended care facilities, and other community resources.

**Commission on graduates of foreign nursing schools examination (CGFNSE)**—A test established as a screening mechanism to determine the probability of a foreign nurse to pass the SBTPE.

**Handicapped candidate**—An individual who has successfully completed an accredited nursing program and requires modifications in the SBTPE procedures because of a physical or sensory impairment.

**Jurisdiction**—A state or territory of the United States using the state board test pool examination as the licensing examination.

**Licensure by endorsement**—The process of issuing a license without further examination to a registered nurse from another jurisdiction after the board has verified that the applicant meets the same standards as are required of Texas registered nurses.

**State board test pool examination (SBTPE)**—The test used by the board to measure minimal competence for licensure as a registered nurse.

**Temporary permit/permit**—An authorization to practice professional nursing for a specified period of time.

**§217.2 (388.04.00.002). Licensure by Examination.** The requirements for licensure by examination for graduates who have never written a licensing examination are as follows.

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

(4) A score of 350 or above on each of the five subjects of the examination. Effective with the examination given in July 1982, the passing score shall be 1,600.

(5) A candidate who is under restriction in another jurisdiction may not write the licensing examination in Texas.

**§217.4 (388.04.00.004). Licensure by Endorsement.** The requirements for licensure by endorsement are as follows.

(1) Graduation from an accredited nursing program

in a professional school of nursing (general) of at least two academic years in length which included theoretical and clinical instruction in medical nursing, surgical nursing, obstetric nursing, psychiatric nursing, and nursing of children.

(2) A passing score on the SBTPE or the CNATSE.

(A) Candidates taking the SBTPE prior to July 1982 must make a minimum score of 350 on each of the five parts of the SBTPE.

(B) Effective with the July 1982 SBTPE, a score of 1,600 is required for licensure.

(C) Candidates taking the CNATSE prior to August 1980 must make a minimum score of 350 on each of the five parts of the CNATSE.

(D) Effective with the August 1980 CNATSE, a score of 400 is required for licensure.

(3) Licensure in another jurisdiction which has requirements equivalent to Texas.

(4) Filing of an application for registration by endorsement containing the following:

(A)-(B) (No change.)

(C) Verification by the licensing authority of the jurisdiction which includes results of the examination, seal of the board, and signature of the executive officer or designee.

(D)-(E) (No change.)

(F) Nurses who have not practiced professional nursing for a period of four years or more immediately preceding the request for endorsement, shall meet the requirements as stated in §217.8 of this title (relating to Reactivation from Inactive Status).

**§217.5 (388.04.00.005). Registration of a Graduate from a School in a Foreign Country.**

(a) A graduate of a school located in a foreign country is required to meet the same standards as Texas registered nurses. This includes passing the SBTPE or the CNATSE.

(b) Filing of an application for registration by endorsement which includes the following:

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

(6) a recent fade-proof identification photograph, properly identified.

**§217.6 (388.04.00.006). Temporary Permit.**

(a) Candidates for registration by examination in Texas.

(1) A nurse who has graduated from an accredited school in the United States or Canada, and who has never taken the SBTPE or CNATSE, will be issued a permit to practice professional nursing after the application for the examination has been approved and the fee paid.

(2) A nurse who has graduated from an accredited school in another jurisdiction coming to Texas before the results of the examination are available may secure a permit to practice by submitting:

(A) evidence of graduation from an accredited school;

(B) evidence that he or she is/was a first time candidate for the SBTPE in another state; and

(C) the required fee.

(3) A nurse who has graduated from an accredited school of nursing outside of the United States, who has never taken the SBTPE, and who has passed the CGFNSE, will be issued a permit after the application for the examination has been approved and the fee paid.

(4) Candidates holding permits must work under the direct supervision of a registered nurse.

(5) The permit of an unsuccessful candidate expires when the results of the examination are released and must be returned to the board office.

(b) Applicants for registration from another jurisdiction. A registered nurse from another jurisdiction shall be allowed to practice with a permit. The permit, good for 90 days, will be issued upon receipt of a fee and a current license or statement of good standing from the jurisdiction in which the nurse is registered.

(c) Candidates not eligible for permits.

(1) A permit is not issued to a graduate of a foreign school except as stated in subsection (a)(3) of this section.

(2) A graduate who has failed the examination in any jurisdiction is not eligible for a permit to practice in Texas.

**§217.7 (388.04.00.007). Failure To Renew Certificate of Registration.**

(a) A registered nurse who is not practicing professional nursing in Texas and who allows his or her annual re-registration to lapse for a period of time less than four years may bring his or her registration up-to-date by filing such forms as the board may require, and paying the current registration fee and a fee equal to the examination fee.

(b) A registered nurse who is not practicing professional nursing in Texas and who allows his or her annual re-registration to lapse for four or more years will be required to submit a duly executed application form obtained from the board's office with the following:

(1) Evidence of a refresher course, or agreement to complete a refresher course, agreement to work under supervision of a registered nurse, or a copy of the applicant's current registered nurse license from another jurisdiction with evidence of recent employment in nursing.

(2) (No change.)

(3) After evaluation and approval, the delinquent registrant will be required to pay the current registration fee plus a fee equal to the examination fee.

**§217.10 (388.04.00.010). Change of Name.** If a registered nurse/candidate for registration should change her name through marriage, divorce, religious orders, or for any other reason, a request for a change of name should be sent to the board's office. An affidavit form will then be mailed to the petitioner. Upon receipt of the duly executed affidavit, the change of name will be entered on the records in the office of the board.

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

Doc. No. 817074 Margaret L. Rowland, R.N.  
Executive Secretary  
Board of Nurse Examiners

Effective Date: October 26, 1981  
Proposal Publication Date: August 25, 1981  
For further information, please call (512) 478-9602.

The Board of Nurse Examiners adopts the repeal of §§217.3, 217.8, and 217.9 (388.04.00.003, .008, and .009) without changes to the proposed notice published in the August 28, 1981, issue of the *Texas Register* (6 TexReg 3168). This repeal is necessary because extensive revisions required as a

result of recent changes to the Nurse Practice Act and the inclusion of the handicapped candidate. With the repeal of this rule, a new section concerning the handicapped candidate is enacted and two rules are combined for better organization.

No comments were received regarding the adoption of this repeal.

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.

Margaret L. Rowland  
September 28, 1981

This repeal is adopted under the authority of Texas Civil Statutes, Article 4514, §1, which provides authorization for the board to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with this Act. Such rules and regulations shall not be inconsistent with the provisions of this law.

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

Doc. No. 817075 Margaret L. Rowland, R.N.  
Executive Secretary  
Board of Nurse Examiners

Effective Date: October 26, 1981  
Proposal Publication Date: August 28, 1981  
For further information, please call (512) 478-9602.

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 325. Solid Waste Management

#### Environmental and Consumer Health Protection Rules on Municipal Solid Waste Management

The Texas Department of Health adopts amendments to §325.12 (301.82.01.027) without changes to the proposed text published in the August 4, 1981, issue of the *Texas Register* (6 TexReg 58).

These rules are being adopted to establish department rules that are substantially equivalent to EPA regulations promulgated pursuant to the Federal Resource Conservation and Recovery Act of 1976 (RCRA). This will provide the state with regulations for the control of hazardous waste that are necessary to obtain authorization to conduct the state hazardous waste program in lieu of the federal program.

The Texas Board of Health adopts these rules to amend the subject rule concerning hazardous waste management. These rules amend and expand the rule on municipal hazardous waste management of waste piles adopted in November 1980; provide additional rules for generators; establish procedures for delisting of municipal hazardous waste pursuant to the United States Environmental Protection Agency's (EPA) rules published as 40 Code of Federal Regulations 260.20 and 260.22; establish a procedure for modification,

revocation and reissuance, termination, and minor modification of a permit; establish compliance schedules; establish preconstruction conferences; establish a procedure for start-up notification; establish permits by rule; and establish performance standards that are substantially equivalent to EPA's regulations published as 40 Code of Federal Regulations 267 for municipal solid waste land disposal facilities that receive hazardous waste.

Comments were received on the following:

(A) Concerning §325.12(i)(19) (301.82.02.027(i)(19)), the Texas Department of Health received two comments that were photocopies of testimony presented to the United States Environmental Protection Agency. Both comments were addressed to EPA's 40 CFR Part 267 upon which subsection (i)(19) is based.

(B) Concerning subsection (d)(4), the Texas Department of Health received one comment suggesting that standards, particularly notification requirements, be tightened for small quantity waste generators.

(C) Concerning subsection (j)(16)(E), the Texas Department of Health received a comment that expressed a concern that the TDH's Division of Solid Waste Management would be able to reverse its position on a permit application based upon comments received after the close of public hearing and without an opportunity for the permit applicant to respond.

(D) Concerning subsection (i)(19), the Texas Department of Health received a comment supporting delegation of federal Resource Conservation Recovery Act authority over new hazardous waste land disposal facilities to the states.

None of the comments received from interested groups or associations were either for or against the rule in its entirety; instead, comments consisted of objections or concerns about specific parts of the rule, recommendations, and requests for clarifications.

The following paragraphs are reasons why the agency disagrees with the comments received.

(A) Concerning the comments received on subsection (i)(19): In order for TDH to gain delegation of Federal Resource Conservation and Recovery Act authority over new hazardous waste municipal land disposal facilities, TDH rules must be "substantially equivalent" to EPA's 40 CFR Part 267. If TDH were to change subsection (i)(19) to meet the objections in the comments when EPA has not done so, it is probable that EPA would not find the revised subsection (i)(19) to be "substantially equivalent" to 40 CFR Part 267 and would not delegate the program to TDH.

(B) Concerning the comment received on subsection (d)(4): That rule is not open for public comment at this time.

(C) Concerning the comments received on subsection (j)(16)(E): Subsection (j)(16)(D) allows TDH's Division of Solid Waste Management to move, as a party, to re-open the hearing based upon comments that present new evidence. This motion to re-open the hearing will be handled like all other motions. Parties will have an opportunity to argue against the granting of the motion and if the motion is granted, the new evidence will be subject to cross-examination. The procedural protections for the applicant or any party remain. Subsection (j)(16)(E) merely requires that after the commissioner of health has made a final decision, TDH's Division of Solid Waste Management will issue a response to comments.

(D) The Texas Department of Health agrees that states should receive delegation of federal Resource Conservation Recovery Act authority over new hazardous waste land disposal facilities. The EPA administrator and EPA deputy administrator have publicly declared it the policy to grant state program authorization for environmental programs. Both EPA Region VI and the director of state programs at EPA in Washington have indicated favorable consideration would be given to authorized states to permit new hazardous waste land disposal facilities before publication of EPA's final rules if the state adopts rules substantially equivalent to 40 CFR 267. Since EPA cannot delegate a Resource Conservation and Recovery Act program until a state has final rules, the Texas Department of Health feels that EPA has given enough indication of its willingness to delegate new hazardous waste land disposal program to the state to justify the adoption of subsection (i)(19).

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 authority.

Robert A. MacLean, M.D.  
October 2, 1981

The amendments are adopted under Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the Texas Department of Health to adopt rules consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of the solid waste over which the department has jurisdiction, including but not limited to collection, handling, storage, processing, and disposal.

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 817048      Robert A. MacLean, M.D.  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Effective Date: October 23, 1981  
Proposal Publication Date: August 4, 1981  
For further information, please call (512) 458-7431.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Parks and Wildlife Department

#### Chapter 65. Wildlife

##### Subchapter Q. Furbearers

The Texas Parks and Wildlife Commission adopts §§65.371-65.389 with changes to the proposed text published in the August 4, 1981, issue of the *Texas Register* (6 TexReg 2822).

An Act of the 67th Texas Legislature (House Bill 1831) provides that the commission by proclamation may regulate the taking, possession, propagation, transportation, exportation, importation, sale, and offering for sale of fur-bearing animals, pelts, and carcasses as the commission considers necessary to manage fur-bearing animals or to protect human health or property.

The sections below provide general rules, open seasons, means, methods, and places, for the taking of furbearers, and requirements for the sale, possession, and importation of fur-bearing animals.

Comments received concerned:

- (1) extending the trapping season as trappers in some counties are not permitted on lands during the deer hunting season;
- (2) regulating or prohibiting the importation of live fur-bearing animals into the state due to the threat of rabies; and
- (3) regulating the harvest by issuance of fur-bearing animal tags.

The only comment received was in favor of the new sections from the Texas Department of Health. No comments opposing the sections were received.

The commission considered the comments and adopted restrictions upon importation of live fur-bearing animals. The other proposals were not in the best interests of the fur-bearing animal population.

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

Boyd M. Johnson  
September 28, 1981

The sections are adopted under the authority of the Texas Parks and Wildlife Code, Chapter 71, which provides the commission with authority to adopt fur-bearing animal regulations which the commission considers necessary to manage furbearers or to protect human health or property.

**§65.371. Application.** These sections apply to fur-bearing animals statewide, except that Texas Civil Statutes, Chapter 96, §81.404, Chapter 43, Subchapter C, and certain special county laws in Title 7 of the Parks and Wildlife Code are not affected by this subchapter.

**§65.372. Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

**Carcass**—The body of a dead fur-bearing animal, with or without the hide attached, Texas Parks and Wildlife Code, §71.001(9).

**Commission**—The Texas Parks and Wildlife Commission.

**Department**—The Texas Parks and Wildlife Department or a specifically authorized employee of the department.

**Depredation**—The loss of or damage to agricultural crops, livestock, poultry, or personal property, Texas Parks and Wildlife Code, §71.001(10).

**Fur-bearing animal**—Wild beaver, otter, mink, ring-tailed cat, badger, skunk, racoon, muskrat, opossum, fox, weasel, nutria, or civet cat, Texas Parks and Wildlife Code, §71.001(1).

**Fur-bearing animal propagator**—A person who takes or possesses a living fur-bearing animal and holds it for the purpose of propagation or sale, Texas Parks and Wildlife Code, §71.001(13).

**Nonresident**—Any person applying for a trapper's license other than a resident, Texas Parks and Wildlife Code, §71.001(6).

**Pelt**—The untanned, green or dried hide or skin of a fur-bearing animal, whether or not the hide or skin is attached to the carcass, Texas Parks and Wildlife Code, §71.001(11).

**Place of business**—A place where fur-bearing animals or their pelts are sold, received, transported, possessed, or purchased, and includes a vehicle used by a trapper, retail fur buyer, wholesale fur dealer, or fur-bearing animal propagator, Texas Parks and Wildlife Code, §71.001(12).

**Resident**—A person who has resided in this state for more than six months immediately before an application for a license issued under Texas Parks and Wildlife Code, Chapter 71, is made, Texas Parks and Wildlife Code, §71.001(5).

**Retail fur buyer**—A person who purchases a fur-bearing animal or the pelt of a fur-bearing animal of this state from trappers only, Texas Parks and Wildlife Code, §71.001(3).

**Sale**—Includes barter and other transfers of ownership for consideration, Texas Parks and Wildlife Code, §71.001(7).

**Take**—The act of snaring, trapping, shooting, killing or capturing by any means and includes an attempt to take, Texas Parks and Wildlife Code, §71.001(8).

**Trapper**—A person who takes a fur-bearing animal or the pelt of a fur-bearing animal, Texas Parks and Wildlife Code, §71.001(2).

**Wholesale fur dealer**—A person who purchases for himself or for another person a fur-bearing animal or the pelt of a fur-bearing animal of this state from a trapper, retail fur buyer, a fur-bearing animal propagator, or another wholesale fur dealer, Texas Parks and Wildlife Code, §71.001(4).

**§65.373. License Fees.** The fees for licenses required for activities authorized by this subchapter are prescribed under the provisions of Texas Parks and Wildlife Code, Chapter 71, and are:

- (1) \$10.75 for a resident trapper's license;
- (2) \$200.75 for a nonresident trapper's license;
- (3) \$50.75 for a resident retail fur buyer's license;
- (4) \$200.75 for a nonresident retail fur buyer's license;
- (5) \$100.75 for a resident wholesale fur dealer's license;
- (6) \$400.75 for a nonresident wholesale fur dealer's license; and
- (7) \$50.75 for a fur-bearing animal propagator's license.

**§65.376. General Rules.**

(a) Fur-bearing animals may be taken in any number at any time, except as otherwise restricted by this subchapter.

(b) This subchapter shall not prohibit a landowner or his agent from taking a fur-bearing animal causing depredation on that person's land.

(c) Except for nutria, fur-bearing animals or pelts, taken under subsection (a) or (b) of this section may not be retained or possessed by any one at any time except (during the open season) as provided by this subchapter.

(d) No person may take a fur-bearing animal on any privately-owned land or body of water without the consent of the owner of the land or water or the owner's agent.

(e) No person may take fur-bearing animals on statutory wildlife sanctuaries, on public roads and highways, or rights-of-ways of public roads and highways, and in the state-owned riverbeds in Uvalde, Zavala, and Dimmit Counties.

(f) Each fur-bearing animal taken or possessed in violation of this subchapter shall constitute a separate offense.

**§65.377. Open Seasons.**

(a) No person may retain or possess a fur-bearing animal or the pelt of a fur-bearing animal except during the open season as provided in this section, or as specifically provided elsewhere.

(b) Open seasons are given by their opening and closing dates. All dates are inclusive.

(c) The open seasons are:

(1) Muskrat—November 15 of one year through March 15 of the following year.

(2) Nutria—January 1 through December 31.

(3) Beaver, otter, mink, ring-tailed cat, badger, skunk, fox, weasel, opossum, raccoon, and civet cat—December 1 of one year through January 31 of the following year.

(d) A person holding a fur-bearing animal propagation license may take fur-bearing animals alive only during the open season for the taking of fur-bearing animal species as provided in this section.

**§65.378. Possession of Fur-Bearing Animals or their Pelts.**

(a) Except as provided by this section, no person may possess the pelt of a fur-bearing animal at any time other than the open season as provided in §65.377 of this subchapter (relating to Open Seasons).

(b) No person other than licensed trappers, retail fur buyers, wholesale fur dealers, or fur-bearing animal propagators may possess the pelt of a fur-bearing animal during the open season.

(c) No person other than the holder of a fur-bearing animal propagator license may possess a live fur-bearing animal at any time except as provided in this subchapter.

(d) The possession of a pelt of a fur-bearing animal after the time specified by this section by a licensed trapper, retail fur buyer, or fur-bearing animal propagator is a violation of this subchapter.

(e) The times are as follows:

(1) For pelts of all fur-bearing animals except muskrat and nutria:

(A) February 5 of each year by licensed trappers;

(B) February 20 of each year by licensed retail fur buyers and fur-bearing animal propagators.

(2) For pelts of muskrat:

(A) March 20 of each year by licensed trappers;

(B) March 30 of each year by licensed retail fur buyers and fur-bearing animal propagators;

(3) For pelts of nutria: no restrictions.

(f) Nothing in this subchapter shall prohibit a taxidermist from possessing for taxidermy purposes, a fur-bearing animal or the pelt of a fur-bearing animal lawfully taken during the open season established by §65.377 of this subchapter (relating to Open Seasons), provided the animal or pelt is labeled with the name and address of the owner of the animal or pelt.

**§65.379. Means and Methods.**

(a) Only the following means and methods are legal for taking fur-bearing animals:

(1) firearms;

(2) steel leghold and connibear traps;

(3) falconry;

(4) live or box trap;

(5) dogs;

(6) snare;

(7) longbow and arrow; and

(8) electronic or hand-held calls.

(b) Exceptions—No person may:

(1) take river otter with firearms;

(2) shoot at, take or attempt to take any fur-bearing animal from a boat on public waters of this state;

(3) take fur-bearing animals by means of falconry, unless the person holds a valid falconry permit issued by the department;

(4) possess a firearm or longbow and arrow or be accompanied by a person possessing a firearm or longbow and arrow while taking fur-bearing animals by means of falconry;

(5) use steel leghold or connibear traps, except during the open season provided by §65.377 of this subchapter (relating to Open Seasons);

(6) set steel leghold or connibear traps within 400 yards of any school;

(7) use smoke, explosives or chemicals of any kind to kill or flush fur-bearing animals in the wild.

**§65.380. Sale or Purchase of Fur-bearing Animals or Their Pelts.**

(a) No person other than licensed trappers, retail fur buyers, wholesale fur dealers, or fur-bearing animal propagators may sell fur-bearing animals or the pelts of fur-bearing animals, and no person other than licensed retail fur buyers, wholesale fur dealers or fur-bearing animal propagators may purchase fur-bearing animals or their pelts.

(b) The pelt of a fur-bearing animal may be purchased or sold only during those periods established by §65.377 of this subchapter (relating to Open Seasons) and §65.378 of this subchapter (relating to Possession of Fur-Bearing Animals or Their Pelts).

(c) Live fur-bearing animals may be sold only by a person who holds a valid fur-bearing animal propagation license, and such live animals may be sold only to persons authorized by a permit issued under Texas Parks and Wildlife Code, Chapter 43, Subchapter C, or to another licensed fur-bearing animal propagator.

(d) Live fur-bearing animals may not be released into the wild without the written consent of the department.

**§65.381. Purchase/Sale Reports.**

(a) A report on a form provided by the department must be completed and filed with the department by a person licensed as a retail fur buyer, wholesale fur dealer, or a fur-bearing animal propagator in accordance with this section.

(1) A person licensed as a retail fur buyer or wholesale fur dealer shall file the report on or before April 30 of each year.

(2) A person licensed as a fur-bearing animal propagator shall file the report required on or before August 31 of each year.

(b) Information for each license type shall include but not be limited to:

(1) Retail fur buyer—license number of trapper; number and kind of pelts purchased; and name, address, and license number of person or business; and number and kinds of pelts sold to each.

(2) Wholesale fur dealer—name and license number of person or business; number and kind of pelts purchased from each; and name and address of person or business and number and kind of pelts shipped to each.

(3) Fur-bearing animal propagator—number and kind of animals possessed on date of report; number and kind of live fur-bearing animals sold; license number or permit number to whom each live fur-bearing animal was sold; the number and kind of pelts sold; and the license number, name and address to whom pelt(s) was sold.

(c) A person licensed as a retail fur buyer, wholesale fur dealer, or fur-bearing animal propagator shall not be eligible for renewal of the license unless the requirements in subsection (a) of this section have been met.

**§65.382. Importation of Fur-bearing Animals or Their Pelts.**

(a) No person may import fur-bearing animals or their pelts into this state from another country without first obtaining necessary documentation for a declaration for importation of fish or wildlife as required by the United States Fish and Wildlife Service and the U.S. Customs Service.

(b) No person may import live fur-bearing animals into this state from another state or country unless a permit has been issued by the department for such importation.

**§65.389. Penalty.** The penalties for a violation of this subchapter are prescribed by Texas Parks and Wildlife Code, §71.015 and §71.016.

Issued in Austin, Texas, on October 1, 1981.

Doc. No. 816980      Maurine Ray  
    Administrative Assistant  
    Texas Parks and Wildlife Department

Effective Date: October 22, 1981  
 Proposal Publication Date: August 4, 1981  
 For further information, please call (512) 479-4806.

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter G. Miscellaneous Tax Division— Cigarette Tax

The office of the Comptroller of Public Accounts adopts new §§3.110, 3.111, and 3.112 (026.02.07.010-.012) without changes to the proposed text published in the August 18, 1981, issue of the *Texas Register* (6 TexReg 3003). The only change is the subchapter title which has been amended to read "Miscellaneous Tax Division—Cigarette Tax".

Section 3.110 is adopted to allow the Texas Alcoholic Beverage Commission to collect cigarette tax at ports of entry, affix the proper tax stamp to cigarettes brought into the state and insure that the tax is properly remitted to the state treasurer. The Texas Alcoholic Beverage Commission will buy tax stamps on consignment from the comptroller, forward them to their agents at border crossings and affix them to untaxed cigarettes brought into the state. The tax col-

lected by the Texas Alcoholic Beverage Commission will be remitted to the state treasurer monthly or more frequently if desired.

Section 3.111 is adopted to allow the Texas Alcoholic Beverage Commission to collect cigarette tax at ports of entry, affix the proper tax stamp to cigarettes brought into the state and insure that the tax is properly remitted to the state treasurer. The Texas Alcoholic Beverage Commission will affix stamps to the cellophane wrapper of each pack of cigarettes on which they collect tax.

Section 3.112 is adopted to allow the Texas Alcoholic Beverage Commission to enforce the provisions of the cigarette tax law by seizing cigarettes when payment of tax is refused. Seized cigarettes must be turned over to the comptroller for disposal. The Texas Alcoholic Beverage Commission currently maintains agents at ports of entry and they can enforce this provision with little additional expenditure of time or money. Agents of the Texas Alcoholic Beverage Commission will seize cigarettes on which tax has not been paid and the possessor refuses to pay tax. Seized cigarettes will be turned over to the comptroller.

No comments were received regarding the adoption of these new sections. 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.

Joe Thrash  
 October 2, 1981

These sections are adopted under the authority of Texas Civil Statutes, Texas Taxation-General Annotated Article 7.35. That statute provides that the comptroller may make rules for the enforcement of the cigarette tax and collection of the revenue. The sections adopted provide for the collection of the tax at ports of entry.

Issued in Austin, Texas, on October 5, 1981.

Doc. No. 817076-      Bob Bullock  
    817078      Comptroller of Public Accounts

Effective Date: October 26, 1981  
 Proposal Publication Date: August 18, 1981  
 For further information, please call (512) 475-7000.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part IX. Commission on Jail Standards

#### Chapter 263. Life Safety Rules

##### Life Safety and Emergency Equipment

The Texas Commission on Jail Standards adopts an amendment to §263.56 (217.08.05.006) with changes to the proposed text published in the July 10, 1981, issue of the *Texas Register* (6 TexReg 2378). This amendment is adopted in order for agency provisions to be consistent with acceptable life safety practices for incarcerated persons. The rule will require each county jail to maintain at least one self-contained breathing apparatus in each control station by September 1, 1982.



No comments were received regarding the adoption of this amendment.

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.

Robert O. Viterna  
September 8, 1981

This amendment is adopted under the authority of Texas Civil Statutes, Title 18, Article 5115.1, which provides the Texas Commission on Jail Standards with the authority to promulgate rules affecting county jails.

§263.56 (217.08.05.006). *Inaccessibility of Inmates.* All life safety equipment shall be out of reach of inmates, or otherwise secured from unauthorized tampering. By September 1, 1982, at least one self-contained breathing apparatus shall be available and maintained in or near each facility control station. All custodial personnel shall be trained and quarterly drills conducted in the use of this equipment.

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

Doc. No. 817071     Andy J. McMullen  
                          Chairman  
                          Texas Commission on Jail Standards

Effective Date: October 26, 1981  
Proposal Publication Date: July 10, 1981  
For further information, please call (512) 475-2716.

## Chapter 283. Discipline in County Jails

The Commission on Jail Standards has withdrawn from consideration new §283.2 (217.18.00.002). The text of the new section as proposed was published in the July 10, 1981, issue of the *Texas Register* (6 TexReg 2378).

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

Doc. No. 817085     Robert O. Viterna  
                          Executive Director  
                          Commission on Jail Standards

Filed: October 5, 1981, 10 a.m.  
For further information, please call (512) 475-2716.

## NONCODIFIED

### Texas Department of Human Resources

#### Organization, Administration, and Management

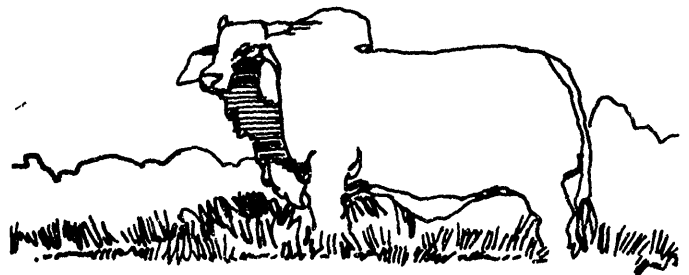
#### Support Documents 326.51.99

The Texas Department of Human Resources has withdrawn from consideration for adoption proposed amendments to Rule 326.51.99.003. The text of the amended rule as proposed was published in the May 29, 1981, issue of the *Texas Register* (6 TexReg 1956).

Issued in Austin, Texas, on September 25, 1981.

Doc. No. 817023     Susan L. Johnson, Administrator  
                          Policy Development Support Division  
                          Texas Department of Human Resources

Filed: October 1, 1981, 4:44 p.m.  
For further information, please call (512) 441-3355, ext. 2037.



The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

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

## Texas Air Control Board

**Friday, October 16, 1981.** The Texas Air Control Board and committees will meet at the Ramada Inn-Hobby, 7777 Airport Boulevard, Houston. The times and agendas are as follows.

**8:30 a.m.** The Monitoring and Research Committee and the Regulation Development Committee will consider: ozone measurements in Harris County; 1980 emissions in Harris County; emissions reductions needed to satisfy EPA requirements; EPA/EKMA model sensitivity; cost and feasibility of additional emission reductions from stationary sources; cost and feasibility of additional emission reductions from transportation-related sources; and calculated population risk resulting from ozone exposure.

**2 p.m.** The Texas Air Control Board will consider: reports; remarks by Dr. Herbert C. McKee, assistant health director for environmental control, Department of Public Health, Houston; status report on 1982 SIP developments (Harris County); hearing examiner's report; and new business.

**Following 2 p.m. board meeting,** the Budget and Finance Committee will meet to consider the development of a control and prevention data base.

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

Filed: October 2, 1981, 1:32 p.m.  
Doc. Nos. 817030-817032

## Texas Commission on the Arts

**Monday, October 19, 1981, 2 p.m.** The Texas Commission on the Arts will meet on the fifth floor, E.O. Thompson Building, 10th and Colorado, Austin. According to the agenda, the commission will approve signatures for state and bank accounts, ratify nomination to State Board of Education, adopt financial assistance application forms, conduct Assistance Review Committee meeting, approve TREO, evaluate fiscal year 1981 activities, and set goals for fiscal year 1982.

Information may be obtained from Margaret L. Dahl, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: October 5, 1981, 11:46 a.m.  
Doc. No. 817086

## State Commission for the Blind

**Thursday, October 15, 1981, 10 a.m.** The Texas Committee on Purchases and Services of Blind and Severely Disabled Persons of the State Commission for the Blind will meet in Room 402, 314 West 11th Street, Austin. According to the agenda, the committee will discuss House Bill 1345; TIBH sales; price changes and new products and services; highway beautification contract; and a janitorial contract for Travis State School.

Information may be obtained from Patty McKay, 314 West 11th Street, Room 431, Austin, Texas 78701, (512) 475-2118.

Filed: October 1, 1981, 1:16 p.m.  
Doc. No. 816970

## Texas Coastal and Marine Council

**Friday, October 16, 1981, 9 a.m.** The Texas Coastal and Marine Council will meet in La Plaza Room, Rancho Viejo, Highway 77 and 83, Brownsville. According to the agenda, the council will consider a resolution supporting the concept of experimental shrimp hatchery; development of the Port of Brownsville and the permitting process; pipeline placement near Port Anchorage areas; seafood processing and marketing in Texas; current status of the Texas shrimp industry; past/future council projects; public testimony; and the announcement of the December 11, 1981, TCMC meeting at Lamar University in Beaumont.

Information may be obtained from Charles L. Branton, P.O. Box 13407, Austin, Texas 78711-3407.

Filed: October 5, 1981, 1:44 p.m.  
Doc. No. 817113

## Coordinating Board, Texas College and University System

*Thursday and Friday, October 29 and 30, 1981.* The following committees of the Coordinating Board, Texas College and University System will meet in the board room of the Bevington A. Reed Building, 200 East Riverside Drive, Austin. Dates, times, and summarized agendas of the meetings follow.

**October 29, 9 a.m.** The Student Services Committee will consider the adoption of amendments to the rules and regulations of the Hinson-Hazlewood College Student Loan Program, §§21.57-21.65 (251.05.04.007-.015) and the final adoption of amendments to the rules and regulations for determining residency status, §§21.21-21.33 (251.05.03.001-.013).

**October 29, 9:15 a.m.** The Community College/Continuing Education Committee will consider final adoption of transfer curricula for a bachelor's degree in social work and a bachelor's degree in music; adoption of amendment to the rules and regulations for uniform grade point calculation for admission to graduate and professional schools §5.3 (251.20.02.003); final adoption of a rule to provide for publication of new or revised transfer curricula and transfer of credit rule 251.02.02.004, and repeal of existing core curricula for public junior colleges rule 251.02.05.001-.006; and adoption of repeal of rule 251.02.01.010, paragraph (c) pertaining to the Joint Committee on Technical-Vocational Education.

**October 29, 9:30 a.m.** The Campus Planning and Physical Facilities Committee will consider requests for endorsement of construction and rehabilitation projects, and of acquisition of real property.

**October 29, 10:30 a.m.** The Senior College and University Committee and Health Affairs Committee will consider matters relating to unaccredited private degree-granting institutions operating in Texas and matters relating to the division of senior colleges and universities.

**October 30, 8:30 a.m.** The Coordinating Board will consider matters relating to: the division of administration; the division of campus planning and physical facilities development; the division of student services; the division of community colleges and continuing education; unaccredited private degree-granting institutions operating in Texas; the division of senior colleges and universities and health affairs.

Information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 475-4361.

Filed: October 6, 1981, 9:33 a.m.  
Doc. Nos. 817124-817128

## State Board of Dental Examiners

*Thursday through Saturday, October 8-10, 1981, 9 a.m. daily.* The State Board of Dental Examiners made emergency additions to the agenda of a meeting held at the N.W. San Antonio Granada Royale Hometel, 7750 Briaridge, San Antonio. The following items were added to the agenda: request for categorization hygiene; adoption of proposed amendments to Rules 382.01.02.002 and

382.13.02.025; discussion of legal fees in Akin case; anesthesia seminar; Attorney General's Opinion MW-365; Senate Bill 394 (triplicate prescription forms); setting of 1982 examination dates; and approval of honorary retired dentists and hygienists. These additions were made on an emergency basis because information was unavailable at the time of original filing but had to be included on the agenda.

Information may be obtained from William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

Filed: October 5, 1981, 9:50 a.m.  
Doc. No. 817119

## Interagency Council of Early Childhood Intervention

*Tuesday, October 13, 1981, 2 p.m.* The Interagency Council on Early Childhood Intervention will meet in the Commissioner's Conference Room G-407, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the council will consider the submission and review process covering grant proposals for programs of intervention services and the establishing of rules for grant proposals and review and evaluation; advisory committee formation; and public awareness strategy.

Information may be obtained from James P. Ramin, 1100 West 49th Street, Austin, Texas, (512) 458-7241.

Filed: October 5, 1981, 4:36 p.m.  
Doc. No. 817117

## East Texas State University

*Sunday, October 4, 1981, 9 a.m.* The ETSU Complex Board of Regents, Presidential Search and Screening Committee, of East Texas State University of Commerce, met in emergency session in the Saturn Room, East Tower, Amfac Hotel, Dallas/Fort Worth Airport. According to the agenda, the purpose of this meeting was to interview semifinalist for the position of president and chief executive officer of the East Texas State University complex. The meeting included an executive session for the discussion of personnel matters. Scheduling interviews at a time convenient to both the search committee and the applicants necessitated this emergency meeting.

Information may be obtained from Jack B. Gray, Jr., East Texas State University, Commerce, Texas 75428, (214) 886-5512.

Filed: October 2, 1981, 1:57 p.m.  
Doc. No. 817026

*Sunday, October 11, 1981, 9 a.m.* The ETSU Complex Board of Regents, Presidential Search and Screening Committee, of East Texas State University at Commerce will meet in the Saturn Room, East Tower, Amfac Hotel, Dallas/Fort Worth Airport. According to the agenda, the purpose of this meeting is to interview semifinalist for the position of president and chief executive officer of the East Texas State University complex. The meeting will include an executive session for the discussion of personnel matters.

Information may be obtained from Jack B. Gray, Jr., East Texas State University, Commerce, Texas 75428, (214) 886-5512.

Filed: October 5, 1981, 1:58 p.m.  
Doc. No. 817027

## Texas Education Agency

**Friday, October 23, 1981, 9 a.m.** The Texas Advisory Council on Aerospace-Aviation Education of the Texas Education Agency will meet in the Board Room, 150 E. Riverside Drive, Austin. According to the agenda, the council will consider the National Science Supervisors Association; aerospace education--gifted and talented; introduction of new materials; new 1981-82 schools offering aerospace-aviation courses; Texas Education Agency report; and committee reports.

Information may be obtained from Joe Huckestein, 201 East 11th Street, Austin, Texas 78701, (512) 475-2608.

Filed October 5, 1981, 2:26 p.m.  
Doc. No. 817114

## Texas Employment Commission

**Tuesday, October 13, 1981, 9 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 15th and Congress, Austin. According to the agenda summary, the commission will consider prior meeting notes; report of general counsel; organizational and staffing plans for fiscal year 1982; fiscal year 1982 funding; E.S. and U.I. program activities; executive session on personnel, premises, and litigation; report on Sunset Commission; proposal to establish new promotional policy; grievance procedure; and agenda items for October 20, 1981 meeting.

Information may be obtained from Pat Joiner, Texas Employment Commission Building, 15th and Congress, Austin, Texas, (512) 397-4514.

Filed: October 2, 1981, 2:33 p.m.  
Doc. No. 817025

## State Employment and Training Council

**Thursday, October 15, 1981, 9 a.m. (MST)** The State Employment and Training Council will meet in the Conquistador Room, Sheraton-El Paso, El Paso. According to the agenda, the council will consider the following: plans of work and budgets; project proposals for expenditure of 1982 funds (Education and Employment Linkage Project and Viticulture Research Project); presentation by director of El Paso Prime Sponsor; suggestions for the 1981 report to the governor; and a presentation by the director of the Tigua Indian Reservation Prime Sponsor.

Information may be obtained from Jack Drummond, 1500 West Avenue, Austin, Texas 78701, (512) 472-1433.

Filed: October 5, 1981, 9:28 a.m.  
Doc. No. 817091

## Office of the Governor

**Tuesday and Wednesday, October 13 and 14, 1981, 2 p.m. and 9 a.m., respectively.** The Governor's Task Force on Higher Education of the Office of the Governor will meet at Texas Women's University, Denton. According to the agenda summary, the task force will conduct subcommittee meetings on Tuesday, October 13, and general meetings on Wednesday, October 14.

Information may be obtained from Dr. George J. Race, 3500 Gaston, Dallas, Texas 75246, (214) 820-2254.

Filed: October 1, 1981, 12:35 p.m.  
Doc. No. 816974

## Governor's Commission on Physical Fitness

**Tuesday, November 3, 1981, 6 p.m.** The Governor's Commission on Physical Fitness will meet in the Forum Room of the Austin Hilton. Agenda items include: remarks from invited guests Duane Carlson of Blue Cross/Blue Shield, Jane Peter Ozga of the U.S. Chamber of Commerce, and William Horton of Fitness, Inc.; performance report review; budget considerations; interagency contracts; and review of Employee Health Fitness Conference.

Information may be obtained from Albert A. Rooker, 4200 North Lamar, Suite 110, Austin, Texas 78756, (512) 475-6718.

Filed: October 2, 1981, 1:59 p.m.  
Doc. No. 817033

## Texas Grain Sorghum Producers Board

**Tuesday, October 13, 1981, 1 p.m.** The Texas Grain Sorghum Producers Board will meet at Sutphens Farbecue Restaurant, Highway 87 South, Dumas. According to the agenda, the board will consider the biennial election review, market development report; collection and financial review; and pest management report.

Information may be obtained from Elbert Harp, P.O. Box R, Abernathy, Texas 79311, (806) 298-2543.

Filed: October 5, 1981, 3:32 p.m.  
Doc. No. 817116

## Texas Health Facilities Commission

**Friday, October 16, 1981, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need

Northeast Baptist Hospital, San Antonio

AH81-0312-032

Baptist Memorial Hospital, San Antonio

AH81-0423-004

Boulevard Manor Care Center, Fort Worth  
AN81-0527-023  
Scott and White Memorial Hospital and Scott, Sherwood  
and Brindley Foundation, Temple  
AH81-0507-007  
Crystal Hill Nursing Home, Inc., Dallas  
AN81-0515-022  
St. Mary's Hospital, Galveston  
AH81-0423-007  
Yale Clinic and Hospital, Inc., Houston  
AH81-0519-024  
William A. and Elizabeth B. Moncrief Radiation  
Center, Fort Worth  
AO81-0617-003

Information may be obtained from John R. Neel, P.O. Box 15023,  
Austin, Texas 78761, (512) 475-6940.

Filed: October 5, 1981, 9:35 a.m.  
Doc. No. 817089

## Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

**Friday, October 9, 1981, 8:30 a.m.** The Ad Hoc Committee of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet in Suite 105, 1212 Guadalupe, Austin. The committee will draw up training guidelines for temporary training permittees.

Information may be obtained from R. B. Hall, 1212 Guadalupe,  
Suite 105, Austin, Texas 78701, (512) 475-3429.

Filed: October 1, 1981, 1:54 p.m.  
Doc. No. 816982

## Texas Department of Human Resources

**Tuesday and Wednesday, October 13 and 14, 1981, 9:30 a.m. daily.** The Advisory Committee on Child Care Facilities of the Texas Department of Human Resources will meet at the Ramada Inn Town Lake, 1001 IH 35 South, Austin. According to the agenda, the committee will review autistic standards, drop-in standards, registered family home standards, handbook changes, and will hear the director's report.

Information may be obtained from Doug Sanders, P.O. Box 2960,  
Austin, Texas 78769, (512) 441-3355, ext. 6039.

Filed: October 1, 1981, 4:38 p.m.  
Doc. No. 817029

## Texas Industrial Commission

**Thursday, October 29, 1981, 9 a.m.** The Board of Commissioners of the Texas Industrial Commission will conduct its quarterly meeting in Room 221, 410 East Fifth Street, Austin. Agenda items include: administration oath for new commissioners, introduction

of TIC staff, action on prior minutes, action on financial statements, executive director's report, TIDC report action on Rural Loan Application Mexia Industrial Foundation, action on Midland Development Corporation's IRB project, advertising report, rural loan fund interest rate, quarterly division reports, selection of next meeting site and date and executive session for commissioners.

Information may be obtained from Nancy Blesh, 410 East 5th Street, Room 408, Austin, Texas, (512) 472-5059, ext. 627.

Filed: October 2, 1981, 10:14 a.m.  
Doc. No. 817037

## State Board of Insurance

**Tuesday, October 13, 1981, 2 p.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin. According to the agenda, the board will consider: a decision on T.E. Mercer appeal; copyright of National Council on Compensation Insurance on manual for worker's compensation insurance; home equity/home improvement loan insurance program filed by PMI Insurance Company; and the Mortgage Credit Policy of Insurance for home equity and home improvement loans filed by PMI Insurance Company.

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

Filed: October 5, 1981, 9:28 a.m.  
Doc. No. 817090

**Tuesday, October 13, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. The times, dockets and meeting rooms are as follows:

**9 a.m.** Docket 6548—application for admission by Prestige Casualty Company, Skokie, Illinois; Room 342.

**9:30 a.m.** Docket 6549—application for admission by Timic Mortgage Insurance Company, Chicago, Illinois; Room 342.

**1:30 p.m.** Docket 6469—application for original charter of Great American Reserve Insurance Company of Dallas, Dallas; Room 342.

**2 p.m.** Docket 6566—application of Republic National Life Insurance Company, Dallas, to redeem shares of its capital stock from Republic National Life Group Insurance Company, Dallas. The hearing will also consider the application to transfer certain classes of Republic National Life Insurance Company's insurance business to Republic National Life Group Insurance Company through an assumption reinsurance agreement; Room 350.

**2 p.m.** Docket 6567—application of Republic National Life Insurance Company, Dallas, to reinsure all of its insurance business to XYZ Life Insurance Company, Dallas; Room 342.

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

Filed: October 5, 1981, 1:28 p.m.  
Doc. Nos. 817095-817099

**Wednesday, October 14, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. The times, dockets, and meeting rooms are as follows.

**9 a.m.** Docket 6555—application for admission by Union Standard Insurance Company of Oklahoma, Inc., Oklahoma City, Oklahoma; Room 142.

**9:30 a.m.** Docket 6560—application to restate the articles of incorporation of National Continental Life Insurance Company, Dallas; Room 142.

**10 a.m.** Docket 6568—application for authority to issue variable annuity contracts in Texas by Bankers National Life Insurance Company, Parsippany, New Jersey; Room 142.

**10:30 a.m.** Docket 6569—application for authority to issue variable annuity contracts in Texas by National Continental Life Insurance Company, Hye; Room 142.

**1:30 p.m.** Docket 6558—application of American Security Life Insurance, San Antonio, to purchase 100% of the issued and outstanding capital stock of The Greater Ohio Life Insurance Company, Columbus, Ohio; Room 342.

**2 p.m.** Docket 6414—revocation of insurance licenses issued to George R. Clark; Room 142.

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

Filed: October 5, 1981, 1:28 p.m.  
Doc. Nos. 817100-817105

**Thursday, October 15, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 350, 1110 San Jacinto Street, Austin, in the following dockets and times.

**1:30 p.m.** Docket 6545—application for original charter of Mission Insurance Company of Texas, Inc., Dallas.

**3 p.m.** Docket 6550—application by First National Indemnity Company, Cisco, for approval of charter amendment increasing the capital stock.

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

Filed: October 5, 1981, 1:29 p.m.  
Doc. No. 817106 and 817107

**Friday, October 16, 1981, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Docket 6561 to consider the failure of National Health and Accident Insurance Company, Fort Worth, to timely file its 1980 annual statement.

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

Filed: October 5, 1981, 1:31 p.m.  
Doc. No. 817108

**Monday, October 19, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings. The times, dockets and meeting rooms are as follows.

**9 a.m.** Docket 6539—application of American General Corporation, Houston, to acquire control of Great Southern Life Insurance Company, Houston, through the purchase of up to 25% of NLT Corporation, Nashville, Tennessee; Room 342.

**10:30 a.m.** Docket 6553—application for original charter of General Financial Life Insurance Company, Houston; Room 350.

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

Filed: October 5, 1981, 1:31 p.m.  
Doc. Nos. 817109 and 817110

## Lamar University

**Thursday, October 8, 1981, 9:30 a.m.** The Board of Regents of Lamar University met at the Plummer Administration Building, Lamar University main campus, Beaumont. According to the agenda summary, the regents discussed financial reports, the president's report, small class reports, promotion policies, revision of the 1977 policy on special scholarships, a respiratory technology degree proposal, the regents' development fund policy, the building committee's recommendation on roofing bids, parking facility bids, university housing proposal and the possibility of joining Midwestern University litigation. An executive session was also held.

Information may be obtained from Andrew J. Johnson, P.O. Box 10014, Lamar University Station, Beaumont, Texas 77710.

Filed: October 1, 1981, 10:49 a.m.  
Doc. No. 816973

## Board of Pardons and Paroles

**Monday through Friday, October 19-23, 1981, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day to day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency, and to take action upon gubernatorial directives.

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

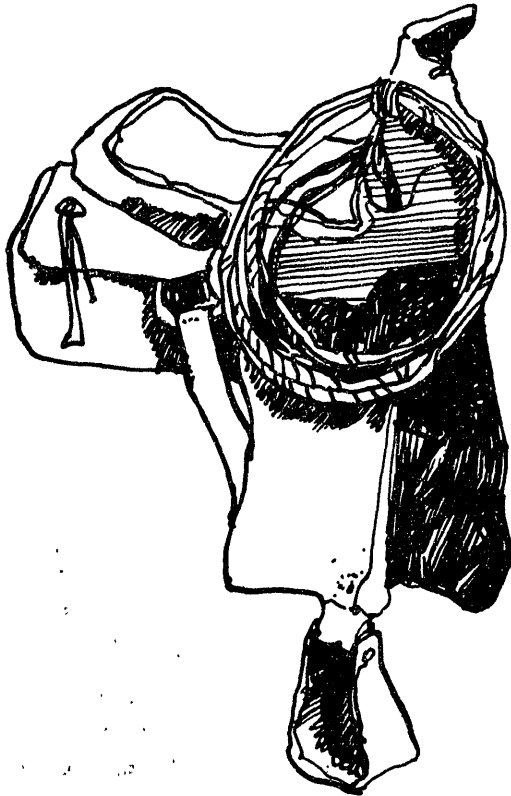
Filed: October 5, 1981, 4:36 p.m.  
Doc. No. 817118

## Board of Polygraph Examiners

*Wednesday through Saturday, October 14-17, 1981, Wednesday, 1 p.m., Thursday-Saturday, 9 a.m., daily* The Board of Polygraph Examiners will meet at the Executive Inn, 3232 Mockingbird Lane, Dallas. Items on the agenda summary include: applications for internship; administrative hearings; budget, rules, and teaching assignments; date of next meeting and licensing examinations; any communications from the public or polygraph examiners; polygraph-related business that may come before the board.

Information may be obtained from Candy Moore, P.O. Box 4143, Austin, Texas 78765, (512) 465-2058.

Filed: October 5, 1981, 2:09 p.m.  
Doc. No. 817111



## Texas Pork Producers Board

*Thursday, October 15, 1981, 12 noon.* The Texas Pork Producers Board will meet in the Regency I Room, Executive Inn, 3232 Mockingbird Lane, Dallas. According to the agenda, the board will consider the reports from the Research Committee, Education Committee, Check-Off Committee, and Promotion Committee

Information may be obtained from Ken Horton, 8330 Burnet Road, Northwest Office Building, room 108, Austin, Texas 78758, (512) 453-0615.

Filed: October 2, 1981, 4:20 p.m.  
Doc. No. 817051

## Public Utility Commission of Texas

*Tuesday, October 13, 1981,* The Public Utility Commission of Texas will conduct prehearing conferences in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in the following dockets and times:

*10 a.m.* Docket 4079—application of Brazos Electric Power Co-op, Inc. for a rate increase.

*2 p.m.* Rescheduled prehearing conference in Docket 4038 regarding inquiry by Public Utility Commission of Texas into the propriety of services rendered by AMP of Texas. This prehearing conference was originally scheduled for Friday, October 16, 1981, 10 a.m.

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

Filed: October 1, 1981, 1:55 p.m. and October 2, 1981, 3:04 p.m. respectively  
Doc. Nos. 816981 and 817035

*Wednesday, October 14, 1981, 10 a.m.* The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4002—application of Houston Lighting and Power Company to amend its certificate of convenience and necessity for transmission lines within Washington County.

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

Filed: October 2, 1981, 10:14 a.m.  
Doc. No. 817036

## Railroad Commission of Texas

*Monday, October 5, 1981, 9 a.m.* The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held at 1124 South IH 35, Austin, concerning the motion by Champlin Exploration, Inc. to cancel the re-opened hearing on notice in Rule 37, Case 87520. Giddings (Austin Chalk)(Buda)(Wildcat) Fields, Fayette County. The addition was made on an emergency basis because the motion concerned a hearing scheduled for October 8, 1981 and the October 5th commission meeting was the only regularly scheduled meeting prior to the hearing date.

Information may be obtained from Sandra B. Buch, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1281.

Filed: October 2, 1981, 4:52 p.m.  
Doc. No. 817043

*Monday, October 5, 1981, 9 a.m.* The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin, concerning Docket 8-76563—D.L. Dorland, determination of overproduction of lease, Snyder Field, Howard County. The addition was made on an emergency basis as a mat-

ter of urgent public necessity. It was properly noticed for the meeting of September 28, 1981, and was properly passed.

Information may be obtained from Skipper Lay, P.O. Box 12967, Austin, Texas 78711, (512) 445-1293.

Filed: October 2, 1981, 4:52 p.m.  
Doc. No. 817044

**Tuesday, October 13, 1981, 9 a.m.** The Administrative Services Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Roger Dillion, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: October 2, 1981, 4:54 p.m.  
Doc. No. 817052

**Tuesday, October 13, 1981, 9 a.m.** The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: October 2, 1981, 5 p.m.  
Doc. No. 817053

**Tuesday, October 13, 1981, 9 a.m.** The Flight Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Ken Fossler, 1124 South IH 35, Austin, Texas, (512) 445-1103.

Filed: October 2, 1981, 5:01 p.m.  
Doc. No. 817054

**Tuesday, October 13, 1981, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin, to consider Docket 3224 and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas.

Filed: October 2, 1981, 5 p.m.  
Doc. No. 817955

**Tuesday, October 13, 1981, 9 a.m.** The Office of Information Services of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: October 2, 1981, 4:56 p.m.  
Doc. No. 817056

**Tuesday, October 13, 1981, 9 a.m.** The Liquefied Petroleum-Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider and act on the division director's report on division administration, budget, procedure, and personnel matters.

Information may be obtained from Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 473-1301.

Filed: October 2, 1981, 4:54 p.m.  
Doc. No. 817057

**Tuesday, October 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

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

Filed: October 2, 1981, 4:58 p.m.  
Doc. No. 817058

**Tuesday, October 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin, concerning the final adoption of proposed amendments to statewide Rule 051.02.02.037, 20-76, 568.

Information may be obtained from Sandra Joseph, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1281.

Filed: October 2, 1981, 4:59 p.m.  
Doc. No. 817063

**Tuesday, October 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin, concerning category determination under §§102(c)(1)(b), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: October 2, 1981, 4:55 p.m.  
Doc. No. 817064



**Tuesday, October 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an addition to the agenda of a meeting to be held at 1124 South IH 35, Austin, concerning Docket 1-77,309—application of American States Energy Corporation for a special allowable, Luling Branyon Field, Caldwell County.

Information may be obtained from Chuck Wendlandt, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: October 2, 1981, 4:53 p.m.  
Doc. No. 817085

**Tuesday, October 13, 1981, 9 a.m.** The Personnel Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Information may be obtained from Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: October 2, 1981, 4:59 p.m.  
Doc. No. 817059

**Tuesday, October 13, 1981 9 a.m.** The Office of Special Counsel of the Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin, to consider and act on the director's report relating to pending litigation, Sunset Review procedures, and other budget, administrative, and personnel matters.

Information may be obtained from Walter Earl Lillie, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed: October 2, 1981, 5:01 p.m.  
Doc. No. 817060

**Tuesday, October 13, 1981, 9 a.m.** The Surface Mining and Reclamation Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters; and discuss an administration and enforcement grant application pursuant to §705 of the federal Sur-

face Mining Control and Reclamation Act of 1977 (P.L. 95-87).

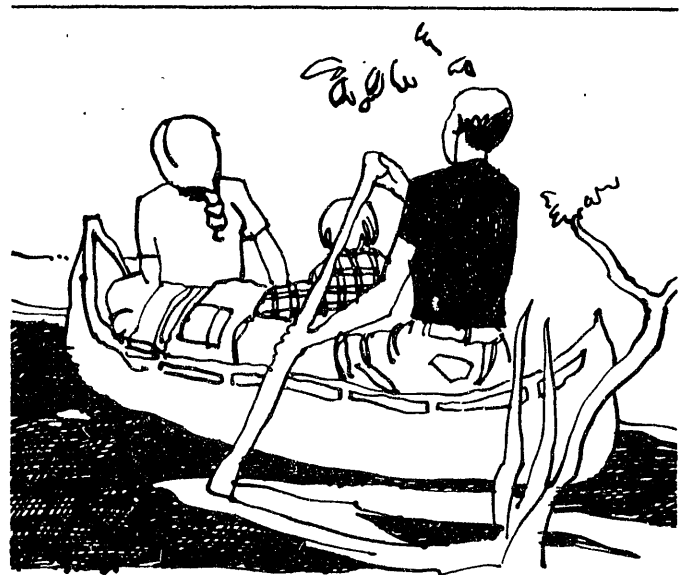
Information may be obtained from J. Randel (Jerry) Hill, 105 West Riverside, Austin, Texas, (512) 475-8751.

Filed: October 2, 1981, 4:56 p.m.  
Doc. No. 817061

**Tuesday, October 13, 1981, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in the first floor auditorium, Room 107, 1124 South IH 35, Austin, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, 1124 South IH 35, Austin, Texas 78704, (512) 445-1330.

Filed: October 2, 1981, 4:57 p.m.  
Doc. No. 817062



## State Securities Board

**Friday, October 16, 1981, 9 a.m.** The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto, Austin. According to the agenda, the commissioner will hold a hearing for the purpose of determining whether the securities registration of Carol C. Peeler and Albert E. Johansen, as officers of Hillcrest Securities Corporation, Inc., and Hillcrest Equities, Inc., should be revoked or suspended.

Information may be obtained from Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas, (512) 474-2233.

Filed: October 1, 1981, 4:19 p.m.  
Doc. No. 817028

## Stephen F. Austin State University

**Thursday, October 15, 1981, 2:30 p.m.** The Board of Regents, Committees of Stephen F. Austin State University will meet at the Dallas Hilton Inn, 5600 North Central Expressway, Dallas. According to the agenda summary, the board will consider personnel items; acceptance of faculty workload report and under enrolled class report; curriculum changes; change in tenure policy; approval of final FY 81 budget standing; and approval of construction contracts and architectural services agreement.

Information may be obtained from William R. Johnson, Box 6078, SFA Station, Nacogdoches, Texas, (713) 569-2201.

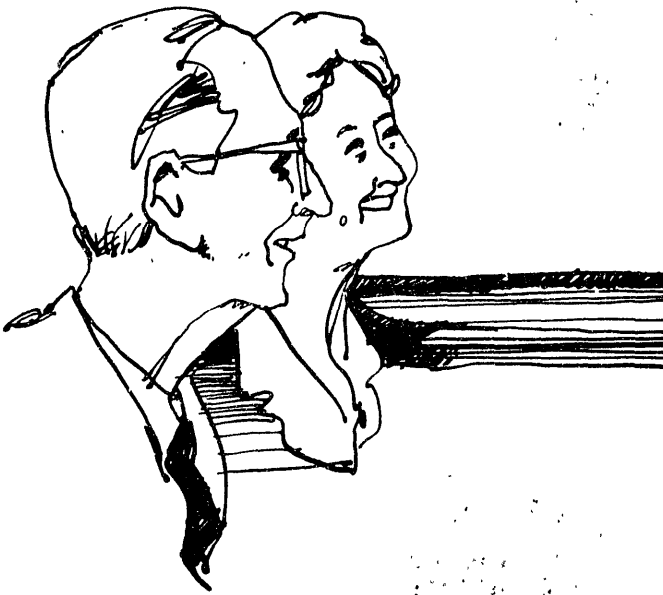
Filed: October 5, 1981, 9:49 a.m.  
Doc. No. 817087

**Friday, October 16, 1981, 9:30 a.m.** The Board of Regents of Stephen F. Austin State University will meet at the Dallas Hilton Inn, 5600 North Central Expressway, Dallas. According to the agenda summary, the board will consider personnel items; acceptance of faculty workload report and under enrolled class report;

curriculum changes; change in tenure policy; approval of final fiscal year 1981 budget standing; approval of construction contracts and architectural services agreement.

Information may be obtained from William R. Johnson, Box 6078, SFA Station, Nacogdoches, Texas, (713) 569-2201.

Filed: October 5, 1981, 9:49 a.m.  
Doc. No. 817088



## University of Texas System

**Thursday and Friday, October 8 and 9, 1981, 1:30 p.m. and 9 a.m., respectively.** The Board of Regents of the University of Texas System will meet on the second floor of the University Center, University of Texas at Tyler, 3900 University Boulevard, Tyler. According to the agenda summary, the board will consider the following: buildings and grounds matters including authorization for study and projects, approval of preliminary and final plans, authorization for bids and award of contracts; substitution of City of San Antonio post office at U.T. Institute of Texan Cultures; amendments to 1980-81 budgets; chancellor's docket (index submitted by system administration); appointments to endowed positions; academic matters; appointments to development boards and advisory councils; affiliation agreements; land and investment matters; acceptance of gifts, bequests, and estates; establishment of

endowed positions and funds; employment of investment counselors; sale of real property; oil and gas leases; amendments to R&R; boiler and machinery insurance; appointments to advisory committee for selection of president of U.T. Dallas; pending litigation; land acquisition and negotiated contracts; and personnel matters.

Information may be obtained from Arthur H. Dilly, P.O. Box N., U.T. Station, Austin, Texas 78712, (512) 471-1265.

Filed: October 2, 1981, 1:20 p.m.  
Doc. No. 817034

## University Interscholastic League

**Sunday, November 1, 1981, 8:45 a.m.** The Legislative Council of the University Interscholastic League will meet at the Sheraton Crest Inn, 111 East First Street, Austin. According to the agenda summary, the league will discuss recommended changes on process of Legislative Council, and consider legislative matters (recommendations from committees, morning meeting, each Legislative Council member and league staff).

Information may be obtained from Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: October 5, 1981, 2:04 p.m.  
Doc. No. 817112

## Texas Water Commission

**Tuesday, October 13, 1981, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider applications for district bond issues; release from escrow; water quality permits; amendments and renewals; voluntary cancellation of water quality permits; approval of plans and specifications; levee project; and filing and setting of hearing date.

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

Filed: October 1, 1981, 11:28 a.m.  
Doc. No. 816971

**Wednesday, October 21, 1981, 2 p.m.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider an application by the City of Lubbock (Southeast Plant) for an amendment to Permit 10353 in order to incorporate an additional land application area for effluent disposal. The effluent is used for irrigation water and makeup water for the Southwest Public Service Company's Jones Power Plant, Lubbock County, Brazos River Basin.

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

Filed: October 2, 1981, 3:30 p.m.  
Doc. No. 817039

**Wednesday, November 4, 1981, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider the adjudication of water rights in the Lower Nueces River Segment of the Nueces River Basin.

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

Filed: October 1, 1981, 3:28 p.m.  
Doc. No. 817040

**Monday through Friday, November 16-20, 1981, Monday, 2:30 p.m., Tuesday through Friday, 9 a.m. daily.** The Texas Water Commission is rescheduling meetings to be held in Room 305 of the Amarillo Municipal Building, 509 East 7th, Amarillo. According to the agenda, the commission will consider the revised docket of adjudication hearings on the Upper Red River Segment, Red River Basin.

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

Filed: October 5, 1981, 11:16 a.m.  
Doc. No. 817092

**Wednesday, November 18, 1981, 1 p.m.** The Texas Water Commission will meet in the third floor auditorium, Bank of the Southwest, 910 Travis Street, Houston. According to the agenda summary, the commission will consider the following items: Burger King Corporation, 5440 Harvest Hill Road, Suite 100, Dallas, has applied for a permit to discharge a volume of wastewater not to exceed an average of 3500 gallons per day. The applicant proposes to operate a fast food restaurant and treat the wastewater and domestic sewage from the facilities in a package treatment system. McDonald's Corporation, 10900 Northwest Freeway, Houston, has applied for a permit to discharge wastewater at a volume not to exceed an average flow of 3,000 gallons per day from a restaurant with its own wastewater treatment facilities in Harris County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed October 1, 1981, 3:28 p.m.  
Doc. Nos. 817041 and 817042

**Tuesday, November 24, 1981, 10 a.m.** The Texas Water Commission will meet in the district courtroom, Robertson County Courthouse, Franklin. According to the agenda summary, the commission will consider the following: Texas Utilities Generating Company, 2001 Bryan Tower, Dallas, had applied for an amendment to Permit 01986 to permit additional outfalls from the Twin Oak Steam Electric Station and outfalls from the lignite mine operation which supplies fuel for the station in Robertson County.

Information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711.

Filed October 5, 1981, 11:15 a.m.  
Doc. No. 817093

**Wednesday, December 2, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, requiring Roland M. Mefert, Robert W. Tanner, Joe A. Jackson, and Dan M. Loughlin, owners of Permit 3728, to appear and show cause why Permit 3728 should not be cancelled and why a dam creating an impoundment on the Blanco River, Blanco County, should not be removed.

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

Filed: October 1, 1981, 11:29 a.m.  
Doc. No. 816972

## Regional Agencies

### Meetings Filed October 1, 1981

**The Region II Education Service Center**, Board of Directors, will meet in the administrative conference room, 209 North Water, Corpus Christi, on October 15, 1981, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas, (512) 883-9288.

**The Fisher County Appraisal District** will meet in the Hospitality Room, Fisher County Courthouse, Roby, on October 12, 1981, at 8 p.m. Information may be obtained from Billie L. Holcomb, Box 516, Roby, Texas 79543.

Doc. No. 816975

## Meetings Filed October 2, 1981

*The Region I Education Service Center*, Board of Directors, will meet at 1900 West Schunior, Edinburg, on October 13, 1981, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

*The Hockley County Appraisal District*, Board of Directors, will meet in the South Plains College Board Room, Administration Building, Levelland, on October 19, 1981, at 7:30 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

*The Texas Municipal Power Agency*, Board of Directors, met in the agency office, 2225 East Randol Mill Road, Arlington, on October 8, 1981, at 9 a.m. Information may be obtained from Joel T. Rodgers, (817) 461-4400.

Doc. No. 817038

*The Jasper County Appraisal District*, Board of Directors, will meet in the Buna ISD Administration Building, Buna, on October 14, 1981, at 7:30 p.m. Information may be obtained from Frances Horn, P.O. Drawer G, Buna, Texas 77612.

*The Middle Rio Grande Development Council*, Regional Alcoholism Advisory Council, will meet in the reading room of the Uvalde Civic Center, Carrizo Springs, on October 15, 1981, at 2 p.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

*The Palo Pinto Appraisal District*, Board of Directors, met at 603 South Oak, Mineral Wells, on October 8, 1981, at 7 p.m. Information may be obtained from H.H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas, (817) 325-6871.

*The Upshur County Appraisal District*, Board of Directors, will meet at the Gilmer Middle School, Gilmer, on October 12, 1981, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644.

*The West Central Texas Municipal Water District* will meet in the Reddy Room, Texas Electric Service Company, 100-110 East Elm Street, Breckenridge, on October 13, 1981, at 10 a.m. Information may be obtained from Virginia Duncan, P.O. Box 2362, Abilene, Texas, (915) 673-8254.

Doc. No. 817094

## Meetings Filed October 5, 1981

*The Concho Valley Council of Governments*, Executive Committee, will meet at the Civic Center in Brady, on October 10, 1981, at 7:30 p.m. Information may be obtained from Robert R. Weaver, 5002 Knickerbocker Road, San Angelo, Texas 76901, (915) 944-9666.

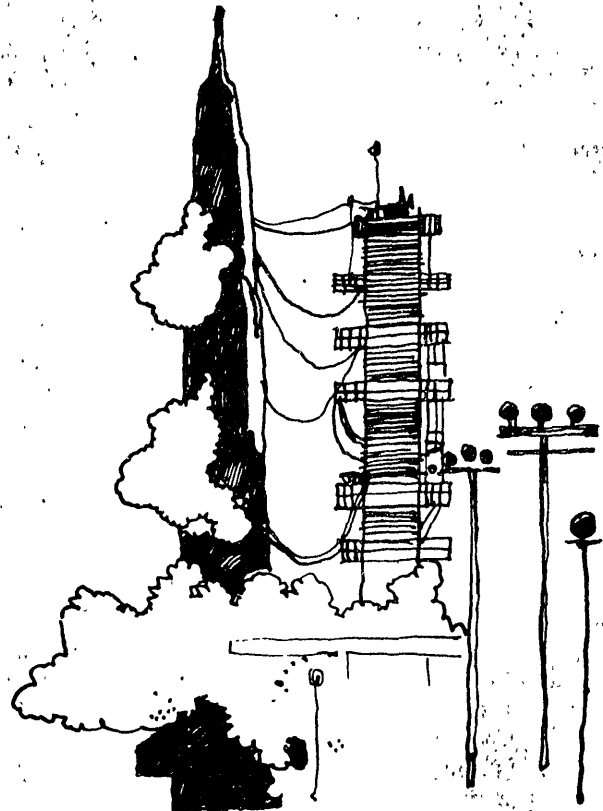
*The Copano Bay Soil Conservation District 329* will meet at the Tivoli Community Center, Tivoli, on October 13, 1981, at 7 p.m. Information may be obtained from Jim Wales, P.O. Drawer 40, Refugio, Texas 78377, (512) 526-2334.

*The Deep East Texas Council of Governments*, Private Industry Task Force, will meet at the Holiday Inn, Highway 59 South, Lufkin on October 14, 1981, at 11 a.m. Information may be obtained from Julia Conn Watt, P.O. Box 1423, Lufkin, Texas, (512) 634-2247.

*The Eastland County Appraisal District* will meet in the commissioner's courtroom, Eastland County Courthouse, Eastland, on October 14, 1981, at 3 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas, (817) 629-8597.

*The East Texas Council of Governments*, Executive Committee, met at 3800 Stone Road, Kilgore, on October 8, 1981, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

*The Hansford County Appraisal District*, Board of Directors, will meet at 13 West Kenneth Avenue, Spearman, on October 14, 1981, at 3 p.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.



**Meetings Filed October 6, 1981**

*The Harris County Appraisal District*, Board of Directors, met in emergency session at 3737 Dacoma, Houston, on October 7, 1981, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292.

Doc. No. 817129

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

## Office of Consumer Credit Commissioner

### Rate Ceilings

On Wednesday, September 30, 1981, 26-week treasury bills were auctioned at the rate of 14.932%. Therefore, the rates as previously published for the week October 5 through October 11, 1981, are correct. The monthly average for October 1981 was correct as published.

Issued in Austin, Texas, on October 5, 1981.

Doc. No. 817081 Sam Kelley  
Consumer Credit Commissioner

Filed: October 5, 1981, 9:40 a.m.  
For further information, please call (512) 475-2111.

Pursuant to the provisions of the 67th Legislature of Texas, Regular Session, 1981, House Bill 1228, the Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended (Texas Civil Statutes, Article 5069-1.04).

Type of Rate Ceiling	Effective Period <sup>(1)</sup>	Type of Transaction	
		Consumer <sup>(2)</sup> / Commercial <sup>(3)</sup> through \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated rate (weekly rate)	10/12/81-10/18/81	24%	28%
Monthly (variable commercial only)	10/1/81-10/31/81	24%	28%
Quarterly	10/1/81-12/31/81	24%	28%
Annual <sup>(5)</sup>	10/1/81-12/31/81	24%	27.37%

(1) Dates set out above are inclusive.

(2) Credit for personal, family, or household use.

(3) Credit for business, commercial, investment, or other similar purpose.

(4) Same as (3) above, except excluding credit for agricultural use.  
(5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01.

Issued in Austin, Texas, on October 5, 1981.

Doc. No. 817082 Sam Kelley  
Consumer Credit Commissioner

Filed: October 5, 1981, 9:39 a.m.  
For further information, please call (512) 475-2111.

## Governor's Office of General Counsel and Criminal Justice

### Crime Stoppers Advisory Council

#### Service Contract Proposal Request

House Bill 1681, created the Crime Stoppers Advisory Council within the Criminal Justice Division of the Governor's Office to assist in the creation of additional local crime stopper programs and channel criminal information to the appropriate law enforcement agency.

The programs of the Crime Stoppers Advisory Council are specifically designed to complement the efforts of Texas' 16 operational local crime stoppers programs. To that end, the council will sponsor a highly visible media campaign statewide to identify crimes and criminal activity which have statewide impact and which can effectively be impacted through citizen participation on a statewide level, such as drug trafficking, white collar crime, or organized criminal activity.

The media campaign will involve production, distribution, and monitoring of 12 unique TV spots and 12 radio spots-one to be aired each month as the "Crime of the Month" feature.

The graphic design phase of the program will involve development and production of a council logo to be used in both film and print.

**Proposal specifications.** The Crime Stoppers Advisory Council will enter into a service contract with a media firm for the development, production, distribution, and monitoring of 12 separate and unique television features, 12 separate and unique radio features, and a logo to be used in conjunction with film and print material of the council.

Only production and distribution is to be included in this bid. The copies made from the masters will be purchased through other procedures.

**Objectives.** The objectives of the media programs are:

(1) Develop and produce, with the approval of the Crime Stoppers Advisory Council staff 12 separate and unique topical television features, hereinafter referred to as TV spots. TV spots shall range from 30 to 60 seconds in duration. TV spots will be of high quality for commercial play at the discretion of each TV station accepting to air the TV spots.

(2) Develop and produce, with the approval of the Crime Stoppers Advisory Council staff 12 separate and unique topical radio features, hereinafter referred to as radio spots. Each radio spot shall range from 30 to 60 seconds in duration. Radio spots will be of high quality for commercial play at the discretion of each radio station accepting to air the radio spots.

(3) Develop and produce, with the approval of Crime Stoppers Advisory Council staff, the creative and art preparation of the council's logo and the design of this logo to all media including TV and print. The logo shall be designed in such a manner as to enable animation for TV usage.

(4) Distribution of the TV and radio spots to those media accepting to participate in the program. Approximately 75 public and private TV stations and 400 radio stations in Texas will be contacted to participate in the media program and those media services desiring to participate will form the initial pool for distribution of TV and radio spots, and

(5) monitoring the frequency and times which the media services air the TV and radio spots.

**Selection Criteria.** Evaluation of bids will be conducted by the Office of General Counsel and Criminal Justice staff and the Crime Stoppers Advisory Council staff in terms of three general categories. These are:

(1) Experience and qualifications of the media firm and personnel to be involved in the media/graphic design program.

(a) Number of years in the media/graphic design field.

(b) Prior experience in developing, producing, distributing and monitoring criminal justice-oriented films and radio spots.

(c) Prior experience in developing logo's for use in TV and print.

(d) Individual and collective qualifications of those personnel assigned to the program.

(e) Prior media awards bestowed on individuals and or media firm.

(f) Resume and references of individuals of the media firm.

(2) Description of the firm's understanding of the focus of the Crime Stoppers Media/Graphic Design Program.

(3) Reasonableness of proposed fee for services to be provided.

**Contact.** For information contact Debbie Mitchell, Governor's Office of General Counsel and Criminal Justice, P. O. Box 12428, Austin, Texas 78711, (512) 475-2303.

**Deadline for Proposal.** Written proposals are to be submitted by 5 p.m., October 13, 1981, to Debbie Mitchell, Governor's Office of General Counsel and Criminal Justice, P. O. Box 12428, Austin, Texas 78711, (512) 475-2303.

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

Doc. No. 817083 Willis Whatley  
Deputy General Counsel  
Governor's Office of General Counsel  
and Criminal Justice

Filed: October 2, 1981, 5 p.m.

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

## Texas Health Facilities Commission

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

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file

number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; and NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

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

The contents and form of a request to become a party to any of these applications must meet the criteria set out in commission §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.

National Medical Hospital of Texas, Inc.,  
Los Angeles, California  
AH81-0929-016

NIEH—National Medical Hospital of Texas, Inc., requests a declaratory ruling that a certificate of need is not required prior to the acquisition, by lease, of the Carruth Memorial Hospital/Dallas Rehabilitative Institute, an existing health care facility

Saint Joseph Hospital, Paris  
AH80-0707-035A (092881)

AMD/EC—Request for extension of the completion deadline in Exemption Certificate AH80-0707-035, which authorized the purchase and installation of an elevator at the hospital.

Westview Care Center, Inc., Seymour  
AN78-0721-026A (082681)

AMD/CN—Request to amend Certificate of Need AN78-0721-026, which authorized a renovation and construction project, and the addition of 42 new ICF-III beds to the existing facility (The certificate holder requests an extension of the completion deadline, an increase in the project cost, and an increase in the square footage to be constructed from 9,320 square feet to 11,050 square feet)

Southwest Care Centers, Inc., San Antonio  
AN81-0928-048

NIEH—Southwest Care Centers, Inc., requests a declaratory ruling that a certificate of need is not required prior to its acquisition of an existing 92-bed ICF-III nursing facility in San Antonio, Texas, known as the M & S Health Care Center, Inc.

Humble Skilled Care Facility, Humble  
AN79-1030-013A (092881)

AMD/CN—Request for second extension of the com-

pletion deadline and increase in the cost of the project authorized in Certificate of Need AH79-1030-013 (The certificate authorized the construction of a new 90 bed skilled nursing facility in Humble)

National Medical Hospital of Texas, Inc.  
Los Angeles, California  
AH81-1001-050

NIEH—National Medical Hospital of Texas, Inc., requests a declaratory ruling that a certificate of need is not required prior to the acquisition of Highland Hospital, Lubbock, an existing health care facility

Issued in Austin, Texas, on October 5, 1981.

Doc. No. 817079 Linda E. Zatopek  
Assistant General Counsel  
Texas Health Facilities Commission

Filed: October 5, 1981, 9:35 a.m.  
For further information, please call (512)475-8940.

## Texas Department of Human Resources

### Public Forums

The Governor's Long-Term Care Planning Group will be conducting a series of public forums in October and November 1981.

As a part of Texas' participation in the National Long-Term Care Channeling Demonstration Project, Governor William P. Clements, Jr., appointed the Long-Term Care Planning Group (LTCPG) in the spring of 1981. Members represent the legislature, private citizens, and the board of major agencies and organizations with responsibility in the field of long-term care.

The primary task of this group has been to develop a plan which will specify policy level goals and objectives for serving senior citizens and disabled persons of Texas. During the past six months this group has studied current long-term care programs in Texas, including in-home, community, and nursing home care; considered findings and recommendations of previous studies; examined population characteristics and trends; and considered anticipated changes in federal funding structures and levels.

The LTCPG has developed a preliminary draft Long-Term Care Plan. The purpose of the forums will be to receive comments and an exchange of ideas on the draft plan and to identify the concerns of consumers, service providers, professional organizations, community agencies, and others concerned about the future direction of long-term care in Texas. Following the forums the plan will be revised as indicated and is scheduled for completion and submission to the governor in December 1981.

Dates, times, and locations of the forums are as follows:

**October 14, 1981, 4 p.m.-7 p.m.**  
Dallas  
Auditorium  
Dallas Public Library  
1954 Commerce Street

**October 14, 1981, 9 a.m.-noon**  
Abilene  
Moody Center, Room 208  
Hardin Simmons University  
2200 Hickory

**October 14, 1981, 9 a.m.-noon**  
El Paso  
Large Conference Room  
Region XIX Education Service Center  
6611 Boeing

**October 21, 1981, 4 p.m.-7 p.m.**  
Houston  
West End Multi-Service Center  
170 Heights Boulevard

**October 21, 1981, 9 a.m.-noon**  
Longview  
Contessa Inn  
U.S. Highway 259 South

**October 28, 1981, 9 a.m.-noon**  
Harlingen  
Sheraton Harlingen Inn  
Expressway 83 and Stuart Place Road

**October 28, 1981, 9 a.m.-noon**  
Amarillo  
Texas A & M Extension Building  
6500 Amarillo Boulevard West

**November 4, 1981, 9 a.m.-noon**  
Austin, Board Room  
Texas Department of Human Resources  
706 Banister Lane

Copies of the draft plan may be obtained by writing Sharon E. Boatman, assistant director, Long-Term Care Channeling Demonstration Project, Texas Department of Human Resources, P.O. Box 2960, Mail Code 541-A, Austin, Texas 78769. Written comments on the draft will be accepted at the same address until November 6, 1981.

Issued in Austin, Texas, on October 5, 1981.

Doc. No. 817080 Marlin W. Johnston  
Commissioner  
Texas Department of Human Resources

Filed: October 5, 1981, 9:56 a.m.  
For further information, please call (512) 441-3355, ext. 2037.

## Office of the Secretary of State Texas Register

### Notice of Schedule Variation

Because of the Columbus Day holiday on Monday, October 12, 1981, the deadlines for submissions of documents for publication in the October 16 issue have been changed. As previously scheduled, deadlines for submission of documents are 10 a.m. Friday, October 9 (all copy except notices of open meetings), and 10 a.m. Tuesday, October 13 (open meeting notices). The regular deadline schedule will resume with the October 20 issue of the *Register*.



Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

## TAC Titles Affected in This Issue

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