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# TEXAS REGISTER

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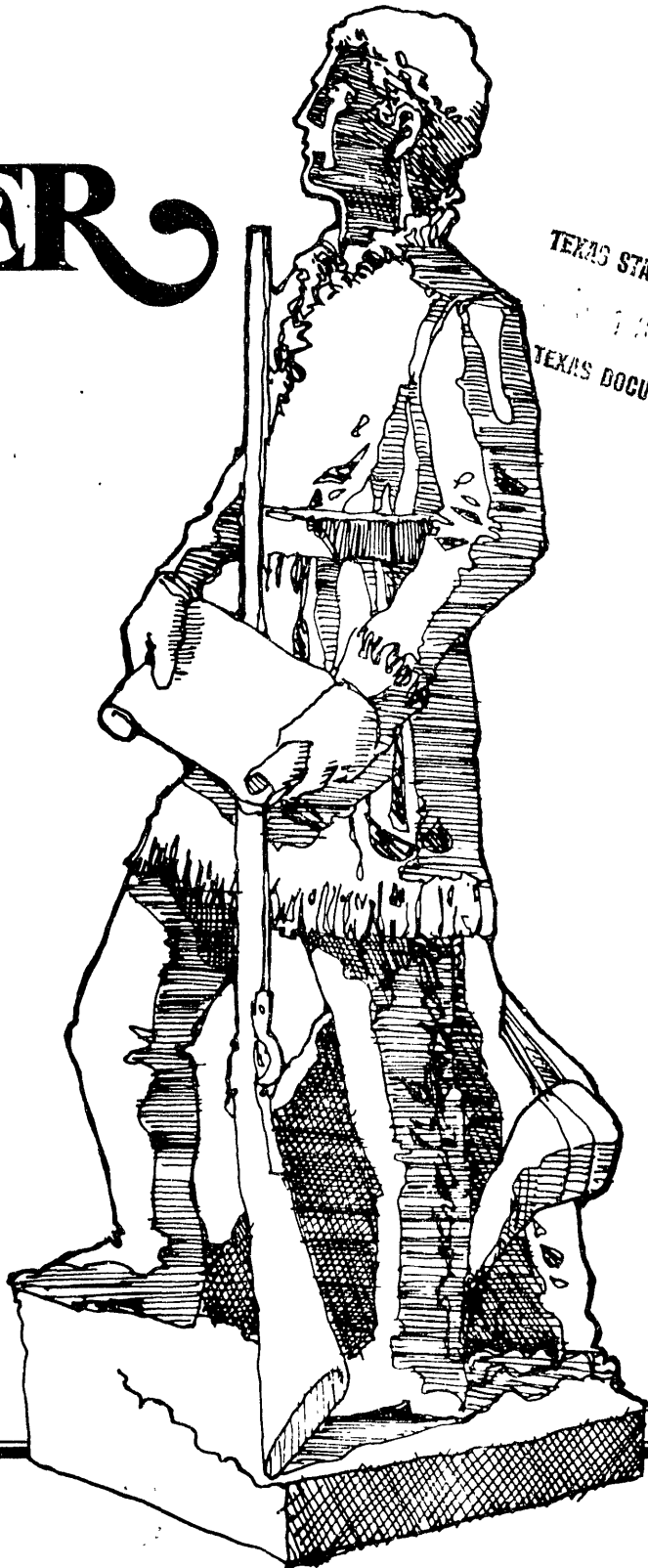
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The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for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

Titles 1, 4, 7, 10, 13, 16, 22, 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. 4, Jan. 81

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**HOW TO CITE:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

*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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George W. Strake, Jr.  
Secretary of State

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## Appointments

### Texas Employment Commission

*To be a member for a six-year term to expire November 21, 1986:*

Richard C. Mellado  
4329 Donnybrook Place  
El Paso, Texas 79902

Mr. Mellado is replacing A. C. Shirley, Sr., of Austin, Travis County, whose term expired.

### State Highway and Public Transportation Commission

*To be a member for a six-year term to expire February 15, 1985:*

Robert H. Dedman  
9338 Meadowbrook  
Dallas, Texas 75220

Mr. Dedman will be filling the unexpired term of Ray Anderson Barnhart of Pasadena, Harris County, who resigned in order to accept appointment as administrator of the Federal Highway Administration.

*Effective March 16, 1981, for a six-year term to expire February 15, 1987:*

John R. Butler, Jr.  
819 Briar Ridge  
Houston, Texas 77057

Mr. Butler is replacing DeWitt C. Greer of Austin, Travis County, whose term expired.

### 2nd Administrative Judicial District of Texas

*To be presiding judge for a term of four years upon qualifying for such office:*

Max M. Rogers  
1423 Greenbriar  
Huntsville, Texas 77340

Judge Rogers is being reappointed.

### 3rd Administrative Judicial District of Texas

*For a term of four years upon qualifying for such office:*

Herman Jones  
3303 Greenlee  
Austin, Texas 78703

Judge Jones is being reappointed.

### 4th Administrative Judicial District of Texas

*For a term of four years upon qualifying for such office:*

Joe E. Kelly  
Box 2502  
Victoria, Texas 77901

Judge Kelly is replacing Judge Peter M. Curry of San Antonio, Bexar County, whose term expired.

### 7th Administrative Judicial District of Texas

*For a term of four years upon qualifying for such office:*

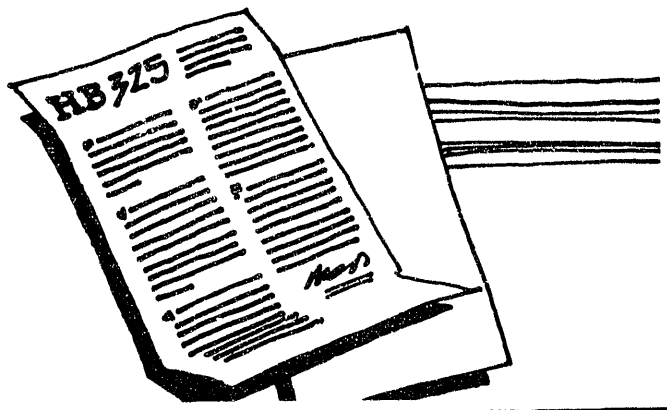
Ray L. McKim  
2608 East 17th  
Odessa, Texas 79761

Judge McKim is replacing Judge Perry D. Pickett of Midland, Midland County, whose term expired.

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

Doc. No. 811409 William P. Clements, Jr.  
Governor of Texas

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



## Requests for Opinions

### Summary of Request for Opinion RQ-545

Request from Wilhelmina Delco, chairwoman, Texas House Committee on Higher Education, Austin.

#### *Summary of Request:*

(1) In the attorney general's opinion, has Prairie View A&M University at any time been considered by members of a Texas Legislature, a governor of the State of Texas, or court of law, to be the institution provided for in Article VII, Section 14, of the Texas Constitution?

(2) From 1879 to 1881, Prairie View A&M University was appropriated \$6,000 per year from the Available University Fund for support and maintenance by the Texas Legislature. In 1882 the state comptroller, William Brown, refused to honor Prairie View A&M University's claim on the Available University Fund, in effect vetoing an item in the appropriations bill. In the attorney general's opinion, was this comptroller's action in 1882 unconstitutional? If not, under what constitutional provision or statute did the comptroller draw upon to take this action?

(3) Considering the provision in Section 7, Article VIII, of the Texas Constitution preventing the diversion "from its purpose any special fund," the classification of the Available University Fund as a "special fund" in attorney general's Opinion V-818, the specification of the "branch (university) for the instruction of colored youths" to be included in the permanent endowment in 1883, and the mandate to the Board of Regents in 1881 to expend the interest on the Permanent University Fund "for the maintenance and support of the branches of the University," in the opinion of the attorney general, has the Available University Fund at any time since 1881 or before been diverted by the University of Texas System Board of Regents or the Texas A&M University System Board of Regents from its intended purpose set out in 1881 and 1883?

(4) In the attorney general's opinion, could it be considered a defect that Texas A&M University is in fact a separate and distinct institutional system instead of being under the control of the University of Texas System as expressly provided for and mandated by Article 7, Section 13, of the Texas Constitution?

(5) In the attorney general's opinion, could it be considered a defect that the University of Texas Medical Branch was located away from the main campus of the university without any form of constitutional authorization?

(6) In the attorney general's opinion, could it be considered a defect that the statute establishing Prairie View A&M University authorized its location by a commission rather than by a vote of the people as stipulated in Article VII, Section 14, of the constitution?

(7) Assuming that Prairie View A&M University was created as the institution provided for in Article VII, Section 14, of the Texas Constitution, in the attorney general's considered opinion, is the racially restrictive portion of Article VII, Section 14, null and void today as a result of the repeal of the "separate but equal" provision of the Texas Constitution (Article VII, Section 7) in 1969?

(8) It has been suggested that House Bill 141, if enacted, would serve as enabling legislation to qualify Prairie View A&M University to participate in the Available University Fund for support and maintenance. In the attorney general's opinion, could this in fact be the case if House Bill 141 became law?

Doc. No. 811390

### Summary of Request for Opinion RQ-546

Request from Lias "Bubba" Steen, Texas Department of Labor and Standards, Austin.

*Summary of Request:* Is a boxer-promoter contract with its record of the boxer's earnings excepted from public disclosure by Section 3(a)(4) of the Open Records Act?

Doc. No. 811391

### Summary of Request for Opinion RQ-547

Request from James Warren Smith, Jr., county attorney, Frio County.

*Summary of Request:* May the commissioners court purchase folding chairs and tables from the county's general fund for loaning them to civic groups, fraternal organizations, funerals, or to the public at large, etc.?

Doc. No. 811392

### Summary of Request for Opinion RQ-548

Request from Bill M. White, criminal district attorney, Bexar County.

*Summary of Request:* Does the removal of the population restriction in Article 2368a now mandate that Bexar County use that statute for competitive bidding on contracts of all kinds, or should Article 1659a still be used for contracts other than those for public works?

Doc. No. 811393

### Summary of Request for Opinion RQ-549

Request from Edward Woolery-Price, county attorney, Colorado County.

*Summary of Request:* Is a corporation exempt from Texas ad valorem taxes on real property that:

- (1) holds title to real property in Texas;
- (2) has been recognized by the IRS as a nonprofit corporation for income tax purposes;

(3) has been recognized by the comptroller of public accounts as a nonprofit organization; and

(4) which was formed for scientific and educational purposes to study and promote awareness in the heavens and stars?

Doc. No 811394

### Summary of Request for Opinion RQ-550

Request from Andy James, administrator, Texas Real Estate Commission, Austin.

**Summary of Request:**

(1) Are employees of the Texas Real Estate Commission authorized to conduct investigations of complaints against licensees when no verified complaint has been filed with the agency or the commission membership has not voted to investigate the complaint?

(2) If your answer to question one is no, are orders stemming from such investigations valid?

(3) May the administrator of the commission, absent a vote to the contrary by the membership, delegate authority to other employees of the commission to initiate investigations and set administrative hearings?

(4) If the answer to question (3) is yes, does the form of the attached hearing notice satisfy the requirements of Section 17 of the Act?

Doc. No. 811395

### Summary of Request for Opinion RQ-551

Request from Oscar H. Mauzy, chairman, Committee on Jurisprudence, Texas Senate, Austin.

**Summary of Request:** With reference to *Farris v. Tennessee*, 535 Southwest 2d 608 (Tennessee 1976), are the fifth, sixth, and 14th amendments of the constitution violated when the jury is instructed by the trial judge during the sentencing phase of the trial as to the law in Texas regarding good conduct time and parole?

Issued in Austin, Texas, on February 23 and 27, 1981.

Doc. No. 811396 Susan L. Garrison, Chairwoman  
Opinion Committee  
Attorney General's Office

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

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

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

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new 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 italica***. [Brackets] indicate deletion of existing material.

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## CODIFIED

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### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part X. Texas Water Development Board

##### Chapter 313. Financial Programs

###### Applications to the Board

The executive director of the Texas Department of Water Resources proposes to amend §313.56 (156.09.20.006), entitled Required Legal Data. The proposal amends the section by requiring construction contracts to comply with appropriate statutory requirements and making certain grammatical changes. The rationale for the amendments is that construction contracts should meet statutory requirements. The effect would be to mandate that construction contracts meet statutory requirements.

The executive director of the department has determined that the proposed amendment of the section will have no fiscal impact to the state or units of local government. No local units of government have been consulted in this estimate. However, the amended section is essentially the same as the previous section covering this area with alterations primarily for purposes of assuring full compliance with statutory requirements.

Public comment is invited. Persons should submit their comments in writing to M. Reginald Arnold II, general counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, by April 17, 1981.

These amendments are proposed under the authority of Sections 5.131 and 5.132, Texas Water Code.

###### §313.56 (156.09.20.006). Required Legal Data.

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

(f) A pro forma draft of an ordinance, resolution, or similar instrument to be adopted by the governing body [and] authorizing the issuance of each of the bond issues described in §313.54(g) and (k) (.004(g) and (k)) of this title (relating to Required Fiscal Data). When application for financial assistance which envisions the purchase of applicant's bonds by the board is made, such ordinance, resolution, or similar instrument shall contain in addition to the usual provisions a section providing for final accounting to the board of the total cost of the project upon its completion and submission of "as built" plans of the project. Such resolution shall also provide that if the project be finally completed at a total cost less than estimated, the participating political subdivision shall return to the board the amount of such excess to the nearest multiple of \$1,000 or \$5,000, depending upon the denomination of the bonds being sold, whereupon the board shall cancel and deliver to the participating political subdivision a like amount of the bonds of the participating political subdivision held by the board.

(g) (No change.)

(h) A copy of any proposed construction contract, which contract shall contain an acknowledgment by all parties thereto that:

[(1) If a loan assistance or water facilities acquisition project:

[(A) Payments under the contract are to be paid in installments as the construction work progresses, payments shall not exceed 90% of the amount due at the time of such payment as shown by the project engineer.]

[(B) Upon completion of said contract, the remaining 10% due thereunder may be paid only:

[(i) after approval by the engineer for the participating political subdivision, and

[(ii) after issuance by the executive director of a certificate of final project approval certifying that all work to be done under the contract has been completed and performed in a satisfactory manner in accordance with the contract and sound engineering principles and practices.

[(2) If a water quality enhancement project:

[(A) Payment shall be made in partial payments as the work progresses.

[(B) Each bidder shall furnish a bid guarantee equivalent to 5.0% of the bid price.

[(C) Each contractor awarded either a design/construct contract or construction contract shall furnish performance and payment bonds, each of which must include without limitation guarantees that work done under the contract will be completed and performed according to approved plans and specifications, and in accordance with sound construction principles and practices. Each bond must be in an amount of not less than 100% of the contract price, and remain in effect for one year beyond the date of approval by the engineer of the participating political subdivision.

[(D) Approval by the engineer of the participating political subdivision may not be granted unless the work done

under the contract has been completed and performed in a satisfactory manner according to approved plans and specifications.

(E) With the approval of its governing body, a participating political subdivision in addition to the other requirements may require in a contract for construction of treatment works that:

(i) partial payment shall not exceed 90% of the amount due at the time of the payment as shown by the engineer of the project; and

(ii) payment of the 10% remaining due upon completion of the contract shall be made only after approval by the engineer for the participating political subdivision, as required under the bond proceedings, and the governing body of the participating political subdivision by a resolution or other formal action.

(3) The executive director shall have the authority to inspect the construction of any project at any time to assure that the approved engineering plans of a project are being substantially complied with and that the works are being constructed with sound construction practices and in accordance with sound engineering principles, but such inspection shall never subject the State of Texas to any action for damages.]

(1) [(4)] **All proposed contracts shall have provisions assuring compliance with Sections 17.135-17.138, 17.232-17.235, or 17.279-17.282, as appropriate. Further, the contract shall provide that failure to construct the project according to the plans and specifications approved by the executive director; [or] failure of the project engineer to obtain the prior approval of the board, or the executive director, or his designated representative as is appropriate, for any and all subsequent modifications, amendments, or changes to such engineering plans, regardless of the nature, character, or extent of such changes; [or] failure to construct the project in accordance with sound engineering principles; or failure to comply with any term or terms of the construction contract shall be considered by the executive director as grounds for refusal to give a certificate of final project approval for any construction contract. Such contract shall also require the contractor to observe all rules of the board. The provisions of the contract shall constitute an agreement for the benefit of the board under principles applicable to third-party beneficiary contracts; however [, provided] such provisions are not intended nor shall they be in such form as to constitute an agreement for the benefit of any other third party or parties other than the board.**

(2) [(5)] The participating political subdivisions shall be represented by a registered professional engineer who shall inspect the project at each phase of construction to assure construction in substantial compliance with the plans and specifications and in accordance with sound engineering principles and the terms and provisions of the construction contract.

(3) [(6)] Such other provisions as may be deemed necessary to provide the board and the participating political subdivision adequate control to ensure that materials furnished or work performed conform with the provisions of the construction contract.

(i) (No change.)

(j) A certification by the designated representative of the participating political subdivision in a form acceptable to the board which warrants compliance by the participating political subdivision with all representations in the applica-

tion, all laws of the State of Texas, and all rules and published policies of the board.

(k)-(l) (No change.)

(m) Other information, plans, and specifications requested by the board or the executive director which are reasonably necessary for an adequate understanding of the project.

Doc. No. 811411

## Prerequisites to Release of State Funds

The executive director of the Texas Department of Water Resources proposes to amend §313.84 (156.09.30.004), entitled Legal and Fiscal Document Prerequisites. The proposal amends the section by indicating that only copies of proposed construction contracts and contractor's acts of assurance need be obtained rather than executed documents prior to closing a Water Development Fund loan. Also, the section would be amended by adding a new paragraph (15) which would incorporate present §313.31(q) (156.09.10.001(q)) which is in the process of being repealed. The rationale for the amendments is that executed contracts and acts of assurance should not be entered into prior to obtaining the money to pay the contract amount. The effect would be to require only copies of proposed documents prior to closing and to continue §313.31(q) (156.09.10.001(q)) in effect.

The executive director of the department has determined that the proposed amendment of the section will have no fiscal impact to the state or units of local government. No local units of government have been consulted in this estimate. However, the amended section is essentially the same as the previous section covering this area with alterations primarily for purposes of requiring only proposed rather than executed documents prior to closing of loans.

Public comment is invited. Persons should submit their comments in writing to M. Reginald Arnold II, general counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, by April 17, 1981.

These amendments are proposed under the authority of Sections 5.131 and 5.132, Texas Water Code.

§313.84 (156.09.30.004) *Legal and Fiscal Document Prerequisites.* The documents which shall be required prior to the release of state funds shall include the following as appropriate:

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

(4) A certified copy of the ordinance, resolution, or similar instrument adopted by the governing body authorizing issuance of bonds sold to the board containing the covenants as agreed upon or as may be required in the board's resolution. The board may require that bond resolutions and covenants reflect provisions consistent with the executive director's [director] approved land acquisition procedures framed in the application and supporting documents.

(5)-(6) (No change.)

(7) A [certified] copy of each *proposed* construction contract *to be* entered into [and executed] by the participating political subdivision for construction of the project.

(8)-(9) (No change.)



(10) *A proposed [An] act of assurance in a form acceptable to the board to be executed by the contractor which shall warrant compliance by the contractor with all laws of the State of Texas and all rules and published policies of the board.*

(11)-(14) (No change.)

(15) *Approval of project plans and specifications. A loan assistance or water facilities acquisition project shall not be eligible for state participation in the event engineering plans and specifications have not been approved by the executive director prior to:*

(A) *completion of bid advertising;*

(B) *the execution of a construction contract;*

or

(C) *the commencement of actual construction.*

*A water quality enhancement project shall not be eligible for state participation in the event engineering plans and specifications have not been approved by the executive director prior to completion of bid advertising.*

Doc. No. 811412

## Water Facilities Acquisition Program Construction Phase

The executive director of the Texas Department of Water Resources proposes to amend §313.124 (156.09.50.004), entitled Alterations in Approved Plans and Specifications. The proposal amends the section by deleting the present language and instead referencing other sections which contain essentially the same requirements. The rationale for the amendment is that it will reduce the volume of the rules. The effect would be to not change the substance of the section.

The executive director of the department has determined that the proposed amendment of the section will have no fiscal impact to the state or units of local government. No local units of government have been consulted in this estimate. However, the amended section is essentially the same as the previous section covering this area with alterations primarily for purposes of reducing the volume of the sections.

Public comment is invited. Persons should submit their comments in writing to M. Reginald Arnold II, general counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, by April 17, 1981.

This amendment is proposed under the authority of Sections 5.131 and 5.132, Texas Water Code.

*§313.124 (156.09.50.004) Alterations in Approved Plans and Specifications. The provisions of §313.103 (156.09.40.003) of this title (relating to Inspection during Construction), §313.104 (156.09.40.004) of this title (relating to Alterations in Approved Plans and Specifications), and §313.105 (156.09.40.005) of this title (relating to Inspection of Materials) shall apply to projects contracted under this subchapter also. [If after the executive director's approval of engineering plans and specifications it becomes apparent that changes in such plans and/or specifications are necessary or appropriate, a change order and justification therefor shall be submitted to the board, or*

*the executive director, or his designated representative as is appropriate for approval, well in advance of the construction alteration when possible. If there is an immediate danger to life or property, tentative approval of change orders may be secured from the executive director via telephone and confirmed by letter or telegraph. A change order should contain sufficient information, with plans, drawings, and cost estimates to enable the executive director to review the proposed changes. Engineering computation shall be included if structural changes are involved. After approval of the proposed alterations by the board, or the executive director, or his designated representative as is appropriate, copies of the approved change order shall be forwarded to the designated participating political subdivision, the project engineer, and appropriate contractors.]*

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

Doc. No. 811413

M. Reginald Arnold II

General Counsel

Texas Department of Water Resources

Proposed Date of Adoption: April 24, 1981

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

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## NONCODIFIED

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## Coordinating Board, Texas College and University System

### Student Services

#### Hinson-Hazlewood College Student Loan Program for All Loans Made for or after Fall Semester 1971 and Which Are Subject to the Provisions of the Guaranteed Student Loan Program and the Health Education Assistance Loan Program 251.05.04

The Coordinating Board, Texas College and University System proposes Rules 251.05.04.019-.027. These rules set policy on reasonable expenses for a student, identification of student records, loan interview, payments to students, period of loans, loan interest, deceased or disabled borrowers, repayment of loans, and enforcement of collection.

The staff of the coordinating board has determined that there are no fiscal implications for the state or any unit of local government that would result from adoption of these rules.

Public comment is invited and may be submitted for a period of 30 days from the date of publication by telephoning the office of the coordinating board at (512) 475-4361, or by writing to the coordinating board at P.O. Box 12788, Austin, Texas 78711.

These rules are proposed under the authority of Subchapter B, Chapter 56, Vernon's Texas Codes Annotated (Vernon's Texas Codes Annotated 56.010-16).

**.019. Reasonable Expenses for a Student.** Reasonable expenses for a student at an eligible institution shall be determined by the commissioner after consultation with representatives of the eligible institution. Lists of reasonable expenses for typical students shall be submitted to the commissioner by the eligible institution prior to April 1 of each year for use in the following summer session and in the following academic year. The lists shall follow the formats prescribed by the commissioner. Each eligible institution may submit as many lists of reasonable expenses as is required to properly reflect the different typical expense categories of students attending the institution. When more than one list is submitted, each list should be labeled so as to identify the category of students to be served by that list. On individual loan applications, the amounts listed for typical students must be adjusted downward when necessary to reflect the circumstances of the applicant. If a listed amount must be increased to properly reflect the reasonable expenses of an individual applicant, then justification for the increased amount must accompany the individual application with such increased amount subject to approval or disapproval by the commissioner.

**.020. Identification of Student Records.** All records of each student who is a borrower under the Texas Opportunity Plan Fund shall be so identified in the office of the registrar at each eligible institution. An official certified copy of such records may be released, and/or the student may re-register in the eligible institution only upon certification by the Hinson-Hazlewood College Student Loan Program officer at the institution that the borrower's account is in good condition. Exceptions to this rule must be approved by the commissioner in advance of release of an official certified copy of the records or re-registration.

**.021. Preloan Interview.**

(a) Each applicant shall be interviewed by the Hinson-Hazlewood College Student Loan Program officer or his or her designated representative prior to recommending of an initial loan. The Hinson-Hazlewood College Student Loan Program officer or his or her designated representative shall inform the applicant of his or her responsibilities as a borrower and shall certify that such preloan counseling session has been conducted by a qualified financial aid counselor. If necessary for the convenience of the applicant, the preloan interview may be conducted by or under the supervision of the Hinson-Hazlewood College Student Loan Program officer at a participating institution nearer to the applicant's home than is the institution to be attended.

(b) Prior to the end of each enrollment period (semester, quarter, etc.) a loan interview shall be conducted by the Hinson-Hazlewood College Student Loan Program officer or his or her designated representative with each student borrower who is currently enrolled in the eligible institution. A roster of student borrowers will be forwarded to each eligible institution by the board prior to the end of each enrollment period. Information on each student borrower shall be obtained in a form prescribed by the commissioner.

**.022. Payments to Student.** No payment shall be made to any student until he or she has executed a promissory note payable to the Texas Opportunity Plan Fund for the full amount of any authorized loan plus interest and applicable insurance charges as set forth in Title IV, Part B, of the Higher Education Act of 1965, as amended, and the regulations thereof (45 Code of Federal Regulations Part 177) or in the

case of the Health Education Assistance Loan Program, Title VII, Part C, Subpart 1, of the Public Health Service Act, as amended, and the regulations thereof (45 Code of Federal Regulations Part 126). The original of such executed promissory note shall be forwarded to the commissioner immediately and a copy shall be retained by the eligible institution. For the purposes of any contract executed by him or her, the defense that he or she was a minor at the time he or she executed a note shall not be available to him or her in any action arising on said note. No funds shall be distributed to an eligible institution except to make payments to a student under a loan authorized by the Act.

**.023. Period of Loans.** Except as provided in subsection (a) of Rule .025, the principal amounts of all authorized loans shall be repaid in installments over a period of not less than five years (unless sooner repaid) nor more than 10 years beginning not earlier than six months nor later than one year after the date on which the student ceases to carry at an eligible institution at least 1/2 the normal full-time academic workload as determined by the institution. Except as provided in subsection (b) of Rule .025, the period of the loan may not exceed 15 years from the execution of the note or written agreement evidencing it.

**.024. Loan Interest.**

(a) The interest rate to be charged for loans shall be set from time to time by the coordinating board and such interest shall accrue from the date of disbursement. Loans made pursuant to these rules are eligible for interest subsidy to be paid in accordance with Public Law 89-329, the Higher Education Act of 1965, as amended, and Title 45 Code of Federal Regulations Part 177.

(b) The interest rate for loans guaranteed through the Health Education Assistance Loan Program shall be set from time to time by the coordinating board and such interest shall accrue from the date of disbursement. Interest on Health Education Assistance loans is unsubsidized and any unpaid interest shall be compounded semiannually.

**.025. Repayment by U.S. Secretary of Education and U.S. Secretary of Health and Human Services of Loans of Deceased or Disabled Borrowers**

(a) If a student borrower who has received a loan under the Hinson-Hazlewood College Student Loan Act with respect to which a portion of the interest is payable by the U.S. Secretary of Education under Section 42B(a) of Part B of Title IV of the Higher Education Act of 1965, as amended, or would be payable but for the adjusted family income of the borrower, dies or becomes permanently and totally disabled (as determined in accordance with the regulations of the U.S. Secretary of Education), then the U.S. Secretary of Education shall discharge the borrower's liability on the loan by repaying the amount owed on the loan.

(b) In the case of loans guaranteed through the Health Education Assistance Loan Program, the U.S. Secretary of Health and Human Services shall discharge the borrower's liability on the loan by repaying the principal and unpaid interest on the loan.

**.026. Repayment of Loans.**

(a) Although a loan may be prepaid at any time without penalty, repayment of the loan shall begin as provided in Rule .023 and shall extend over such period as authorized therein. The minimum annual repayment is \$360 on all loans received by the student during his school years and

which are made or insured under the provisions of Title IV, Part B, of the Higher Education Act. The board will, however, provide a repayment schedule of not less than five years unless the minimum annual repayment of \$360 is applicable.

(b) The minimum annual repayment is \$600 on all loans guaranteed through the Health Education Assistance Loan Program received by the student. The board will provide a repayment schedule of not less than 10 years unless the minimum annual repayment of \$600 is applicable.

(c) The commissioner shall postpone required periodic installments of principal during any period:

(1) During which the borrower is pursuing a full-time course of study at an eligible institution.

(2) Not in excess of three years during which the borrower is a member of the armed forces of the United States.

(3) Not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act.

In addition, the commissioner shall postpone required periodic installments of principal on loans guaranteed through the Guaranteed Student Loan Program during any period:

(4) Not in excess of three years during which the borrower is in service as a full-time volunteer under Title VIII of the Economic Opportunity Act of 1964.

(5) Not in excess of one year during which the borrower is unemployed, on a one-time basis only, and the commissioner shall postpone required periodic installments principal on loans guaranteed through the Health Education Assistance Loan Program during any period.

(6) Not in excess of three years during which the borrower is a participant in an accredited internship or residency program.

(7) Not in excess of three years during which the borrower is a member of the National Health Service Corps.

(8) Not in excess of three years during which the borrower is a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973. Any such period shall not be included in determining the 10-year period of the 15-year period provided in Rule .023. Interest on loans guaranteed through the Guaranteed Student Loan Program shall accrue during periods of postponement and be paid by the Federal Interest Subsidy Program. Interest on loans guaranteed through the Health Education Assistance Loan Program shall accrue during such periods and be paid by the borrower.

(d) A charge of 5.0% of the monthly payment or \$5.00, whichever is less, shall be assessed on any payment received later than 10 days from the due date of such payment. Such charges shall be collected out of the first payments made in excess of interest charges then due.

(e) The commissioner may cancel the repayment of a loan received by a person who earns a professional doctor of medicine degree or a doctorate of psychology and who is employed by the Texas Youth Council, the State Department of Public Welfare, the Texas Department of Corrections, or the Department of Mental Health and Mental Retardation. Such cancellation shall be in compliance with a contract to be entered between the commissioner and the eligible person as provided in Section 52.40 of the Texas Education Code.

**027 Enforcement of Collection.** When any person who has received a loan authorized by the Act shall have failed or refused to make as many as five monthly payments due in accordance with an executed note, the full amount of remaining

principal and accrued interest shall become due and payable immediately. When as many as six payments have been missed, the attorney general, at the request of the commissioner, shall file suit for the outstanding balance. Default claim shall be filed with the U.S. Secretary of Education or the U.S. Secretary of Health and Human Services, in the case of Health Education Assistance Loans, after a default judgment has been awarded with a request for reimbursement under the insurance provisions of the federal law and the regulations thereof.

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

Doc. No. 811331

Kenneth H. Ashworth  
Commissioner for Higher Education  
Coordinating Board, Texas College and  
University System

Proposed Date of Adoption: April 24, 1981

For further information, please call (512) 475-2033.

## Texas Department of Human Resources

### Child Welfare Services

#### Foster Care Placement Services 326.50.74

The Texas Department of Human Resources proposes to add Rules 326.50.74.171 and .172 concerning foster care placement services to incorporate policies regarding third-party resources for the payment of medical services for children in DHR's managing conservatorship. The Social Security Act and state law allow DHR to use Title XIX Medicaid funds for the payment of medical services only after all available third-party resources have been used. A third-party resource is a source of payment for medical services other than DHR, the Medicaid recipient, Texas Rehabilitation Commission, State Commission for the Blind, Texas Kidney Health Care Program, and Texas Crippled Children's Program. Third-party resources include payments from both private and public health insurance and from other liable third parties that can be applied toward Medicaid recipients' medical and health benefit expenses.

The department has determined that the proposed new rules will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan L. Johnson, Policy Development Support Division—430, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

#### .171. *Third-Party Resources.*

(a) The Social Security Act and state law allow DHR to use Title XIX Medicaid funds for the payment of medical services only after all available third-party resources have been used.

(b) Under state law, when a child in DHR's managing conservatorship is certified for Medicaid, the child's right of recovery from personal injuries occasioned by the negligence or wrongdoing of another are automatically assigned to DHR to the extent of the cost of medical care services paid for by the Texas Department of Human Resources.

## .172. Use of Third-Party Resources.

(a) **Cost avoidance.** Third-party resources may be utilized through cost avoidance or postpayment methods. Cost avoidance is the department's preferred method of utilization. Cost avoidance means that any available medical benefits are applied to the medical costs before a payment from the department's Medicaid Program is sought or made. To ensure private, group, or governmental insurance coverage is reported and utilized, the following policies and procedures apply to all children certified for Medicaid benefits provided by the AFDC, MAO, and State-Paid Foster Care Assistance Programs.

(1) The child's worker must determine whether third-party resources are available to meet or offset all or part of a child's medical care costs. The worker must ask the child's parents or caregivers whether the child has any medical coverage provided through individual, group, or governmental health insurance. If the child is covered, the worker must ask to see the policy or insurance identification card to record the information necessary to report third-party resources on the Foster Care Assistance Application and Review Form. The worker must inform the parent or policyholder, if not the parent, that when the child needs medical care the department will direct the medical provider to file for benefits through the third-party resource prior to filing for Medicaid benefits. The worker should also inform the child's policyholder that as long as the department is the child's managing conservator, any change in the coverage must be reported immediately to the worker. Changes in coverage including termination of coverage reported to the child's worker by the parent/policyholder must immediately be reported to the foster care eligibility determination worker.

(2) The foster care eligibility determination worker must report insurance coverage to State Office on the Medical Insurance Input Form. Information reported on this form is maintained in the Third-Party Resources System and is used to ensure proper payment of claims by the Medicaid Program.

(3) When a child has coverage under an individual, group, or governmental health insurance program and is in need of medical care, the worker must inform the medical provider of such coverage and the worker must give the provider the name of the insurance company policy number so that the provider can bill the third party insurance prior to or instead of Medicaid.

### (b) Postpayment recovery

(1) Postpayment refers to medical costs paid by Medicaid and later reimbursed to DHR by other liable sources. When a foster care child who has Medicaid coverage is injured in an accident involving a liable third party, the child-placing worker must obtain as much as possible of the following information: when and where the injury occurred; the parties involved, type, date, and source of medical treatment related to the injury, and the name and number of the liable insurance policy. The data must immediately be reported by memorandum to the Third Party Resources (TPR) Unit, Purchased Health Services, State Office. Purchased Health Services (PHS) occasionally becomes aware of a possible accidental situation through information included on a Medicaid claim form. If PHS has not yet received information regarding the accident from the worker, they will request the worker to explore the nature of the accident and inform PHS of the findings. In situations in which Medicaid

has already paid for the accident-related claims or a substantial delay will occur before payments can be obtained from the liable party, the TPR Unit will act on referrals to obtain reimbursement from the liable third party for expenses paid by Medicaid related to the accident. PHS also seeks postpayment when through error DHR paid for medical services otherwise covered by a child's health insurance. In these situations, PHS contacts the insurance company or the medical provider concerning reimbursement.

(2) When a foster care child receives a health insurance or settlement payment for medical services which were paid by Medicaid, the person designated to represent the department as the child's managing conservator is responsible for using the payment to reimburse the department to cover the Medicaid payments. The reimbursement should be by cashier's check or money order payable to the TDHR. The reimbursement must be sent with the Money Receipt Form to DHR Fiscal Division. If there is any identifying information as to the nature of the payment, such as a settlement from the insurance company, a copy of the settlement explanation should be attached. If the worker is not sure what medical services were involved nor the dates of service, it may be necessary also to complete a memorandum giving as much information as is known concerning the reimbursement. The actual claims paid by Medicaid will be verified in State Office and the child will be reimbursed if the payment is in excess of the Medicaid payments.

Issued in Austin, Texas, on March 4, 1981.

Doc. No. 811414      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: April 10, 1981  
For further information, please call (512) 441-3355.

## State Board of Insurance Rating and Policy Forms

### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance proposes to amend effective June 1, 1981, Rule 059.05.01.005 which adopted by reference the rules governing the Insuring of Automobiles and Standard Endorsements II (Texas Automobile Manual).

The State Board of Insurance proposes to amend Rule 124. Motorcycles on pages 69 and 70 of the Texas Automobile Manual to include a new section providing for a 10% credit for bodily injury liability, property damage liability, medical payments, personal injury protection and collision coverage rates for motorcycles, motor scooters, or motorized bicycles used by operators under 25 years of age. The proposed credit would apply if the operator under 25 years of age has successfully completed the motorcycle operator training course approved by the Texas Department of Public Safety and the Texas Education Agency.

The proposed amendment has no known fiscal effects for the state or for units of local government (source: State Board of Insurance staff).

Public comment is invited and may be submitted in writing to D. E. O'Brien, director, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Articles 5.01 and 5.06 of the Texas Insurance Code.

.005. *Insuring of Automobiles and Standard Endorsements II.* The State Board of Insurance adopts by reference the rules contained in the *Insuring of Automobiles and Standard Endorsements II* as amended **June 1, 1981** [January 1, 1981]. This document is published by and available from the Texas Automobile Insurance Service Office, One La Costa, Suite 130, 1016 La Posada Drive, Austin, Texas 78752, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

Doc. No. 811402      Pat Wagner  
                                 Chief Clerk  
                                 State Board of Insurance

Proposed Date of Adoption: April 10, 1981  
For further information, please call (512) 475-3486.



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# ADOPTED RULES

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

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

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

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## CODIFIED

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### TITLE 1. ADMINISTRATION

#### Part IV. Office of the Secretary of State

#### Chapter 77. Computer Services

The Office of the Secretary of state has amended §77.1 (.004.15.00.001) which sets the fees charged for the extraction of information from public records maintained on computer by the Data Services Division. The fees set by the amendment have been established giving due consideration to the expenses involved in providing the public records, and every effort has been made to match the charges with the actual cost of providing the records. The fees were approved by the State Board of Control under letter of December 3, 1979, as required by Section 9(b) of Article 6252-17a, Texas Civil Statutes (the Open Records Act).

As a result of suggestions received from the Texas Register Division, the numbering scheme of subparagraphs of the section has been changed. However, the amendment has been adopted without change to the substantive parts of the amendment as proposed.

This section is amended under the authority of Article 6252-17a, Texas Civil Statutes.

#### §77.1 (.004.15.00.001). Fees and Charges

(a) The following fees shall be charges for the extraction of information from public records maintained on computer by the Data Services Division of the Office of the Secretary of State:

- (1) **Equipment cost.**
  - (A) CPU time—\$5.00 per execution minute
  - (B) Printer—\$0.45 per 1,000 lines printed on stock forms provided by the performing agency
- (2) **Personnel costs.**
  - (A) Data entry and/or control—\$5.00 per hour (two-hour minimum)
  - (B) Systems analysis—\$35 per hour
  - (C) Programming—\$25 per hour
  - (D) Computer operator—\$8.00 per hour (one-hour minimum)
- (3)-(4) (No change.)
- (b) (No change.)

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

Doc. No. 811403 H. David Herndon  
Assistant Secretary of State

Effective Date, March 24, 1981  
Proposal Publication Date, December 11, 1979  
For further information, please call (512) 475-2015.

### TITLE 13. CULTURAL RESOURCES

#### Part IV. Texas Antiquities Committee

#### Chapter 41. Practice and Procedure—Office of the State Archeologist

Under the authority of Chapter 191, Texas Natural Resources Code (1978), the Texas Antiquities Committee adopts new sections for the designation of state archeological landmarks.

#### §41.17 (.355.01.00.018) Guidelines for Recognizing State Archeological Landmarks

(a) State archeological landmarks can usually be placed in one of two time periods, the prehistoric and the historic. The prehistoric period encompasses a great length of time, beginning when man first entered the new world and ending with the arrival of the Spanish Europeans, which has been approximated for purposes of these guidelines at A.D. 1500. For purposes of state archeological landmark designation, the historic time period is defined as extending from A.D. 1500 to 50 years before the present date. Cultural resources for these time periods have been divided here into two major types, habitation and nonhabitation sites. Descriptions of the various kinds of sites within the two types are given in the following pages.

(b) Because both prehistoric and historic sites may be located beneath the surface, they are often discovered in the course of large construction projects. Administrators of public lands should be aware that all sites meeting the listed qualifications are eligible for state archeological landmark status regardless of their surface or subsurface location. If a site is discovered in the course of construction or other work, work must cease in the site area, the site is to be protected and the site must be reported immediately to the Texas Antiquities Committee. Sites which may be eligible for state archeological landmark designation will be protected and preserved pending consideration for landmark status.

(c) In addition to the guidelines presented here, descriptions and examples of kinds of landmarks are included in a separate publication so that all interested parties can identify properties as being potential or designated state archeological landmarks. This publication, entitled *Texas State Archeological Landmarks*, is available from the Office of the State Archeologist, P.O. Box 12276, Austin, Texas 78711.

(1) Habitation sites. Standing structures may or may not be present. Habitation sites may also contain evidence of activities that are listed below as site types in the nonhabitation category.

(A) Campsites.

(i) American Indian open campsites are occupied on a temporary, seasonal, or intermittent basis. Evidence of structures may or may not be present. American Indian campsites of both periods may have accumulations of shell or burned rock as well as hearths, hearth fields, bedrock mortars, burials, and/or scatters or accumulations of stone debitage, flaked tools, and grinding stones. Campsites vary in size from a few square meters to several hectares. Additionally, American Indian sites near missions, forts, and trading posts were present during the historic period. These sites, termed encampments, are of varying degrees of permanence with the site generally being continuously occupied but not necessarily by the same group, tribe, or culture.

(ii) American Indian rock shelters, in general, are a special kind of campsite. These sites are located in caves or under rock overhangs and have been occupied either temporarily, seasonally, or intermittently. Many articles of perishable materials, such as clothing, basketry, sandals, and matting, may be preserved if the shelter is located in an arid environment. Shelter sites include not only the shelter area itself but also the area of debris accumulation located in the immediate vicinity that is the result of activity by those occupying the rock shelter. Associated hearths, burials, bedrock mortars, dumps, etc., may be present. Rock shelters vary in size from an area large enough to accommodate only one person to areas of several hundred meters in the largest dimension.

(iii) Non-Indian campsites are the cultural remains of activities by people who are not American Indian. Examples are sites that represent the activities of railroad workers, military units, settlers, slaves, and other groups as yet unidentified. These sites include the area and remains of temporary encampments such as Chinese railroad camps, wagon train campsites, shepherd's shelters, line camps, buffalo hunters camps, cavalry campgrounds, trail drive camps, camps at river fords, candelilla wax camps, and others. Standing structures may or may not be present.

(B) Residence sites.

(i) Residence sites are those where routine daily activities were carried out and which were intended for year-round use. A greater degree of permanence is implied in a residence site than a campsite; therefore, structural evidence in the form of post molds, foundations, and so forth is more likely to be present. Examples include remains of cabins, dugouts, farmhouses, ranch headquarters, plantation residences, slave quarters, and urban homes, as well as teepee rings, pueblos, and Caddoan houses constructed by American Indians.

(ii) Residence sites resulting from American Indian activities may include additional features and structures including hearths, retaining walls, enclosures, com-

pounds, patios, burials, cemeteries, mounds, platforms, and borrow areas, as well as scatters and accumulations of stone debitage, ceramic debitage, burned rock, flaked tools, grinding stones, and bedrock mortars.

(iii) Non-Indian sites may include outbuildings, water systems, trash dumps, garden areas, driveways, and other remains that were an integral part of the site when it was inhabited. Examples which might be present in addition to the residence include barns, silos, cisterns, corrals, wells, smokehouses, stables, gazebos, carriage houses, fences, walls, corn cribs, gins or mills, cellars, kitchens, and bunkhouses. Family cemeteries are often associated with early historic sites.

(2) Nonhabitation sites.

(A) Nonhabitation sites result from use during specialized activities. The kinds of sites included in this category are outlined in clauses (i) through (x) below. Descriptions of each kind of site are given.

(i) Rock art and graffiti sites consist of symbols or representations that have been painted, ground, carved, sculpted, scratched, or pecked on or into the surface of rocks, wood, or metal. Names, dates, symbols, and representations or likenesses of people, animals, plants, or objects are common elements in such sites.

(ii) Mines, quarry areas, and lithic procurements sites are those from which raw materials such as flint, clay, coal, minerals, or other materials were collected or mined for future use. Sites where flint was obtained can be identified by the abundance of flint flakes, broken tools, and flint cobbles. Mines often have associated structures such as headframes, support timbers, and transportation facilities.

(iii) Game procurement and processing sites are areas where game was killed or butchered for food or hides. Remnants of structures such as game runs, hunting blinds, and fish weirs as well as stone, bone, and metal tools may be present in association with animal remains. Often the animal remains form a bonebed with cultural material dispersed sparsely among the bones.

(iv) Engineering structures such as aqueducts, irrigation canals and ditches, earthen mounds, ramps, platforms, terraces, dams, bordered and levelled fields, constructed trails, medicine wheels, bridges, tunnels, shafts, roads, rock fences, dams, lighthouses, and railroad, streetcar, and trolley systems are the most common but not the only kinds of engineering structures.

(v) Cemeteries and burials, marked and unmarked, are special locales set aside for burial purposes. Cemeteries contain the remains of more than one person placed in a regular or patterned order. Burials, in contrast, may contain the remains of one or more individuals located in a common grave in a locale not formerly or subsequently used as a cemetery. The site area encompasses the human remains present and also grave stones, markers, containers, coverings, garments, vessels, tools, and other goods which may be present.

(vi) Fortifications, battlefields, and skirmish sites include fortifications of the historic period and the central areas of encounters between opposing forces, whether major battlegrounds or areas of small skirmishes. Trenches, mounds, walls, bastions, and other fortifications may be present. Trash dumps will also be considered a part of the site. Included here are battlefields of the Civil War, the Texas War for Independence, the Mexican War, and skirmish sites be-

tween non-Indian and American Indian forces. Standing structures may or may not be present.

(vii) Public service and ceremonial sites include but are not limited to kivas, temple mounds, shrines, missions, churches, libraries, museums, educational institutions, courthouses, fire stations, and hospitals. Standing structures may or may not be present.

(viii) Commercial and industrial structures and sites. The main purpose of these structures was to provide a place of business where products or services were produced, stored, distributed, or sold. Such sites include markets, stores, shops, banks, hostels, stables, inns, stage stops, breweries, bakeries, factories, kilns, mills, storage facilities, and railroad, bus, and tramway depots. Trash or dump deposits, outbuildings, wells, cisterns, and other features associated with the principal structures are considered to be a part of the site. Standing structures may or may not be present.

(ix) Monuments and markers include structures erected to commemorate or designate the importance of an event, person, or place, and may or may not be located at the sites they commemorate. Included in this category are certain markers erected by the Texas Historical Commission and county historical commissions, and markers and statuary located on public grounds such as courthouse squares and the Capitol grounds. Examples of such sites constructed by American Indians will be included in this category upon identification.

(x) Shipwrecks by definition (Texas National Resource Code of 1977, Title 9, Chapter 191.091) include "sunken or abandoned pre-20th century ships and wrecks of the sea, and in any part or the contents of them." Included in this category are the wrecks of naval vessels, Spanish treasure ships, coastal trading schooners, sailing ships, steamships, and river steamships, among others.

**§41.18 (355.01.00.019).** *Specific Criteria for Evaluation of Sites as State Archeological Landmarks.* Specific criteria for evaluation of sites as state archeological landmarks include the following:

(1) the site is situated on lands owned or controlled by the State of Texas or one of its political subdivisions, or

(2) the site is situated on private lands which have been specifically designated as a state archeological landmark following procedures specified in Subchapter D of the Code, and at least two of the following:

(A) preservation of materials must be sufficient to allow application of standard archeological techniques to advantage; or

(B) the majority of artifacts are in place so that a significant portion of the site's original characteristics can be defined through investigation; or

(C) the site has the potential to contribute to cumulative cultural history by the addition of new information; or

(D) the site offers evidence of unique or rare attributes; or

(E) the site offers a unique or rare opportunity to test techniques, theory, or method of preservation thereby contributing to scientific knowledge.

**§41.20 (355.01.00.021).** *Specific Criteria for Recognizing Caches and Collections as State Archeological Landmarks.* Specific criteria for recognizing caches and collections as state archeological landmarks include the following:

(1) the cache or collection was assembled with public funds or taken from public lands; or

(2) preservation of materials is adequate to allow the application of standard archeological or conservation techniques; or

(3) the cache or collection must be of research value thereby contributing to scientific knowledge; or

(4) the cache or collection is of historic value or contributes to a theme.

**§41.22 (355.01.00.023).** *Specific Criteria for Recognizing Shipwrecks as State Archeological Landmarks.* Sunken or abandoned pre-20th century ships and wrecks of the sea, and in any part or the contents of them, and all treasure imbedded in the earth, located in, on, or under the surface of land belonging to the State of Texas, including its tidelands, submerged land, and the beds of its rivers and the sea within jurisdiction of the State of Texas, are declared to be state archeological landmarks.

**§41.24 (355.01.00.025).** *Designation Procedure.*

(a) Identification of eligibility. The property may be identified by several means including research of historic documents, discovery in the course of land modification or exploration, or by archeological or architectural or other kinds of investigations.

(b) Evaluation. The property will be evaluated by the Texas Antiquities Committee staff according to the criteria listed.

(c) Nomination. The property will be nominated by the Texas Antiquities Committee for state archeological landmark status in a regularly scheduled meeting. Written notice of nomination will be sent to the owner.

(d) Comment period. No action will be taken by the Texas Antiquities Committee for a period of 30 days, during which time all concerned parties may comment.

(e) Presentation. After the comment period of 30 days has elapsed, the property will be presented to the Texas Antiquities Committee for acceptance or rejection during a regularly scheduled meeting. Interested parties will be informed of the agenda by written notice at least 15 days in advance of the meeting date and may present evidence at the meeting where the final decision is to be made.

(f) Notification of state archeological landmark status. Written notification of acceptance or rejection of state archeological landmark status will be forwarded to the owner and to the deed records clerk of the county in which the property is located.

(g) Additional evidence. If a property is rejected, interested parties may submit additional evidence during the 30-day period immediately following the committee's decision. The evidence will be considered by the Texas Antiquities Committee at the next regularly scheduled meeting following the end of the 30-day period.

(h) Listing in inventory. If a property is accepted for state archeological landmark status, the property will be listed in the inventory of state archeological landmarks and may be marked with the standard of state archeological landmark marker, if deemed advisable.

(i) Current list of all sites including buildings and structures that have been designated as state archeological landmarks will be maintained in the office of the Texas Antiquities Committee at 105 West 16th Street in Austin, Texas.



**§41.26 (355.01.00.027). Guidelines for Management and Preservation of State Archeological Landmarks.**

(a) The protection and preservation of the landmark in place is the first management preference. If a historic landmark cannot be preserved in place, then relocation will be considered. If stabilization or restoration is to be attempted, an archeological investigation prior to construction activities is always desirable and may be required depending on the quality and amount of historic documentation available and the amount of subsurface disturbance resulting from the project.

(b) If a structure or site cannot be protected through any of the above means, then its loss may be lessened by a thorough investigation which would include some or all of the standard archeological and architectural survey or archeological excavation techniques. These techniques include mapping to scale, photographing surveying, testing, excavating, collecting, interviewing, researching of historic documents, and analysis and publication.

(c) State archeological landmarks may be investigated for research purposes provided the research is directed toward the acquisition of information as outlined in the rules of practice and procedure, Office of the State Archeologist.

Issued in Austin, Texas, on March 3, 1981.

Doc. No. 811417      Terry Phares  
   Administrative Secretary  
   Texas Historical Commission

Effective Date: March 25, 1981

Proposal Publication Date: December 19, 1980

For further information, please call (512) 475-3092.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part IX. Commission on Jail Standards

#### Chapter 281. Food Service in County Jails

The Commission on Jail Standards adopts an amendment to §281.1 (217.17.00.001) which changes the interval between meals from 12 to 14 hours. This is consistent with jail operations and provides for a more normative meal schedule.

The following amendment is promulgated under the authority of Article 5115.1, Texas Civil Statutes.

**§281.1 (217.17.00.001). Frequency of Meals.** In a lockup, food shall be served a minimum of two times in any 24-hour period, provided that any person being held for more than 24 hours shall be served three meals in the 24-hour period after the first 24 hours. In jails, food shall be served three times in any 24-hour period. If more than 14 hours pass between three meals, supplemental food must be served.

Issued in Austin, Texas, on February 25, 1981.

Doc. No. 811397      Andy J. McMullen  
   Chairman  
   Commission on Jail Standards

Effective Date: March 24, 1981

Proposal Publication Date: December 19, 1980

For further information, please call (512) 475-2716.

## NONCODIFIED

### Texas Department of Human Resources

#### HEAP

The Texas Department of Human Resources adopts the following new rules related to the policies and procedures for the new Home Energy Assistance Program (HEAP). The HEAP Program is totally funded by the federal government and the Department of Health and Human Services (HHS) is responsible for program administration on the federal level. The Department of Human Resources is responsible for the program administration in Texas. These rules, therefore, are adopted as a result of federal regulations issued by HHS to be effective January 5, 1981.

The HEAP Program is designed to assist low-income Texans in paying for the increasingly high cost of energy necessary for the heating of their homes. Cash benefits will be provided to eligible households in the form of a state warrant mailed directly to the household. These rules establish the policies and procedures for the HEAP Program. In certain counties of the state, the department directly administers the program. In other counties, DHR indirectly administers the program through county governments or agencies which have contracted with the department to administer the program locally.

#### Program Administration 326.14.10

The following rules are adopted under the authority of the Human Resources Code, Title II, to be effective January 5, 1981, pursuant to federal requirements.

.001. *Responsibilities of the Texas Department of Human Resources and the Contracting Agencies.* DHR and the local contracting agencies must fulfill the following requirements and responsibilities in the operation of the HEAP Program:

- (1) inform the public of available benefits;
- (2) determine household eligibility/ineligibility for HEAP benefits correctly and in a timely manner;
- (3) provide and review applications for HEAP assistance;
- (4) provide a means for a dissatisfied client to appeal a decision concerning his or her application for assistance or benefit amount;
- (5) conduct training of staff;
- (6) evaluate and maintain staff performance;
- (7) maintain records and submit reports as required by DHR and HHS;
- (8) protect confidential client information as required by federal regulations or state law.

.002. *Office Coverage.* The HEAP Program is operational in each county location during normal working hours (8 a.m. to 5 p.m., Monday through Friday). In counties with low application rates, office hours and days of operation may be

reduced in a manner consistent with efficient management and sensitivity to client need. Applications must be made available from January 5, 1981, until February 28, 1981. No applications for HEAP heating assistance can be accepted after February 28, 1981.

**.003. Priority in Providing Assistance.** The HEAP Program places priority upon serving eligible low-income households with:

- (1) elderly and ill persons;
- (2) handicapped persons;
- (3) young children;
- (4) migrant laborers; and
- (5) non-English-speaking households.

**.004. Client Rights.** All persons have the right to apply for and receive payment, if eligible, without regard to race, religion, sex, political beliefs, or national origin. Clients also have the following rights:

- (1) All persons applying have the right to a speedy determination of eligibility (within 30 days after filing of an application).
- (2) All persons have the right to courteous service.
- (3) All persons who request help in completing an application, coming to the office for an interview, or getting required verification are given reasonable assistance.
- (4) All persons applying have the right to an informal review of the decision and, if still dissatisfied, a right to a formal hearing.
- (5) All persons have the right to confidentiality.

**.005. Client Responsibilities.** Clients applying for and receiving HEAP assistance have the following responsibilities:

- (1) Persons applying must complete the application to the best of their ability.
- (2) Persons applying must provide, to the best of their ability, information needed to verify income, permanent residency, if an alien, identity, resources if questionable, and vulnerability to increased energy costs.
- (3) Recipients will be responsible for the return of all overpayments.

**.006. Confidentiality.**

(a) Information collected during the eligibility determination process is considered and treated as confidential because of the need to protect applicants and recipients from embarrassment or exploitation, and to foster relationships which help in getting necessary information from applicants, recipients, and references.

(b) The restriction on disclosing information is limited to individuals and their circumstances. General information such as financial or statistical reports; information regarding policies, procedures, or methods of determining eligibility; or any other information which is not about or does not specifically identify an applicant or recipient is not confidential.

(c) An applicant may review all information in the case record which entered into the decision regarding assistance. If the case folder contains information given by someone who wishes to remain unknown, that person's name must be deleted from the records given to or reviewed by the applicant.

Doc. No. 811355

## Program Requirements 326.14.20

The following rules are adopted under the authority of the Human Resources Code, Title II, to be effective January 5, 1981, pursuant to federal requirements.

**.001. Need.** In order to qualify for HEAP assistance, the household also must have a need for the assistance. Need is determined by the household's income, resources, and vulnerability to rising energy costs.

**.002. Income.** Income may be earned or unearned, as long as it is received on a regular and predictable basis. When the income varies, the best evidence available is used to estimate a regular and predictable amount. Income must be in the form of cash or negotiable instruments which the household is free to spend as it chooses. Countable income may be received by any household member, regardless of age. To be eligible for HEAP assistance, a household's total gross (without any deductions) monthly income cannot exceed 75% of the BLS standard.

**.003. Resources.**

(a) Resources are cash or properties owned by and available to the household members. To be eligible for HEAP assistance, a household's available resources cannot exceed the program limit. An available resource is a resource which the household controls.

(b) The cash value of a resource is the fair market value (what the resource is worth by current standards). A countable resource can belong to any household member regardless of age. When determining need, the following resources are countable if available to the household:

- (1) cash on hand;
- (2) certificates of deposit;
- (3) treasury notes;
- (4) savings bonds;
- (5) savings and checking accounts;
- (6) stocks;
- (7) oil, gas, or mineral rights;
- (8) land or buildings (other than the household's home and the land surrounding it);
- (9) vehicles used for recreational purposes only.

(c) The following are not considered as countable resources when determining need:

- (1) the home in which the household resides and the land immediately surrounding the home;
- (2) household goods;
- (3) personal belongings;
- (4) life insurance policies;
- (5) pension funds;
- (6) vehicles, if used for income-producing purposes, as the household's normal means of transportation, or as the household's home;
- (7) income-producing property producing income consistent with its fair market value.

(d) These resource requirements also apply to households with recipients of categorical assistance.

**.004. Vulnerability.** In order for a household to qualify for HEAP assistance, the household must be vulnerable to home energy cost increases. Households residing in privately owned or rented housing are vulnerable to energy cost increases, even if the cost of utilities is included in the rent payment, or the household only pays a portion of its total home energy costs. However, residents of certain types of public

and subsidized housing are fully protected by a formal means from energy cost increases and are not vulnerable. These households pay a flat percentage of their monthly income as rent, and the cost of utilities is not separated from the cost of rent. Their rent will increase only if the household's income increases. These households cannot receive a HEAP payment. However, in certain cases, the public housing operator may receive the HEAP payment on behalf of an otherwise eligible household.

**.005. Categorically Eligible Households Receiving an Automatic HEAP Payment.**

(a) Households with only SSI or Food Stamp Program recipients may receive automatic computer-generated HEAP payments if the household received either of these benefits in January 1981.

(b) January AFDC recipients will also receive the automatic January payment. However, before receiving an automatic payment, certain households with AFDC recipients must return a questionnaire to DHR, which was mailed in November 1980. The purpose of this mailout is to avoid sending duplicate payments to households with two or more AFDC cases and households with both AFDC and SSI recipients. After these households are identified, those AFDC households still eligible for a HEAP payment will receive the automatic payment in January 1981, provided the household also received an AFDC benefit in January 1981.

(c) In a few instances, AFDC, SSI, or food stamp households receiving their first AFDC, SSI, or food stamp benefits for the month of January 1981 will not be sent the mid-January automatic HEAP payment. This will occur when DHR was not aware of the household's January eligibility for these programs until after the January automatic HEAP payments were mailed. However, these households will be sent an automatic payment as soon as they are identified by DHR.

**.006. Categorically Eligible Households Which Will Not Receive an Automatic HEAP Payment.** Categorical households which receive their first AFDC, SSI, or food stamp benefit beginning February 1981, will not receive an automatic HEAP payment. In order to receive HEAP assistance, these households must apply for the benefit within their county of residence. Recipients of VA needs-tested benefits will also not receive an automatic HEAP payment and must apply for assistance. Certain other recipients of categorical assistance will not receive automatic HEAP assistance, but they may apply for, and if eligible, may receive HEAP assistance as an income-eligible household. These other recipient types are:

- (1) AFDC recipient children, when the only individuals included in the AFDC benefit are minor children;
- (2) recipients of AFDC foster care benefits;
- (3) SSI recipients living in institutions or nursing homes;
- (4) SSI recipients living in another person's household whose food and shelter is provided by that household;
- (5) SSI recipient children (under age 20) who are living with a parent or the spouse of a parent.

**.007. Recipients of VA Needs-Tested Benefits.** Certain individuals receiving veterans benefits under Sections 415, 521, 541, or 542 of Title 38 of the U.S. Code are considered categorically eligible. Recipients of these veterans benefits are children or spouses of deceased veterans. Although categorically eligible, these households were not sent a DHR

automatic payment. They must apply as income-eligible households.

**.008. Categorical Households Which Are Not Vulnerable.** DHR contacted operators of public and subsidized housing in November 1980. These individuals identified the AFDC, SSI, and food stamp recipient households residing in housing not vulnerable to energy cost increases. These households were not eligible for and did not receive HEAP assistance. However, in some instances, DHR may have made a payment on the categorical household's behalf to the housing operator, if he or she was eligible. If these types of households apply for assistance, they cannot be certified for HEAP assistance. Some food stamp and SSI recipients reside in institutions or nursing homes and unless these individuals are responsible for paying home energy costs, they are also ineligible for HEAP assistance because they are not vulnerable. DHR also did not provide automatic benefits to these individuals.

**.009. Eligibility Requirements for Housing Operators.** Some public housing operators may be eligible to receive a payment on behalf of a categorical or income-eligible household residing in housing that is not vulnerable. Housing operators eligible to receive a payment on a not vulnerable household's behalf cannot be fully subsidized by the Department of Housing and Urban Development (HUD) or the Federal Housing Authority (FHA). In addition, the operator's costs for residential heating cannot be compensated by rent receipts or other revenues. Payments to housing operators must be processed directly by DHR's State Office staff. Local office staff cannot determine eligibility for or authorize payments to housing operators.

Doc. No. 811356

### Establishing Eligibility 326.14.30

The following rules are adopted under the authority of the Human Resources Code, Title II, to be effective January 5, 1981, pursuant to federal requirements.

**.001. Eligibility Requirements Which Require Verification.**

(a) The HEAP applicant must provide proof of the following:

- (1) the identity of the head of household (and applicant if different);
- (2) permanent residency if any household members are not U.S. citizens;
- (3) income;
- (4) resources if questionable;
- (5) vulnerability if questionable;
- (6) residence if questionable.

(b) When the household signed the application the household authorized the worker to make any contacts necessary to verify and determine the household's eligibility/ineligibility.

**.002. Verifying Identity.** The head of household (and any individual applying on behalf of the head of household) is required to provide sufficient proof to assure the worker of the true identity of the head of household and applicant, if different. A single form of identification which is easily obtained may not indicate true identity and should not be accepted as the sole proof of identity.

**.003. Verifying an Alien's Admittance as a Legal Resident.** Legal admittance as a permanent resident is verified by viewing Immigration and Naturalization Service Forms I-151, I-551, or I-94. The Form I-94, Arrival-Departure Record, must state the bearer has been granted indefinite voluntary departure or is entitled to an indefinite stay of deportation. It is not necessary to verify that household members are U.S. citizens as long as the household's application clearly indicates that the household members are U.S. citizens.

**.004. Verifying Income.**

(a) Gross income for the 30-day period before the application file date and (when income changes) for the 30-day period after the application file date must be verified.

(b) If pay checks are used, they must indicate the amount of income received before any deductions are made. When these types of proof are not available, the HEAP worker may verify income by contacting an employer by telephone. If the household's source of income has recently been terminated, the termination must be verified by a letter from, or phone contact with, the previous employer.

**.005. Verifying Resources.** The applicant's statement concerning resources may be accepted, unless the information provided is inconsistent or questionable.

**.006. Verifying Vulnerability.** Vulnerability may be presumed unless the household resides in public or subsidized housing, an institution, or a nursing home. When the household resides in one of these types of housing, the HEAP worker must contact the housing operator or director of the institution/nursing home to determine if the household is vulnerable to increased energy costs. Households residing in "check-metered" housing are considered vulnerable. When housing is "check-metered," the housing operator pays only a certain amount of the household's energy costs. The household is responsible for paying any energy costs which exceed the amount paid by the housing operator.

Doc. No. 811357

## Application and Determination Process 326.14.40

The following rules are adopted under the authority of the Human Resources Code, Title II, to be effective January 5, 1981, pursuant to federal requirements.

**.001. The Application Process.** The application process includes filing and completing an application, a face-to-face interview in most instances, and an eligibility determination. The eligibility determination includes required verification and documentation, and the provision of appropriate notices to the household. DHR and the contracting agencies are required to act promptly (within 30 calendar days after the application file date) on all applications. Applications may be given or mailed upon request from the local office.

**.002. Availability of the Application Form.** Application forms must be made readily available to potential applicants. Groups, individuals, and other agencies may obtain application forms through the local certification offices. The application must be given or mailed to a client on the same date the application is requested. When the household requests the application in person or by phone, local staff should encourage the household to return the application immediately.

Local staff should also notify the client that the application must be filed within the household's county of residence. The date of the request and the date the application was given or mailed must be recorded on the form.

**.003. Where Applications Are Filed.** Applications must be filed in the local office designated to accept and process HEAP applications. An application must be filed in the local office in the applicant's county of residence. When a household requesting application contacts the wrong office in person, by telephone, or in writing, and it is apparent the household resides in another county, that office must provide the application, give the household the address and telephone number of the correct office, and inform the household that the application must be returned to the correct office. The household should also be informed that the application-processing period will not begin until the application is received by the correct office. If the household mails its application to the wrong office, the office must date stamp the application and send it to the correct office on the same day it is received. When the correct office receives the application, the date of receipt is considered the file date, and that date is entered on the form.

**.004. Filing an Application.**

(a) An application may be filed in person or by mail. The date the application is received by the local office is the file date, the first day in the application-processing period for determining if timeliness requirements were met. An interview cannot be required before an application is filed. An identifiable application received within the applicant's county of residence must be accepted and filed, even if some items of the application were not completed.

(b) Although the identifiable application must be accepted if it is incomplete when presented, all questions must be answered as required. The application is designed to be completed by the client; however, local staff should assist the household in completing the form if no one else is available to assist the household and the household requests help with completion. When a local staff member writes on the application form for the client, the entries must be initialed by the staff member. In these instances, the staff member should also sign the application as the person who assisted with the form's completion.

**.005. Withdrawal of Application.** An application may be withdrawn by the applicant or head of household at any time. The worker must document why the application was withdrawn if the household provides the reason.

**.006. Appointments.**

(a) Local offices must schedule appointments with applicants when an interview cannot be conducted at the time the application is filed. An appointment should be scheduled as soon as possible and the household informed of the appointment in writing.

(b) Households which fail to appear for the interview and do not contact the certification office should be sent a notice of denial on the date the appointment was missed. The notice should indicate that if the household fails to reschedule and keep a second appointment within the following 10 days, the application will be denied. If the household does not schedule and keep an appointment within the following 10-day period, the application must be denied. If the household later wants its eligibility determined, a new application may be filed. Previously denied applications cannot be reopened.

**.007. Household Cooperation.** Prior to determining eligibility, the application must be completed and signed, an interview conducted, and required verifications made. If the household refuses to cooperate in the application process, the application will be denied. Refusal to cooperate means the household is able to cooperate, but clearly demonstrates it will not take the steps required for completion of the application process. This does not include negligent omission or inability on the household's part; reasonable assistance in completing the application or in making verifications should be provided in these instances.

**.008. The Interview.** All households must be interviewed face-to-face by a caseworker prior to the eligibility determination unless the caseworker's initial review of the application form clearly indicates that the household is ineligible for HEAP assistance. The interview is conducted in the local office with the head of household or applicant, if different. In hardship situations a home visit is required. The interview is an official and confidential discussion of household circumstances related to the determination of HEAP eligibility/ineligibility. The worker should inform the household of the eligibility decision at the close of the interview and explain the reason(s) for the decision. If the household was determined eligible for HEAP assistance, a notice of eligibility is completed and given to the household. When the worker determines the household is ineligible, a notice of denial is completed and given to the household.

**.009. Eligibility Determination.** Upon reviewing the household's application, the worker must determine if all the eligibility requirements are met. The total gross monthly income cannot equal or exceed 75% of the BLS standard for the household's size. When the total gross monthly income equals or exceeds this amount, the household is not eligible. If all the other eligibility requirements are met and verified, and the household's verified total gross monthly income is less than 75% of the BLS standard, the household is eligible for assistance.

**.010. Determining Monthly Income.**

(a) The total gross monthly income received in the 30-day application processing period (the 30-day period after the file date) is used to determine the household's HEAP eligibility/ineligibility. However, past income may not fully reflect current need if a change occurred within the 30 days preceding the file date, or the change has occurred or will occur during the 30-day processing period. If a household's source of income is terminated during the 30-day period before the file date, that amount of income cannot be used to determine income for the 30-day processing period.

(b) If the income was or will be terminated during the 30-day processing period, only the amount which was or will be received during the 30-day processing period is considered. This amount and the termination date must also be verified.

(c) To determine income, add the total gross monthly income (before any deductions are made) of the household members. When a household member expects to receive a full month's income during the 30-day processing period, but the income received during this period was received weekly, once every two weeks, or twice a month, income is computed as follows:

(1) Income received once a week—multiply the gross weekly income by 4.33.

(2) Income received once every two weeks—multiply the gross amount by 2.17.

(3) Income received twice a month—multiply the gross amount by two.

(d) If the amount of income received weekly, once every two weeks, or twice a month varies, average the amounts. Then use the averaged amount in one of the above formulas.

Doc. No. 811358

**Informal Review/Appeal Process Procedures  
326.14.54**

The following rule is adopted under the authority of the Human Resources Code, Title II, to be effective January 5, 1981, pursuant to federal requirements.

**.001. Procedures.** Any household interested in applying for or receiving HEAP assistance may appeal any action or inaction by HEAP Program staff. The appeal process is required by federal regulations in order to ensure a household will receive just treatment. An appeal is a request by the household for consideration or reconsideration of an action or inaction affecting the household. These steps define the appeal process:

(1) The household may request an appeal within 60 days from the date of any agency action or alleged inaction. (This means that a household may appeal a decision after the 10-day period following the denial notice has expired. However, the denying action would have been completed.)

(2) The appeal may be requested in writing, in person, or over the telephone.

(3) A face-to-face interview (an informal review) with the household must be held within five working days from the date the appeal was requested at a time and place accessible to the household. At this informal review, the point at issue is considered in relation to the applicable policies in a fair and objective manner. The household is included in this process. The original action or inaction must be upheld or overturned by the person conducting the informal review.

(4) The informal review must be conducted by someone other than the original worker, except in situations of one-worker offices where the worker obtained permission of the supervisor to conduct the review. This permission must be obtained for each review held and cannot be a blanket approval. When possible, the review should be conducted by another worker, a supervisor, or the HEAP regional director.

(5) At the close of the informal review, the person conducting the review informs and explains to the household the decision to uphold or overturn the decision.

(6) If the household indicates satisfaction with the informal review decision, the results of the informal review are documented in the case record. If the informal review decision overturned the previous decision, any action correcting the previous decision is immediately taken by the original worker. Further action is not required if the original decision was not overturned.

(7) If the household indicates continuing dissatisfaction, the results of the informal review are documented in the case record.

(8) The DHR hearing officer will conduct the appeals hearing in accordance with DHR's fair hearings, fraud, and civil rights rules within 30 days from the date the appeal was first requested.

Doc. No. 811359

## Fraud Procedures 326.14.55

The following rules are adopted under the authority of the Human Resources Code, Title II, to be effective January 5, 1981, pursuant to federal requirements.

**.001. Definition of Fraud.** When an individual takes any of the following actions knowingly, willfully, and with deceitful intent, fraud occurs.

(1) Makes a false statement to DHR or the contract agency, orally or in writing, in order to receive benefits the household is not eligible for.

(2) Conceals information in order to receive benefits the household is not entitled to.

(3) Uses or possesses an improperly obtained HEAP benefit.

**.002. Worker Evaluation of Erroneous Payment Cases.** When an ineligible or excessive payment of more than \$100 is discovered, a HEAP staff person reviews the case to determine if the incorrect payment occurred due to an error or misunderstanding, or if fraud may be involved. The staff person reviewing the case may be the worker or supervisor.

**.003. Erroneous Payments Not Involving Fraud.** If review of the case record indicates the erroneous payment was the result of error or misunderstanding or if the amount of the erroneous payment was \$100 or less, the local office may contact the household in writing to identify the erroneous amount and to request the household return this amount. If the household cannot return the incorrect amount of payment at once, a repayment plan suitable to the local office and the household is developed. The household is expected to make a good faith effort to return the amount of payment for which the household was ineligible.

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

Doc. No. 811360      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Effective Date: January 5, 1981  
Proposal Publication Date: N/A  
For further information, please call (512) 441-3355.

## Family Services

### Day Care Services for Children 326.53.63

The Texas Department of Human Resources adopts the repeal of its rule regarding the purchase of child day care services in the Family Services Program as published in the December 16, 1980, issue of the *Texas Register* (5 TexReg 4955). During the comment period which ended January 16, 1981, no comments were received.

The repeal of Rule 326.53.63.044, concerning Application Process for Provider Agreement Day Care Center, is adopted under the authority of Title II of the Human Resources Code with the approval of the Texas Board of Human Resources.

Doc. No. 811415

### Support Documents 326.53.99

The Texas Department of Human Resources adopts the repeal of its rule regarding the maximum rates that day care providers can charge the department for care of children of various ages as published in the December 16, 1980, issue of the *Texas Register* (5 TexReg 4955). During the comment period which ended January 16, 1981, no comments were received.

The repeal of Rule 326.53.99.200, concerning Maximum Rates of Payment for Day Care in Contract Agencies, is adopted under the authority of Title II of the Human Resources Code with the approval of the Texas Board of Human Resources.

Issued in Austin, Texas, on March 4, 1981.

Doc. No. 811416      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Effective Date: March 25, 1981  
Proposal Publication Date: December 16, 1980  
For further information, please call (512) 441-3355.

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

## Texas Aeronautics Commission

**Tuesday, March 31, 1981, 10 a.m.** The Air Carrier Division of the Texas Aeronautics Commission will conduct a public hearing in Room 221, 410 East 5th Street, Austin, on the application of Cen-Tex Airlines, Inc., for a Texas Air Carrier certificate of operating authority pursuant to Article 46c-6, Subdivision 3(b-1), and Rules 203 and 216, Texas Air Carrier Regulations.

Information may be obtained from Tom Butler, 410 East 5th Street, Austin, Texas, (512) 475-4768.

Filed: March 4, 1981, 9:22 a.m.  
Doc. No. 811420

## Texas Commission on the Arts

**Thursday, March 12, 1981, 6 p.m.** The Texas Commission on the Arts will meet on the fifth floor of commission offices, 920 Colorado, Austin. According to the agenda, the commission will conduct an organizational meeting of the Texas Commission on the Arts/Texas Education Agency Ad Hoc Committee on Arts and Education.

Information may be obtained from Margaret L. Dahl, P.O. Box 13406, Austin, Texas 78711.

Filed: March 4, 1981, 3:50 p.m.  
Doc. No. 811429

## Texas Education Agency

**Thursday, March 12, 1981, 3:30 p.m.** The Committee for Central Services of the State Board of Education will meet in the Central Services Building, 1102 South Congress, Austin. According to the agenda summary, the committee will cover the following topics: minutes of November 6, 1980, meeting; update on computer system; policies and procedures on personnel evaluations, physical and tuberculosis examinations, reconciliations, revenue receivables, encumbrances, USDA commodities, food service, and warehousing; report on installation for storage and dispensing of gasoline for use by state vehicles; and discussion from committee members.

Information may be obtained from Don Partridge, 201 East 11th Street, Austin, Texas 78701, (512) 475-3009.

Filed: March 4, 1981, 4:03 p.m.  
Doc. No. 811430

**Friday, March 13, 1981, 8:30 a.m.** The Committee for Policy, Budget, and Finance of the State Board of Education, will meet in the Second Floor Conference Room, 158 East Riverside Drive, Austin. According to the agenda summary, the committee will consider the following items: membership in associations; medical examination report for regular and substitute school bus drivers; principles, standards, and procedures for the accreditation of school districts; application for ESEA Title I migrant funds, 1981-82; position of State Board of Education regarding federal funding; and legislative recommendations.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 4, 1981, 4:04 p.m.  
Doc. No. 811432

**Friday, March 13, 1981, 8:30 p.m.** The Committee for Programs and Personnel Development of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda summary, the committee will consider the following: institutional review process; State Textbook Program in general; shortages of sample textbooks in education service centers; proclamation for bids on textbooks; reoption of textbooks; bilingual vocational training; Texas Proprietary School Advisory Commission; Advisory Committee on Comprehensive School Health Program; Texas Advisory Council on Aerospace-Aviation Education; and Advisory Committee for Special Education.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 4, 1981, 4:04 p.m.  
Doc. No. 811433

**Friday, March 13, 1981, 10:30 a.m.** The Committee of the Whole of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin, to consider request for approval of resolution on the position of the State Board of Education with regard to federal funding.

Information may be obtained from A. O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 4, 1981, 4:04 p.m.  
Doc. No. 811434

**Friday, March 13, 1981, 1 p.m.** The Committee for Special Schools, Athletics, and Special Projects of the State Board of Education will meet in the second floor conference room, 150 East Riverside Drive, Austin. According to the agenda, the committee will consider the following items: request for approval of budget revision, fiscal year 1981, Texas School for the Blind; request for approval of budget revision, fiscal year 1981, Texas School for the Deaf; State Board of Education, Committee for Special Schools, Athletics, and Special Projects, report of University Interscholastic League operations.

Information may be obtained from A. O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 4, 1981, 4:04 p.m.  
Doc. No. 811435

**Friday, March 13, 1981, 1:30 p.m.** The Committee for Investment of the Permanent School Fund of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin, to study investment of available funds.

Information may be obtained from A. O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 4, 1981, 4:05 p.m.  
Doc. No. 811436

**Friday, March 13, 1981, 2 p.m.** The Committee for Priorities, Accountability, and Accreditation of the State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the committee will consider principles, standards, and procedures for the accreditation of school districts; and resolution of commendation to and cooperation with Texas Congress of Parents and Teachers in informing students on dangers of drugs.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 4, 1981, 4:05 p.m.  
Doc. No. 811437

**Saturday, March 14, 1981, 8:30 a.m.** The State Board of Education will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda summary, the board will cover the following topics: appeals on decisions of the commissioner of education; agency administration; the institutional review process; State Textbook Program in general; report of commissioner of education on shortages of sample textbooks in regional education service centers; proclamation of the State Board of Education advertising for bids on textbooks; recommendations on re-adoption of textbooks; proposed projects, bilingual vocational training; recommendations for approval of appointments to the Texas Proprietary School Advisory Commission; recommendation for appointment to the Advisory Committee on the Comprehensive School Health Program; recommendation for appointment to the Texas Advisory Council on Aerospace-Aviation Education; recommendations for appointment to the Continuing Advisory Committee for Special Education; membership in associations; medical examination report for regular and substitute school bus drivers; principles, standards, and procedures for the accreditation of school districts; request for authorization to submit application for ESEA Title I, migrant funds, 1981-82 school year; request for approval of resolution on the position of the State Board of Education with regard to federal funding; proposed legislative recommendations; resolution of commendation to and cooperation with Texas Congress of Parents and Teachers in informing students on dangers of drugs; request for approval of budget revision, fiscal year 1981, Texas School for the Blind; request for approval of budget revision, fiscal year 1981, Texas School for the Deaf; State Board of Education, Committee for Special Schools, Athletics, and Special Projects, report of University Interscholastic League operations; investment of available

funds; proposed letter of invitation for recommendations for the position of commissioner of education; appointment of committee to select the commissioner of education whose term will begin June 1, 1981, and end May 31, 1985, (Committee of the Whole); appointment of screening committee for the purpose of interviewing all applicants for the position of commissioner of education and making any recommendation they desire to the Committee of the Whole.

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: March 4, 1981, 4:06 p.m.  
Doc. No. 811438

**Friday, March 27, 1981, 8:30 a.m.** The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet at North Lake College, 2000 Walnut Hill Lane, Irving. According to the agenda, the committee will make introductions; conduct Apprentice Panel discussion and open discussion; consider report by apprenticeship coordinator, contact hour funding rate for fiscal year 1981, and revision of bylaws; and elect officers.

Information may be obtained from Dan C. Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 475-3129.

Filed: March 4, 1981, 4:06 p.m.  
Doc. No. 811439

## Texas Energy and Natural Resources Advisory Council

**Thursday, March 12, 1981, 9 a.m.** The Texas Energy and Natural Resources Advisory Council will meet in Room 310 (old Supreme Court Room), at the State Capitol. According to the agenda, the council will consider the following items: status report on Texas energy legislation and current federal energy and environmental legislation; Natural Resources Committee report; Coal and Lignite Committee report; Energy Efficiency Committee report; briefing on current low level waste disposal problem; other policy resolutions, natural gas, windfall profit tax; emergency authority to deal with energy shortages; briefing on the outlook for state motor fuel revenue and highway financing; five-year energy research plan; and Energy Development Fund Project approval.

Information may be obtained from Eddie Selig, 200 East 18th Street, Austin, Texas 78701, (512) 475-0414.

Filed: March 4, 1981, 3:51 p.m.  
Doc. No. 811428

## Texas Department of Health

**Saturday, March 14, 1981, 9:30 a.m.** The Advisory Committee of the Division of Crippled Children's Services of the Texas Department of Health will meet in Commissioner's Conference Room G-107, 1100 West 49th Street, Austin. According to the agenda, the committee will consider applications from physicians and hospitals desiring program approval and a staff report of current program activities.

Information may be obtained from James T. Rambin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7241.

Filed: March 4, 1981, 4:26 p.m.  
Doc. No. 811440



## Texas Health Facilities Commission

**Friday, March 13, 1981, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

### Certificate of Need

The University of Texas Medical Branch, Galveston  
AH80-1010-007

Providence Hospital, Waco  
AH80-1201-039

Rusk State Hospital, Rusk  
AA80-1110-006

San Angelo Center, Carlsbad  
AA80-1110-004

Wichita Falls State Hospital, Wichita Falls  
AA80-1110-002

### Exemption Certificate

Northshore Medical Plaza, Houston  
AH81-0126-070

### Motion for Reconsideration/Rehearing

Surgical Center of Corpus Christi and Knolle Center, Inc.,  
Corpus Christi, AS80-0630-015

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

Filed: March 4, 1981, 9:33 a.m.  
Doc. No. 811418

## State Board of Insurance

**Wednesday, March 11, 1981, 9:30 a.m.** The Fire Marshal's Office of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to consider alleged violations by Carl E. Mitchell, doing business as AAA Fire Control Company, of Article 5.43-1, Texas Insurance Code and the rules and regulations adopted pursuant thereto, and the state fire marshal voluntary compliance letter dated April 25, 1980.

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

Filed: March 3, 1981, 11:27 a.m.  
Doc. No. 811380

**Wednesday, March 11, 1981, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6311—application for certificate of authority of First American Southwest Life Insurance Company, Bedford.

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

Filed: March 3, 1981, 11:27 a.m.  
Doc. No. 811381

**Thursday, March 12, 1981, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to conduct public hearings in Dockets 6319 and 6320—proposed merger between Tenneco Texas Life Insurance Company, a Chapter 3 Texas insurance company (home office Houston) and Southwestern Life Insurance Company, a Chapter 3 life insurance company (home office Dallas).

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

Filed: March 4, 1981, 2:36 p.m.  
Doc. Nos. 811423 and 811424

**Friday, March 13, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto, Austin, at the following times.

**9:30 a.m.** Docket 6306—application by Keystone Provident Life Insurance Company, Providence, Rhode Island, for authority to issue variable annuity contracts in Texas.

**1:30 p.m.** Docket 6298—application for charter amendment increasing the capital stock of American States Insurance Company of Texas, Dallas.

**3 p.m.** Docket 6308—application for admission by Southeast Insurance Company, Charlotte, North Carolina.

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

Filed: March 3, 1981, 1:27 a.m.  
Doc. Nos. 811382-811384

**March 16, 1981.** The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto, Austin, at the following times.

**9 a.m.** Docket 6315—application for original charter of ABC Life Insurance Company, Waco.

**1:30 p.m.** Docket 6302—consideration of stock purchases of American National Insurance Company, Galveston.

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

Filed: March 4, 1981, 2:37 p.m. and March 3, 1981, 11:28 a.m.  
Doc. Nos. 811425 and 811425

## Lamar University

**Sunday, March 8, 1981, 4 p.m.** The Lamar University Board of Regents met in the Lamar Room of the Mary and John Gray Library, main campus, Lamar University, Beaumont, in executive session to review personnel.

Information may be obtained from Andrew J. Johnson, P.O. Box 10014, Lamar University Station, Beaumont, Texas 77710, (713) 838-7533.

Filed: March 3, 1981, 1:23 p.m.  
Doc. No. 811379

## Board of Pardons and Paroles

**Monday-Friday, March 16-20, 1981, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

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

Filed: March 3, 1981, 1:46 p.m.  
Doc. No. 811386

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

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

Filed: March 3, 1981, 1:46 p.m.  
Doc. No. 811387

## Texas Parks and Wildlife Department

**Thursday, March 5, 1981 (in conjunction with 9 a.m. March 5, 1981, public hearing).** The commission of the Texas Parks and Wildlife Department held an emergency meeting in Building B, 4200 Smith School Road, Austin. The emergency meeting concerned the removal of 50-foot section of Queen Isabella State Fishing Pier, Cameron County. The emergency meeting was necessary because of an urgent public necessity that supplemental funding be approved to complete the project to remove a span of the fishing pier. Unanticipated costs of this project required emergency funding action by the commission at the March 5, 1981, public hearing. This notice was posted pursuant to Section 3A of Article 6252-17 Vernon's Texas Civil Statutes.

Information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 475-4954.

Filed: March 4, 1981, 3:25 p.m.  
Doc. No. 811426

**Thursday, March 5, 1981 (in conjunction with 9 a.m. March 5, 1981, public hearing).** The commission of the Texas Parks and Wildlife Department held an emergency meeting in Building B, 4200 Smith School Road, Austin. The emergency meeting concerned the acquisition project, Lake Houston Park site, Harris and Montgomery Counties. The emergency meeting was necessary because of an urgent public necessity to purchase this land at the lowest possible cost. This notice was posted pursuant to Section 3A, Article 6252-17, Vernon's Texas Civil Statutes.

Information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 475-4954.

Filed: March 4, 1981, 3:25 p.m.  
Doc. No. 811427

## State Pension Review Board

**Monday, March 16, 1981, 8:30 a.m.** The Legislative Advisory Committee of the State Pension Review Board will meet in Room G35B of the State Capitol. According to the agenda, the committee will meet in a regularly scheduled weekly work session to discuss upcoming legislation.

Information may be obtained from Lynda Baker, 105 West 15th Street, Reagan Building, Room 200, Austin, Texas, (512) 475-8332.

Filed: March 4, 1981, 9:22 a.m.  
Doc. No. 811419

## State Board of Pharmacy

**Monday, March 9, 1981, 10 a.m.-4 p.m.** The State Board of Pharmacy held an emergency meeting in Suite 1221, 211 East 7th, Austin, to review and approve the fiscal note for Senate Bill 627; to discuss related legislation; and to consider dates of upcoming violation hearings. The emergency meeting was necessary because the board had just received a request by the Legislative Budget Board to review the fiscal note for Senate Bill 627 and discuss related legislation.

Information may be obtained from Priscilla Jarvis, 211 East 7th, Austin, Texas, (512) 478-9827.

Filed: March 3, 1981, 3:52 p.m.  
Doc. No. 811407

## Texas State Board of Examiners of Psychologists

**Thursday-Sunday, March 12-15, 1981, 9 a.m. daily.** The Texas State Board of Examiners of Psychologists will meet in Suite H-126, 5555 North Lamar, Austin. According to the agenda, the board will consider the following items: rules and regulations; board opinion letters; complaint files; application files; interviews; meetings and hearings; administrative matters; legislative matters; budget; dates of board meetings; minutes; goals and objectives; exams; and recertification requirements.

Information may be obtained from Patti Bizzell, 5555 North Lamar, Suite H-126, Austin, Texas 78751, (512) 458-3295.

Filed: March 3, 1981, 1:40 p.m.  
Doc. No. 811388

## Public Utility Commission of Texas

**Thursday, April 2, 1981, 1:30 p.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on the merits in Docket 3732—petition of Dallas Power and Light Company for review of actions of Cities of Dallas and University Park.

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

Filed: March 4, 1981, 9:20 a.m.  
Doc. No. 811421

**Monday, May 4, 1981, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3717—application of Rio Grande Electric Cooperative, Inc., for a rate increase.

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

Filed: March 5, 1981, 9:22 a.m.  
Doc. No. 811446

**Monday, May 18, 1981, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on the merits of Docket 3616—Public Utility Commission inquiry to revoke the certificate of convenience and necessity of Gulf Water Benefaction Company.

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

Filed: March 5, 1981, 9:22 a.m.  
Doc. No. 811447

## Advisory Council for Technical-Vocational Education in Texas

**Thursday, March 12, 1981, 10 a.m.** The Steering Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in Suite 202, 1700 South Lamar, Austin. According to the agenda, the committee will conduct a follow-up review of the 11th annual report of the council; receive an update on legislation pending that impacts vocational education; hear reports on program of work activities and reports on special projects.

Information may be obtained from Valeria J. Balaschke, P.O. Box 1886, Austin, Texas 78767, or 1700 South Lamar, Suite 202, Austin, Texas 78704, (512) 475-2046.

Filed: March 4, 1981, 4:25 p.m.  
Doc. No. 811431

## Texas Water Commission

**Wednesday, March 18, 1981, 10 a.m.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on a petition for organization of Brazoria County Municipal Utility District 5 containing 422.5712 acres.

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

Filed: March 3, 1981, 3:15 p.m.  
Doc. No. 811404

**Monday, March 23, 1981, 10 a.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 the following items: applications for district bond issues; use of surplus funds; release from escrow; water quality permits, amendments, and renewals; approval of plans and specifications; and the filing and setting of hearing dates.

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

Filed: March 4, 1981, 3:23 p.m.  
Doc. No. 811441

**Wednesday, April 15, 1981, 10 a.m.** The Texas Water Commission will meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on an application by Woodlands Development Corporation (RE-0163) seeking approval of preliminary plans for the construction of certain channel improvements on Bear Branch, tributary of Spring Branch, in Montgomery County.

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

Filed: March 3, 1981, 3:14 p.m.  
Doc. No. 811405

**Thursday, April 23, 1981, 10 a.m.** The Texas Water Commission meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on an application by Sulphur Bluff Realty, N.V. (RE-0156) seeking approval of preliminary plans for the construction of certain improvements on the South Sulphur River in Hopkins County.

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

Filed: March 3, 1981, 3:14 p.m.  
Doc. Nos. 811406

## Regional Agencies

### Meetings Filed March 3, 1981

**The Brazos Valley Development Council**, Board of Directors, will meet at the Ramada Inn, 410 South Texas Avenue, College Station, on March 12, 1981, at 7:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, (713) 828-7421.

**The Tri-Region Health Systems Agency**, Concho Valley Subarea Advisory Council, will meet in the Crystal Room of the Cactus Hotel, 36 East Twohig, San Angelo, on March 10, 1981, at 7 p.m. Information may be obtained from Fran Murgia, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698-9481.

Doc. No. 811401

### Meetings Filed March 4, 1981

**The Middle Rio Grande Development Council, Criminal Justice Advisory Committee**, will meet in city council chambers of city hall, Uvalde, on March 12, 1981, at 2 p.m. Information may be obtained from Ramon Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

**The Tri-Region Health Systems Agency, Nortex Subarea Advisory Council**, will meet in Room 500, 1300 7th Street, Memorial Auditorium, Wichita Falls, on March 12, 1981, at 7 p.m. Information may be obtained from David Brown, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698-9481.

Doc. No. 811422

### Meetings Filed March 5, 1981

**The Bastrop County Appraisal District** met in the commissioner's courtroom, Bastrop County Courthouse, Bastrop, on March 9, 1981, at 4 p.m. Information may be obtained from James M. Archer, 801 Pine Street, Bastrop, Texas 78602, (512) 321-4316.

**The Blanco County Appraisal District** will meet at 519 4th Street, Blanco, on March 10, 1981, at 6:30 p.m. Information may be obtained from Joy Brussel, P.O. Box 725, Blanco, Texas 78606, (512) 833-4414.

**The Panhandle Regional Planning Commission, Panhandle Area Agency on Aging Advisory Council**, will meet at the Amarillo Senior Citizens Association, 1311 South Tyler Street, Amarillo, on March 12, 1981, at 1:30 p.m. Information may be obtained from Perna Strickland, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The San Jacinto River Authority, 208 San Jacinto Basin Planning Advisory Committee**, will meet at 3701 West Alabama, Houston, on March 18, 1981, at 4 p.m. Information may be obtained from Dennis J. Crowley, P.O. Box 329, Conroe, Texas 77301, (713) 222-8516.

**The South Plains Association of Governments, Executive Committee**, will meet at 1709 26th Street, Lubbock, on March 10, 1981, at 9 a.m. The Board of Directors will meet at the same location on March 10, 1981, at 10 a.m. Information may be obtained from Glenda Robinson, 1709 26th Street, Lubbock, Texas 79411, (806) 762-8721.

**The South Texas Health Systems Agency, Golden Crescent Subarea Advisory Council**, will meet in the Allied Health Building, Victoria College, Victoria, on March 11, 1981, at 7 p.m. Information may be obtained from Barbara Geminden, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

**The Tri-Region Health Systems Agency, Concho Valley Cardiovascular Task Force**, will meet in the English Room of Cactus Hotel, 36 East Twohig, San Angelo, on March 10, 1981, at 7 p.m. The Concho Valley Maternal and Child Health Task Force, will meet in the Art Room of the Cactus Hotel on the same date and time. The West Central Texas Cardiovascular Task Force and the West Central Texas Maternal and Child Health Task Force, will meet at 2642 Post Oak Road, Abilene, on March 11, 1981, at 7 p.m. The Nortex Cardiovascular Task Force and the Nortex Maternal and Child Health Task Force will meet in the dining room of the Mediacenter Psychiatric Hospital, 1505 8th Street, Wichita Falls, on March 12, 1981, at 7 p.m. Information on cardiovascular task forces and information on maternal and child health task forces may be obtained from Susan Bennett and Bob Caras, respectively, 2642 Post Oak Road, Abilene, Texas, (915) 698-9481.

Doc. 811442

## Governor's Committee on Aging Consultant Proposal Request

As required by Article 6252-11c Vernon's Annotated Civil Statutes, notice is given that the Governor's Committee on Aging invites proposals for consultant services in planning for the Texas State White House Conference on Aging.

**Description of Project.** The Governor's Committee on Aging is requesting proposals to assist the committee in planning for the Texas State White House Conference on Aging to be conducted March 29-31, 1981. One of the major purposes of the state conference is to provide training of state delegates to the National White House Conference on Aging to be held November 30 to December 4, 1981. Consultant will be required to provide staff leadership; develop the Texas issue document on problems of the elderly; and to develop the report of the Texas delegate selection to the national conference. Proposals will be accepted until the close of business on March 15, 1981.

**Continuation of Service Previously Performed.** This is a continuation of a service previously performed by Jimmie Choate Parker of Austin. The committee intends to award a contract to Parker unless a better offer is submitted.

**Procedure for Selecting Consultant.** That consultant demonstrating the broadest and deepest knowledge of gerontological problems and the needs of the elderly together with demonstrated organizational and planning expertise will be selected for cost and contract negotiations.

**Contact Person.** Further information may be obtained by writing or calling Dan Stewart, director of operations, Governor's Committee on Aging, 210 Barton Springs Road, Austin, Texas 78711, (512) 475-2717.

Issued in Austin, Texas, on February 25, 1981.

Doc. No. 811389      Chris Kyker  
                                 Coordinator of Aging  
                                 Governor's Committee on Aging

Filed: March 3, 1981, 11:17 a.m.  
For further information, please call (512) 475-2717.

## Texas Alcoholic Beverage Commission Consultant Contract Award

**Contractor; Contract Period; Description of Services To Be Performed.** The Texas Alcoholic Beverage Commission announces that Arthur Andersen and Company has been awarded a contract for the period of February 19, 1981, through April 30, 1981, for the purpose of reviewing and evaluating the existing auditing practices and procedures utilized in connection with audits of the gross receipts tax filed by mixed beverage permittees. Arthur Andersen and Company will review and document existing auditing procedures; survey the potential for data processing activities in the program; revise existing or develop new standardized audit programs; and report recommendations for auditor training, auditor productivity, automated procedures, and recommendations for development of auditing software to the commission by the end of the contract period.

**Contractor's Address.** Arthur Andersen and Company is located at Suite 2000, 221 West 6th Street, Austin, Texas 78701.

**Total Value of Contract.** The total cost of the services to be provided under this contract is \$9,500.

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

Doc. No. 811342      Joe Damall  
                                 Assistant Administrator  
                                 Texas Alcoholic Beverage Commission

Filed: February 27, 1981, 2:43 p.m.  
For further information, please call (512) 458-2500.

## Texas Energy and Natural Resources Advisory Council

### Contract Awards

#### University of Texas at Austin

The Texas Energy and Natural Resources Advisory Council furnishes this notice of contract award.

**Description of Study.** Based on passive solar research funded by TENRAC, a passive solar residence will be designed for each of the eight climatic regions of Texas which include:

- (1) Performing climate, code, and market analyses.
- (2) Developing eight schematic designs for review.
- (3) Developing details of approved eight designs.
- (4) Preparing eight sets of construction drawings on the approved designs.

**Contractor; Total Value; Period of Contract.** The contractor is the University of Texas at Austin. The total value of the contract is \$50,000. The beginning date of the contract is February 12, 1981, and the ending date of the contract is August 31, 1981.

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

Doc. No. 811408

#### University of Texas at El Paso

The Texas Energy and Natural Resources Advisory Council furnishes this notice of contract award. The consultant proposal request appeared in the November 6, 1979, issue of the *Texas Register* (4 TexReg 4077). This notice of contract award does not come under Article 6252-11c, Vernon's Annotated Texas Statutes, but is furnished as public information.

**Description of Project.** Project G-2-3 is work being done in the subregion of Presidio-Bolson of Trans-Pecos, Texas/New Mexico that includes a drilling program, data acquisition, data analysis and synthetics, and reportings.

**Contractor; Total Value; Period of Contract.** The contractor is the University of Texas at El Paso. The total value of the contract is \$37,460. The beginning date of the contract is January 8, 1981, and the ending date of the contract is August 31, 1981.

**Due Dates for Reports.** Progress reports are due each month; a draft final is due at the completion of the work and a final report is due one month thereafter.

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

Doc. No. 811400 Roy R. Ray, Jr., Director  
Technology Development Division  
Texas Energy and Natural Resources  
Advisory Council

Filed: March 3, 1981, 9:55 a.m.  
For further information, please call (512) 475-0414.

## Legislative Information System of Texas

### Toll-Free Telephone Number

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

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

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

## Railroad Commission of Texas

### Notices of Comment Period Extension

On December 22, 1980, the Railroad Commission of Texas approved for publication proposed §7.14 (051.04.02.037) entitled Procedure To Establish or Change Industrial and Other Large Volume Rates, Texas Railroad Commission, Gas Utilities Division, Special Rules of Practice and Procedure. Following submission to the Texas Register Division, the proposed section was duly published (6 TexReg 5075). The preamble of this proposed section stated that comments must be submitted within 30 days from the date of publication. However, on January 16, 1981, the director of the Gas Utilities Division issued a notice of comment period extension extending this comment period for an additional 30 days (6 TexReg 528). On February 23, 1981, Pioneer Natural Gas Company filed a motion for extension of time requesting that the comment period be extended for an additional 30 days. Pioneer's motion is hereby granted in part, and the comment period for this proposed section is hereby extended to March 13, 1981.

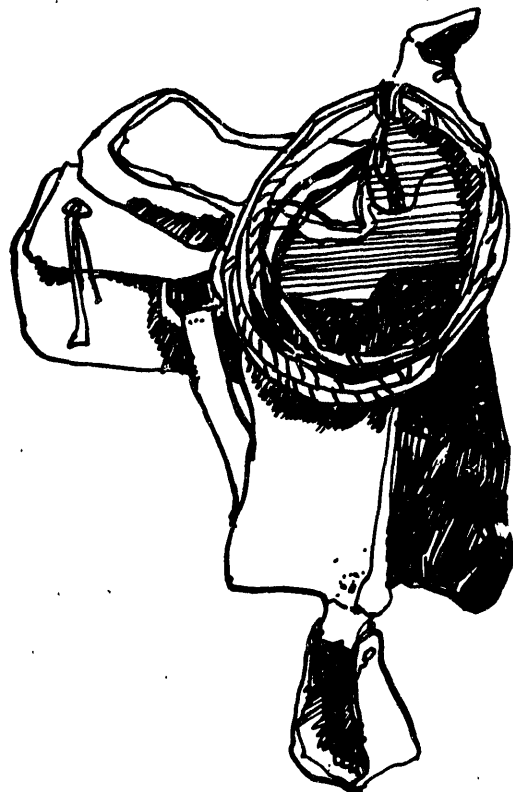
Doc. No. 811351

On December 22, 1980, the Railroad Commission of Texas approved for publication proposed §7.13 (051.04.02.036) entitled Procedure To Establish or Change Rates, Texas Railroad Commission, Gas Utilities Division, Special Rules of Practice and Procedure. Following submission to the Texas Register Division, the proposed section was duly published (6 TexReg 5075). The preamble of this proposed section stated that comments must be submitted within 30 days from the date of publication. However, on January 16, 1981, the director of the Gas Utilities Division issued a notice of comment period extension extending this comment period for an additional 30 days (6 TexReg 528). On February 23, 1981, Pioneer Natural Gas Company filed a motion for extension of time requesting that the comment period be extended for an additional 30 days. Pioneer's motion is hereby granted in part, and the comment period for this proposed section is hereby extended to March 13, 1981.

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

Doc. No. 811352 Jeffrey R. Hill, Director  
Gas Utilities Division  
Railroad Commission of Texas

Filed: February 27, 1981, 2:54 p.m.  
For further information, please call (512) 445-1137.



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