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TEXAS REGISTER

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MAY 13 1980
TEXAS DOCUMENTS

In This Issue...

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Texas Department of Health proposes adoption of new rules concerning services for crippled children; proposed date of adoption—June 13..... 1843

Texas Department of Agriculture adopts sections concerning date palm lethal decline; effective date—May 27..... 1851

Property Tax Board adopts a new section governing the application forms for exemption from ad valorem taxation for disabled veterans and their survivors; effective date—May 26..... 1855

Department of Mental Health and Mental Retardation amends rules concerning admissions, transfers, furloughs, and discharges to and from state mental health facilities; effective date—May 26..... 1861



Office of the Secretary of State

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

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

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

TAC is the *Texas Administrative Code*

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

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 1, Oct. 79

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

TEXAS REGISTER

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George W. Strube, Jr.
Secretary of State

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Appointments

Education Commission of the States

For a term at the pleasure of the governor:

Dr. Robert E. Hayes, Jr.
President
Wiley College
Marshall, Texas 75670

Dr. Hayes will be replacing Senator Oscar Mauzy.

309th Family District Court

Effective immediately, to be judge, Harris County, until the next general election and until his successor shall be duly elected and qualified:

Alvin Louis Zimmerman
1870 Two Post Oak Central
1980 South Post Oak Road
Houston, Texas 77056

Judge Zimmerman is replacing Judge Herman W. Mead of Houston, Harris County, who is deceased.

Fire Fighters' Relief and Retirement Fund

To the Board of Trustees, for a six-year term to expire September 1, 1985:

Bobby Joe Looney
Fire Chief
Mansfield Fire Department
210 Smith Street
Mansfield, Texas 76063

Chief Looney is being reappointed.

Statewide Health Coordinating Council

For a two-year term to expire October 21, 1981:

Helen Hooper
P.O. Box 667
Palestine, Texas 75801 (HSA 7—consumer)

Ms. Hooper will be replacing Bonny E. Roark of Atlanta, Cass County, whose term expired.

Texas Historical Records Advisory Board

For a three-year term to expire January 23, 1983:

Dr. David J. Murrah
Director of the Southwest Collection
Texas Tech University
Box 4090
Lubbock, Texas 79409

Dr. Murrah is replacing Sylvan Dunn of Lubbock, Lubbock County, whose term expired.

Advisory Hospital Council

For a six-year term to expire July 17, 1981:

Arthur L. McElmurry
Wadley Hospital
1000 Pine
Texarkana, Texas 75501

Mr. McElmurry is filling the unexpired term of Tol Terrell of San Angelo, Tom Green County, who resigned.

For a six-year term to expire July 17, 1985:

Joseph T. Ainsworth, M.D.
M. D. Anderson Hospital
6723 Bertner
Houston, Texas 77030

Dr. Ainsworth is being reappointed.

Texas Industrial Commission

For a six-year term to expire February 15, 1981:

Hector Gutierrez, Jr.
Southwestern Bell Telephone Company
1005 Commerce Building
7th at Throckmorton
Fort Worth, Texas 76102 (employee)

Mr. Gutierrez will be filling the unexpired term of L. T. Faircloth of Richardson, Dallas County, who resigned.

Mayors Advisory Committee to the Governor

For a two-year term to expire September 1, 1980:

John F. Sammons, Jr.
Mayor of Temple
P.O. Box 486
Temple, Texas 76501

Mayor Sammons will be filling the unexpired term of Mayor Edward P. Rodrigues of Eagle Pass, Maverick County, who resigned.

Texas State Board of Examiners in Social Psychotherapy

For a six-year term to expire January 31, 1981:

Marlene LaRoe
Social Psychotherapist
Woodway Plaza Building
5005 Woodway, Suite 246
Houston, Texas 77056

Ms. LaRoe will be filling the unexpired term of Dr. James Lane Stricklin of Carrollton, Dallas County, who resigned.

Issued in Austin, Texas, on May 2 & 5, 1980.

Doc. No. 803422 & William P. Clements, Jr.
803469 Governor of Texas

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

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

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

Requests for Opinions

Summary of Request for Opinion RQ-295

Request from Dr. William Johnson, P.O. Box 6078, SFA Station, Nacogdoches.

Summary of Request: (Additional question to be incorporated in request.) Do basic educational opportunity grant funds and other similar federal funds for students come within the term "educational benefits under federal legislation" as used in the Texas Education Code, Section 54.203(d)?

Doc. No. 803423

Summary of Request for Opinion RQ-318

Request from Don Wilson, county attorney, Callahan County; Patricia Elliott, Taylor district attorney, Abilene; Joe Ed Boaz, county attorney, Jones County; and Jack Willingham, county attorney, Shackelford County.

Summary of Request: The district and county attorneys in Callahan, Taylor, Jones, and Shackelford Counties pose numerous questions concerning the procedure for conducting a school consolidation election.

Doc. No. 803424

Summary of Request for Opinion RQ-319

Request from George N. Rodriguez, Jr., county attorney, El Paso County.

Summary of Request: Is the sheriff or the Texas Department of Corrections responsible for the cost of transportation of prisoners from the county to the state penitentiary?

Doc. No. 803425

Summary of Request for Opinion RQ-320

Request from Glenn V. Russell, executive secretary, Anatomical Board of the State of Texas, Galveston.

Summary of Request: Are publicly supported medical and dental schools required to post a bond in order to receive cadavers from the State Anatomical Board?

Doc. No. 803426

Summary of Request for Opinion RQ-321

Request from James B. Adams, director, Department of Public Safety, Austin.

Summary of Request: Is the precertification enforcement system as adopted in Texas for motor vehicle brake fluid (Article 6701i, Vernon's Texas Civil Statutes, and Rule 201.11.00.005) pre-empted by the federal enactments?

Doc. No. 803427

Summary of Request for Opinion RQ-322

Request from Dr. Lauro F. Cavazos, president, Texas Tech University, Lubbock.

Summary of Request: Is a state medical school required to obtain a certificate of need or an exemption certificate from the Texas Health Facilities Commission?

Doc. No. 803428

Summary of Request for Opinion RQ-323

Request from William H. Bingham, McGinnis, Lochridge and Kilgore, Austin.

Summary of Request: Are the names of unsuccessful applicants who were considered for the position of school superintendent public under the Open Records Act?

Doc. No. 803429

Summary of Request for Opinion RQ-324

Request from James F. Hury, Jr., criminal district attorney, Galveston County.

Summary of Request:

(1) Is Galveston County Road District No. 1 a subdivision of the County of Galveston? If so, is a deputy sheriff acting as an independent contractor and as a private individual entitled to enter into such an agreement with the road district or does the transporting of such toll fees constitute an act which it is his official duty to perform and for which he may not be paid additional compensation?

(2) If the answer to (1) is "no," does the employment of a deputy sheriff, as an individual, in an independent contractor relationship by the road district which is another governmental entity separate and apart from the County of Galveston, constitute dual office holding which is prohibited by Texas Constitution, Article XVI, Section 40?

Doc. No. 803430

Summary of Request for Opinion RQ-325

Request from Evans N. Wentz, executive director, Texas Commission for the Blind, Austin.

Summary of Request: is a terminated employee of the State Commission for the Blind, who was absent due to illness on the date of termination, entitled to be paid for accrued sick leave.

Doc. No. 803431

Opinions

Summary of Opinion MW-175

Request from Patrick J. Ridley, county attorney, Bell County, concerning the effect of signing a nominating petition for a candidate in a primary election.

Summary of Opinion: The language of the petition form set out in Article 13.08(d) of the Election Code states the public policy of the state that a person who signs a petition under that statute for a candidate of one party not participate in the primary and party affairs of another party. However, the specific prohibition against voting in the primary of another party was repealed in 1975, and thus a voter who signs a nominating petition for a candidate of one political party pursuant to Article 13.08(d) of the Election Code is no longer expressly prohibited from participating in the primary or precinct convention of another political party. Nominating petitions for primary elections in the custody of political parties are available for public inspection under the Open Records Act.

Doc. No. 803432

Summary of Opinion MW-176

Request from James B. Bond, chancellor, Texas A&M University System, College Station, concerning validity of an appropriations rider decreasing the general revenue appropriation to the Texas Agricultural Extension Service to offset increases in federal funds.

Summary of Opinion: An appropriations rider which decreases the general revenue appropriation to the Texas Agricultural Extension Service to offset increases in federal funds is not invalid as an attempt to amend general law or as conflicting with federal law.

Doc. No. 803433

Summary of Opinion MW-177

Request from Wilhelmina Delco, Committee on Higher Education, Austin, concerning whether various state statutes apply to higher education authorities created under Chapter 53 of the Texas Education Code.

Summary of Opinion: Higher education authorities organized pursuant to Chapter 53 of the Education Code are subject to Articles 6252-17, Vernon's Texas Civil Statutes, and 6252-17a, Vernon's Texas Civil Statutes. They are not subject to Articles 601b, Vernon's Texas Civil Statutes; 6252-9b, Vernon's Texas Civil Statutes; 6252-11b, Vernon's Texas Civil Statutes; 6252-11c, Vernon's Texas Civil Statutes; or 6252-13a, Vernon's Texas Civil Statutes. The directors of a higher education authority are officers required to take the constitutional oath of office.

Doc. No. 803434

Summary of Opinion MW-178

Request from Bill M. White, criminal district attorney, Bexar County, concerning whether a professional corporation or professional association may make a campaign contribution.

Summary of Opinion: A professional corporation organized under Article 1528e, Vernon's Texas Civil Statutes, and a professional association organized pursuant to Article 1528f, Vernon's Texas Civil Statutes, are not prohibited from making a campaign contribution.

Issued in Austin, Texas, on May 5, 1980.

Doc. No. 803435

C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

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

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

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

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

CODIFIED

TITLE 7. BANKING AND SECURITIES

Part IV. Savings and Loan Department of Texas

Chapter 65. Loans

The Savings and Loan Section of the Finance Commission and the Savings and Loan Commissioner of Texas are amending the following section on an emergency basis, effective immediately on filing for a period of 120 days.

Due to recent federal legislation, this section as written, is not uniform with Chapter 8 and confusion exists; therefore the Savings and Loan Section of the Finance Commission and the Savings and Loan Commissioner of Texas find an imminent peril to public welfare.

The amendment to §65.3 (056.08.00.003) will delete the words "equal" and "and principal," thus conforming the section in general to show how the loan shall be repayable and what the payment shall include.

This section is amended pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Civil Statutes, and under the statutory authority of Article 342-114, Vernon's Annotated Civil Statutes.

§65.3 (056.08.00.003) Loan Limitations. Every association may make real estate loans to members secured by a mortgage, deed of trust, or other instrument creating or constituting a first and prior lien on improved real estate within the limits as classified in the following paragraphs:

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

(3) A real estate loan that does not exceed 90% of the appraised valuation of such real estate, or 90% of the actual sales price of such real estate if the purpose of the loan is for purchase money funds to buy such real estate, whichever is less, provided that the total funds of the association invested in loans qualifying under this provision does not exceed 40% in amount of the total assets of the association, and provided the following requirements are met:

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

(C) The loan shall be repayable in [equal] monthly installments which shall include, in addition to interest [and principal] payment, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security.

Doc. No. 803461

The Savings and Loan Section of the Finance Commission and the Savings and Loan Commissioner of Texas are amending the following section on an emergency basis, effective immediately on filing for a period of 120 days.

Due to recent federal legislation, the Savings and Loan Section of the Finance Commission and the Savings and Loan Commissioner of Texas find a necessity to amend this section on an emergency basis in order that state-chartered savings and loan associations be able to compete on an equal basis with federally-chartered savings and loan associations.

The amendment to §65.8 (056.08.00.008) will increase the amount an association may lend to a borrower from \$10,000 to \$50,000.

This section is amended pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Civil Statutes, and under the statutory authority of Article 342-114, Vernon's Annotated Civil Statutes.

§65.8 (056.08.00.008) Consumer and Mobile Home Loans. With regard to consumer and mobile home loans:

(1) Net amounts.

(A) An association may make loans, secured or unsecured to borrowers, and it may purchase participations in like loans provided the net amount advanced and outstanding on any such loan or loans to any one borrower, shall not exceed **\$50,000** [\$10,000] and provided the payments on said loan shall be collected by the association, another insured institution, or an approved FHA mortgagee.

(B) (No change.)

(2)-(7) (No change.)

Doc. No. 803462

The Savings and Loan Section of the Finance Commission and the Savings and Loan Commissioner of Texas are amending the following section on an emergency basis, effective immediately on filing for a period of 120 days.

Due to recent federal legislation, the Savings and Loan Section of the Finance Commission and the Savings and Loan Commissioner of Texas find a necessity to amend this section on an emergency basis in order that state-chartered savings and loan associations be able to compete on an equal basis with federally chartered savings and loan associations.

The amendment to §65.12 (056.08.00.012) will increase the length of payment on the note from 10 to 20 years.

This section is amended pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Civil Statutes, and under the statutory authority of Article 342-114, Vernon's Annotated Civil Statutes.

§65.12 (056.08.00.012). *Association Investment in Real Property.* An association may purchase and invest in real property in the course of its business and such investments may include subdividing, developing, and improving of the real property, and building homes and other buildings on such property principally for residential use. Other buildings authorized herein shall be designed as facilities for the offering of retail commercial and service uses to the residential occupants in the area of such improvements. An association may own, rent, lease, manage, operate for income, or sell such property. Investments of an association under this section shall not at any one time, without the prior written approval of the commissioner, aggregate more than an amount equal to 50% of the sum of the association's loss reserves, surplus, permanent reserve fund stock and undivided profits. All investments in real property under the authority of this section shall be subject to the following conditions.

- (1)-(2) (No change.)
- (3) Loans.
 - (A) (No change.)

(B) An association selling raw land or developed building sites hereunder may receive as part of the consideration a promissory note which provides for complete payment within 20 [10] years; the note shall require a minimum annual payment of not less than 5.0% of the principal, plus interest, payable at least annually as it accrues. In no event shall the cash consideration received at the time of sale of such raw land or developed building sites be less than 10% of the sales price and the balance shall be secured by a first mortgage on the real property sold. In the event an appraisal was secured at the time of original investment, which supported the amount of the investment, then no appraisal shall be required as to the value of the real property sold if the sale exceeds the association's investment in said real property. Upon consummation of the sale, the real property sold shall no longer be used in calculating the amounts allowed to be invested by the association under the authority of this section, but in the event of foreclosure, then the property shall become foreclosed real estate.

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

Issued in Austin, Texas, on May 6, 1980.
Doc. No. 803463 L. Alvis Vandygriff
Commissioner
Savings and Loan Department of Texas

Effective Date: May 6, 1980
Expiration Date: September 3, 1980
For further information, please call (512) 475-7991.

NONCODIFIED

Coordinating Board, Texas College and University System

Program Development

Operational Provisions for Texas Public Junior Colleges 251.02.17

The Coordinating Board, Texas College and University System, is adopting on an emergency basis an amendment to Rule 251.02.17.013 to take effect in time for the colleges to use it in submitting their reports for the base period beginning summer session 1980.

The board's current rule for reporting contact hours for state reimbursement was adopted March 10, 1978. It provides three alternative methods for meeting the attendance requirements for state reimbursement. Two of the three methods have proven workable and only minor editorial changes are recommended in the interest of clarity and precision.

The third method provided under our current rule has proven difficult to follow for the state auditor, the colleges, and us. Generally speaking, it allows a college to "count" a student for state aid who does not meet the two regular attendance standards if the college can "provide specific evidence that the student was in fact in regular attendance for the remainder of the semester..." The term "regular attendance" is the problem. It opens the door for counting a few students who would otherwise not be counted for state aid, but it has also led to nearly as many interpretations of "regular attendance" as there are colleges and auditors. Perhaps more important, it leads to an inevitable discrepancy between our records of contact hours, which are based on reports filed midway through semester, and the institutions' records of contact hours, which include hours for students who "attended regularly for the remainder of the semester." Therefore, this third method of meeting attendance standards for state aid has been eliminated.

This amendment is promulgated under the authority of Section 61.062 Vernon's Texas Code Annotated.

.013. *Reporting for State Reimbursement (Purposes).* The following guidelines shall be used in determining the enrollment of each class to be reported on the CBM-004.

(1) *Students in attendance on the official reporting date.* Enrollment may be reported for all students in attendance on the official reporting date provided all other legal requirements are met.

(2) *Students not in attendance on the official reporting date.*

(A) *Provided all other legal requirements are met, students may be reported as enrolled who attended at least one class meeting prior to the official reporting date and attended at least once during the two weeks following the official reporting date.*

(B) A student enrolling after the last class meeting prior to the official reporting date may be reported, provided the student attends at least two class meetings during the two weeks following the official reporting date and provided all other legal requirements are met.

(C) A student may be reported as enrolled if the first meeting of a class did not occur by the official reporting date, provided the student attends at least two class meetings during the two weeks following the official reporting date and provided all other legal requirements are met.

Note: For terms of eight weeks or less, the extended period for attendance shall be only one week.

(3) Maintenance of attendance records. In order that the state auditor can verify compliance with these guidelines, the community college will maintain complete and accurate attendance records on all students in all classes through the two weeks following the official reporting date. Positive documentation of student participation both before the official reporting date and extending through the two weeks following the official reporting date is required for self-paced classes, instructional television, and other nontraditional forms of instruction.

(a) Attendance records will be maintained by the community college on all students in all classes through two full weeks following the dates for reporting official enrollments.

(b) Contact hours credit will be given for all students in attendance on the official reporting date provided that all other legal requirements are met.

(c) The state auditor will examine attendance records for the two weeks following the official reporting date for any student not present on the official reporting day.

(d) The contact hours associated with any student who attends at least one day during that two-week period will be eligible for inclusion if that student has attended at least one time prior to the official reporting day provided the class has met by the official reporting day and provided that all other legal requirements are met. Any student who is not in attendance on the official reporting day and does not attend at least one class session during the subsequent two weeks will be disallowed, unless the institution can provide specific evidence that the student was in fact in regular attendance for the remainder of the semester and had met all other legal requirements.

(e) For purposes of definition, the official reporting day also means the last previous meeting of a class not scheduled to meet on the official reporting day. The official reporting dates are those dates specified in the Educational Data Reporting System for Public Community Colleges.

Issued in Austin, Texas, on April 18, 1980.

Doc. No. 893440

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

Effective Date: May 6, 1980

Expiration Date: September 3, 1980

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

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 italics**. [Brackets] indicate deletion of existing material.

CODIFIED

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Council

(Editor's note: Proposals by the Texas Youth Council, including new sections, as well as amendments and repeals of existing sections, are being published serially beginning in the May 2 issue. The chapters, subchapters, and sections affected by the proposal are listed at 5 TexReg 1639. All sections included in each issue which are proposed for repeal will appear at the beginning of the applicable chapter. The proposed date of adoption for all the proposals being serialized is June 2, 1980. The fourth installment of the proposals appears in this issue and includes the chapters on reception and regional receiving centers, institutional services for children committed for delinquent behavior, programs for dependent and neglected children, and assistance to community programs.)

The Texas Youth Council is in the process of a major restructuring and updating of its rules. In this issue of the *Register*, the council is proposing to adopt new sections and amend and repeal existing sections in Chapter 87. Reception and Regional Receiving Centers, Chapter 89. Institutional Services for Children Committed for Delinquent Behavior, Chapter 91. Programs for Dependent and Neglected Children, and Chapter 93. Assistance to Community Programs.

The agency has determined that the proposals have no fiscal implications for units of state or local government unless indicated otherwise below.

Written comments are invited and may be sent to Ron Allen, executive assistant, Texas Youth Council, P.O. Box 9999, Austin, Texas 78766, within 30 days from May 2, 1980.

Chapter 87. Reception and Regional Receiving Centers

(Editor's note: The texts of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Youth Council, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

Clinical Services

Section 87.36 (203.10.03.006) is replaced by the subchapter entitled Relationships with Other Agencies, §§81.171 and 81.173 (203.01.12.001 and .003), which is proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§87.36 (203.10.03.006). *Return of Mentally Retarded Child.*

Doc. No. 803067

Placement Alternatives

Sections 87.41 and 87.42 (203.10.04.001 and .002) are replaced by the subchapter entitled Case Management System for Delinquent Youth, §§81.111-81.121 (203.01.10.001-.011), which is proposed for amendment at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§87.41 (203.10.04.001). *Available Placement Alternatives.*

§87.42 (203.10.04.002). *Placement Criteria.*

Doc. No. 803068

Procedure for Decision of Placement

Sections 87.51-87.53 (203.10.05.001-.003) are no longer relevant because of the subchapter entitled Case Management System, §§81.111-81.121 (203.01.10.001-.011), which defines placement criteria and procedures.

This repeal is proposed under authority of Chapter 61, Human Resource Code.

§87.51 (203.10.05.001). *Student Attendance for Placement Decision.*

§87.52 (203.10.05.002). *Classification Committees.*

§87.53 (203.10.05.003). *Documentation of Hackberry Assignment.*

Doc. No. 803069

Rules of Conduct—Range of Penalties

Sections 87.61 and 87.62 (203.10.06.001 and .002) will be replaced and expanded by the subchapter entitled General Provision—Rules of Conduct, §81.194 (203.01.13.004), which is being proposed at this time.

This repeal is proposed under authority of Chapter 61, Human Resource Code.

- §87.61 (203.10.06.001). *Student Rules of Conduct.*
 §87.62 (203.10.06.002). *Discipline for Misconduct.*

Doc. No. 803072

Clothing

Sections 87.121-87.123 (203.10.12.001-.003) are replaced by §81.34 (203.01.03.015), of the subchapter entitled General Provisions—Clothing, which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §87.121 (203.10.12.001). *Personal Clothing.*
 §87.122 (203.10.12.002). *State Provision for Clothing.*
 §87.123 (203.10.12.003). *Dress Code.*

Doc. No. 803078

Emergency Notification Procedures

Sections 87.131-87.133 (203.10.13.001-.003) are replaced by the subchapter entitled General Provisions, Records and Reporting, 81.221 and 81.222 (203.01.14.001 and .002), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §87.131 (203.10.13.001). *Notification of Home Emergency.*
 §87.132 (203.10.13.002). *Emergency Plans.*
 §87.133 (203.10.13.003). *Notification of Family of Student Illness or Accident.*

Doc. No. 803079

Placement in Intensive Care or Security

Sections 87.141 and 87.142 (203.10.14.001 and .002) are replaced by the subchapter entitled General Provision, Security, §81.31 (203.01.03.012), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §87.141 (203.10.14.001). *Behavior Justifying Placement in Security.*
 §87.142 (203.10.14.002). *Security Treatment Program.*

Doc. No. 803080

Vocational Rehabilitation

Sections 87.151-87.153 (203.10.15.001-.003) are replaced by the subchapter entitled General Provisions, Standards for Service Delivery, §§81.23-81.25 (203.01.03.003-.005), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§87.151 (203.10.15.001). *Availability of Vocational Rehabilitation Counseling.*

§87.152 (203.10.15.002). *Age Limitation, Service Plan.*
 §87.153 (203.10.15.003). *Follow-Up of Service Plan.*

Doc. No. 803081

Purpose and Philosophy

Sections 87.1 and 87.2 are proposed for amendment to change the reference of the receiving location from the Statewide Reception Center in Brownwood, Texas, to Reception and Regional Receiving Centers. Traditionally, admission of delinquent youth to the agency was to the Statewide Reception Center (SRC). However, over the past few years regional receiving programs have effectively complemented the SRC. This change will not change the purpose or philosophy of the program.

These amendments are proposed under the authority of Chapter 61, Human Resource Code.

§87.1 (203.10.01.001). *Purpose.* The purpose of the Texas Youth Council's [Statewide] reception *and regional receiving centers* [Center] is to diagnose, evaluate, and place students found to have engaged in delinquent conduct by the court system of the State of Texas.

§87.2 (203.10.01.002). *Philosophy.* The philosophy of the [Statewide] reception *and regional receiving centers* [Center] is that each student is entitled to placement in an environment which will be most conducive to his maximum social and intellectual growth and adjustment.

Doc. No. 803083

Admissions

Sections 87.11-87.13 (203.10.02.001-.003) are proposed for amendment to clarify and improve the process and information required for a youth to be committed to the agency by a court of the state.

These amendments are proposed under the authority of Chapter 61, Human Resource Code.

§87.11 (203.10.02.001). *Place of Admission [Reception].* Each child found by a court to have engaged in delinquent conduct *and committed to the Texas Youth Council shall be initially received by one of the admissions programs operated by the Texas Youth Council* [by a court shall be initially received by the Statewide Reception Center in Brownwood, Texas, except status offenders]. *An "admissions program" shall be the Statewide Reception Center at Brownwood, Texas, or one of the regional receiving programs operated by the TYC. Each committing course shall be kept advised by the TYC of the program to which their admissions should be made.*

§87.12 (203.10.02.002). *Responsibility for Transportation.* The student's committing county shall be responsible for his *or her* transportation to the Texas Youth Council *admissions program* [Council's Statewide Reception Center].

§87.13 (203.10.02.003). *Required Commitment Information and Form.* [Admitting Information.]

(a) *All youth adjudicated as delinquents or status offenders and remanded to the Texas Youth Council for care and custody shall be committed in accordance with this section and the requirements prescribed herein.*

(b) *The committing officer must provide a valid court order committing the youth to TYC. The committing county shall also provide the following information:*

- (1) *the TYC commitment summary;*
- (2) *a birth certificate or certified copy;*
- (3) *a social history;*
- (4) *school records;*
- (5) *medical and dental records.*

[Upon arrival at the Statewide Reception Center, the following information will be made available to the Statewide Reception staff:

(1) valid order for commitment which includes judge's signature and designation of court; clerk's certification, seal, and signature; date of commitment, statement that the child is being committed to the Texas Youth Council at Austin, Travis County, Texas; student's date of birth and age of student at time of hearing;

(2) complete social summary including relevant reports of court proceedings, probation officer's report, police reports, school records, medical and dental records, immunization records, birth verification or certificate;

(3) psychological and psychiatric evaluation (if psychological and/or psychiatric services are available to the committing county.)

Doc. No. 803064

Section 87.19 (203.10.02.009) is proposed regarding the admission and placement of federal offenders placed with the agency under contract between the TYC and the United States Bureau of Prisons. This proposed section acknowledges the acceptance of federal offenders and refers to §§81.251-81.259 (203.01.15.001-.009), which define the agreement, and special procedures which apply to the admission, placement, and services provided federal offenders. Sections §81.251-81.259 (203.01.15.001-.009) are being proposed at this time.

The program of placement is reimbursed the costs of caring for federal offenders. The amount of reimbursement is related to the actual per-student per-day costs of the program, and is part of the contractual agreement with the U.S. Bureau of Prisons.

This section is proposed under authority of Chapter 61, Human Resource Code.

§87.19 (203.10.02.009). *Federal Offenders.* The policy and procedures governing the admission and placement of federal offenders are contained in §§81.251-81.259 (203.01.15.001-.009).

Doc. No. 803065

Clinical Services

Sections 87.31 and 87.33-87.35 (203.10.03.001 and .003-.005) are proposed for amendment to more accurately represent the terms used by the agency and the policies, procedures,

and safeguards that should be afforded a youth committed to the agency. In some instances, material is deleted as it is addressed elsewhere in other sections being proposed.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§87.31 (203.10.03.001). *Psychological Evaluation.* A psychological evaluation will constitute a section of the final diagnostic evaluation of each child admitted to the [Statewide] reception *and regional receiving centers* [Center]. If the child has not undergone psychological evaluation in the past year, or if the current psychological evaluation does not contain at least a recognized intelligence assessment, the child shall undergo a psychological evaluation. [All Hackberry candidates shall be diagnosed by a psychologist regardless of current psychological evaluations in order to facilitate a more just Hackberry committee proceeding.]

§87.33 (203.10.03.003). *Psychiatric Interview.*

(a) Students admitted to the Statewide Reception Center shall have a psychiatric interview *if* [based on the following]:

(1) *the youth* [if they have] committed *a violent* [serious] offense;

(2) *the child care or nursing staff makes a referral* [upon referral of the dormitory committee];

(3) [upon referral of the nursing service];

(3)(4) *a residential contract placement is anticipated and the facility requires psychiatric information* [if student is being considered for placement other than a Texas Youth Council facility, when the placement agency requires the interview].

(b) Recommendations by the psychiatrist shall be duly noted and forwarded to the receiving facility.

§87.33 (203.10.03.004). *Educational Assessment.* An educational assessment shall be completed on each student in the *Statewide* Reception Center utilizing at least one of the recognized achievement tests.

§87.35 (203.10.03.005). *Medical and Dental.*

(a) A *complete* medical and dental evaluation will constitute part of the total diagnostic assessment on each student admitted to the Statewide Reception Center.

(b) *Each student will receive appropriate emergency medical and dental services throughout his Reception Center stay.* [Medical records will reflect all medications given, time given, dosage, and by whom given.]

(c) Current medical and dental records shall be maintained for each child *to include medical history, physical examination, dental assessment, laboratory reports, vision and hearing screening, immunization records, TB screening.*

(d) *Medical services either at the facility or by referral off-facility shall be provided to meet health care needs of female students.* [The Statewide Reception Center will record each examination and prescribe treatment in the child's medical record.]

(e) *The use of psychotropic drugs shall be monitored. Psychotropic drugs will not be administered for the purpose of program management or control.* [The Statewide Reception Center will have written statements from a licensed physician and a licensed dentist stating what services they will be providing to the children at the Reception Center.]

(f) The Statewide Reception Center will have written plans to facilitate hospitalization in an accredited or licensed medical facility.

(g) The Statewide Reception Center will obtain a written statement from a licensed hospital verifying that hospitalization and/or emergency medical treatment will be readily provided.

(h) Upon the death of a student, a formal medical inquest will be performed.

Doc. No. 803066

Procedure for Decision of Placement

Section 87.54 (203.10.05.004) is proposed for amendment, relating to the procedure and policy for student appeals. This section requires amendment because it is superseded by the chapter entitled Student Remedies, Chapter 103 (203.03) being proposed at this time.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§87.54 (203.10.05.004). Student Right to Appeal; Assistance. Any student who objects to a placement decision shall appeal this decision by the process prescribed in Student Remedies, Chapter 103 (203.03). [All students shall have the right to appeal to the executive director of the Texas Youth Council any decision made by the committees. If the student wishes to appeal the decision, their caseworker shall help them draft a letter to the executive director of the Texas Youth Council.]

Doc. No. 803070

Section 87.55 (203.10.05.005) is proposed for adoption concerning the procedure used in making the decision on placement of a youth. It clarifies the staff responsible for making the decision as well as the information and approach to be used.

This section is proposed under authority of Chapter 61, Human Resource Code.

§87.55 (203.10.05.005). Procedure for Decision of Placement. Upon completion of the student's evaluation by the various assessment divisions, the caseworker will review all diagnostic information and consult with the diagnostic personnel to produce a general consensus as to the appropriate child placement recommendation. The community resource specialist makes a final determination on all students recommended for residential programs.

Doc. No. 803071

Recreation

Section 87.71 (203.10.07.001) is proposed for amendment to state more clearly the goals and content of the recreation program at the Statewide Reception Center.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§87.71 (203.10.07.001). Design of Recreation Program. The recreation program of the Statewide Reception Center shall be designed to provide a wide variety of large and small muscle exercises as well as emotional and social development. [The program shall vary from arts and crafts, table games, through more competitive and active sports. The student shall be encouraged to participate in all phases of the program.] The main goals of the program will be to provide activities for leisure time, teach skills, and provide interaction with other students and adults. *Students will have opportunities to participate in hobbies, crafts, games, organized sports, and other activities which foster the constructive use of leisure time. Students will have opportunities to participate in the planning and development of recreational programs. All staff will provide students with appropriate reinforcement and recognition for recreational accomplishments.*

Doc. No. 803073

Volunteers

Section 87.81 (203.10.08.001) is proposed for amendment to reflect the policy that effective use of volunteers is only feasible at the Statewide Reception Center in Brownwood, but not in the regional receiving centers.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§87.81 (203.10.08.001). Purpose of Volunteers. Volunteers shall [are to] be utilized at the [each] Reception Center to provide program enrichment and adult role models for the students in TYC's care.

Doc. No. 803074

Student Funds

Section 87.92 (203.10.09.002) is proposed for amendment to clarify the agency's policy on the amount of money a youth may have in his personal possession.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§87.92 (203.10.09.002). Student Cash on Hand. While in the Reception Center, each student may have no more than \$5.00 cash in his personal possession [is allowed to have on his person up to \$5.00 in cash].

Doc. No. 803075

Mail Procedures

Section 87.101 (203.10.10.001) is proposed for amendment to reflect the proposed subchapter entitled Student Rights, §81.11 (203.01.02.001).

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§87.101 (203.10.10.001). Privacy of Mail; Provisions for Contraband Control. Students have the right to correspond freely through the mails. Staff may not read incoming or outgoing mail but may open mail in the student's presence to inspect it for contraband. Contraband includes:

(1) anything whose possession is a crime under municipal ordinances or state or federal law, including solvent inhalants, drugs, and alcohol;

(2) narcotics paraphernalia;

(3) items which can be used, made, or adapted to use as weapons;

(4) pictures which depict sexually explicit male or female nudity or sex acts, including magazines or periodicals which routinely publish such pictures;

(5) items such as posters which convey prohibited expressions.

[Outgoing or incoming mail shall not be opened, read, censored, or tampered with in any other manner; provided, however, that Reception Center personnel, in order to search for and seize contraband, may open incoming mail in the presence of the student to whom the particular piece of mail is addressed. Contraband shall consist of any object or substance, that, if knowingly possessed, would constitute a crime under the laws of the State of Texas or the United States or any other object or substance that would clearly pose a danger to human life or property within the Reception Center.]

Doc. No. 803076

Visitation

Sections 87.111 and 87.113 (203.10.11.001 and .003) are proposed for amendment in order to expand the policy to include all reception centers of the agency. It further requires the agency to provide visitors with visitation rules and the visitors acknowledgement of same.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§87.111 (203.10.11.001). Authorization of Visitors. Relatives of the student **are encouraged and** shall be allowed to visit the student during his stay at the [Statewide] Reception Center. Visitation by parties other than the student's immediate family or other relatives must be authorized by the student's caseworker. **Visitors are asked to read and sign visitation rules while visiting the Reception Center campus.**

§87.113 (203.10.11.003). Place of Visits. **Students and families are encouraged to visit in the Reception Center building. Exception to this must be approved by the administration.** [Students may leave the building and visit on the Statewide Reception Center grounds if prior approval is given by the caseworker. A student may leave the campus for a specified period of time if, in the opinion of the caseworker, the student warrants such trust. The student must remain in the company of a visiting relative at all times and remain in the city limits of Brownwood.]

Doc. No. 803077

Chapter 89. Institutional Services for Children Committed for Delinquent Behavior

(Editor's note: The texts of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Youth Council, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

Admission

Sections 89.11-89.15 (203.20.02.001-.005) are no longer relevant because of the subchapter entitled Standards for Service Delivery, §81.21-81.37 (203.01.03.002-.018), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.11 (203.20.02.001). Responsibility for Transportation.

§89.12 (203.20.02.002). Admission, Orientation to Cottage Life.

§89.13 (203.20.02.003). Program Orientation.

§89.14 (203.20.02.004). Notification of Placement.

§89.15 (203.20.02.005). Periodic Evaluation.

Doc. No. 803083

Rehabilitation

Sections 89.21-89.24 (203.20.03.001-.004) are no longer relevant because of the subchapter entitled General Provisions, Standards for Service Delivery, §81.21-81.37 (203.01.03.001-.017), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.21 (203.20.03.001). Individualized Rehabilitation Plan.

§89.22 (203.20.03.002). Activities.

§89.23 (203.20.03.003). Modes of Conduct.

§89.24 (203.20.03.004). Social Psychological and Psychiatric Services.

Doc. No. 803084

Education

Sections 89.31-89.33 (203.20.04.001-.003) are replaced by §81.24 (203.01.03.004) of the subchapter entitled General Provisions—Academic Education, which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.31 (203.20.04.001). Accreditation of Education Program.

§89.32 (203.20.04.002). Individual Education Program.

§89.33 (203.20.04.003). Scope of Education Program.

Doc. No. 803086

Daily Living

Sections 89.41 and 89.42 (203.20.05.001 and .002) are superseded by the sections in the subchapter entitled General Provisions, Standards for Service Delivery, §81.21-81.37 (203.01.03.001-.017), which are being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.41 (203.20.05.001). Scope of Daily Living Program.

§89.42 (203.20.05.001). Guidance of the Youth Activities Supervisor.

Doc. No. 803087

Recreation

Sections 89.51-89.53 (203.20.06.001-.003) are replaced by the subchapter entitled General Provisions, §81.28 (203.01.03.008), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.51 (203.20.06.001). *Purpose of Recreation Program.*

§89.52 (203.20.06.002). *Scope of Recreation Program.*

§89.53 (203.20.06.003). *Physical Assessments.*

Doc. No. 803089

Food Service

Sections 89.71-89.74 (203.20.08.001-.004) are replaced by the subchapter entitled General Provisions, Nutrition, §81.34 (203.01.03.014), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.71 (203.20.08.001). *Nutritional Standards.*

§89.72 (203.20.08.002). *Preparation and Serving.*

§89.73 (203.20.08.003). *Individual Nutritional Needs.*

§89.74 (203.20.08.004). *Consideration of Cultural Background in Meals.*

Doc. No. 803090

Clothing

Sections 89.121-89.123 (203.20.13.001-.003) are replaced by the subchapter entitled General Provisions, Clothing, §81.35 (203.01.03.015), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.121 (203.20.13.001). *Personal Clothing.*

§89.122 (203.20.13.002). *State Provision for Clothing.*

§89.123 (203.20.13.003). *Dress Code.*

Doc. No. 803096

Rules of Conduct

Sections 89.141-89.144 (203.20.15.001-.004) are replaced by the subchapter entitled General Provisions—Rules of Conduct, §81.94 (203.01.13.004), which is being proposed at this time.

This repeal is proposed under authority of Chapter 61, Human Resource Code.

§89.141 (203.20.15.001). *Defined Set of Rules of Conduct.*

§89.142 (203.20.15.002). *Availability to Students and Staff.*

§89.143 (203.20.15.003). *Consequences of Misconduct.*

§89.144 (203.20.15.004). *Appeal of Disciplinary Action.*

Doc. No. 803098

Discipline

Sections 89.151-89.155 (203.20.16.001-.005) are replaced by the subchapters entitled General Provisions, Discipline, §81.30 (203.01.03.011), and Security, §81.31 (203.01.03.012), which are being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.151 (203.20.16.001). *Extent of Discipline.*

§89.152 (203.20.16.002). *Purpose of Discipline.*

§89.153 (203.20.16.003). *Staff Use of Discipline.*

§89.154 (203.20.16.004). *Student Input in Rules of Conduct.*

§89.155 (203.20.16.005). *Limitations on Student Behavior.*

Doc. No. 803099

Physical Force

Section 89.171 (203.20.18.001) is replaced by the subchapter entitled General Provisions, Control of Youth, §81.92 (203.01.13.002), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.171 (203.20.18.001). *Use of Physical Force.*

Doc. No. 803101

Unauthorized Absence or Escape

Sections 89.181-89.185 (203.20.19.001-.005) are replaced by the subchapter entitled General Provisions, Escapes, §81.91 (203.01.13.001), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.181 (203.20.19.001). *Return to Institution.*

§89.182 (203.20.19.002). *Notification of Escape.*

§89.183 (203.20.19.003). *Role of the Field Service Counselor.*

§89.184 (203.20.19.004). *Return Transportation and Supervision.*

§89.185 (203.20.19.005). *Return Evaluation.*

Doc. No. 803102

Student Furlough

Sections 89.191-89.194 (203.20.20.001-.004) are no longer relevant because of the subchapter entitled Case Management System, §§81.111-81.121 (203.01.10.001-.011), which currently exists and by §81.118 (203.01.10.008), Furloughs, which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

§89.191 (203.20.20.001). *Granting of Leave or Furlough.*

§89.192 (203.20.20.002). *Purpose of Furloughs.*

§89.193 (203.20.20.003). *Notification.*

§89.194 (203.20.20.004). *Furloughs under Special Circumstances.*

Doc. No. 803103

Transfers between Institutions

Sections 89.201-89.203 (203.20.21.001-.003) are no longer relevant because they have been superseded by the subchapter entitled Case Management System for Delinquent Youth, §§81.111-81.121 (203.01.10.001-.011), which became effective January 9, 1980.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §89.201 (203.20.21.001). *Eligibility for Transfer.*
 §89.202 (203.20.21.002). *Transfers when Severe Misconduct Is Alleged or Allegations of Physical Abuse Are Involved.*
 §89.203 (203.20.21.003). *Transfer as a Result of Parole Revocation.*

Doc. No. 803104

Release from the Institution

Sections 89.211-89.215 (203.20.22.001-.005) are no longer relevant because they have been superseded by the subchapter entitled Case Management System for Delinquent Youth, §§81.111-81.121 (203.01.10.001-.011), which became effective January 9, 1980.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §89.211 (203.20.22.001). *Eligibility for Release.*
 §89.212 (203.20.22.002). *Placement.*
 §89.213 (203.20.22.003). *Out-of-State Placement.*
 §89.214 (203.20.22.004). *Notification of Release.*
 §89.215 (203.20.22.005). *Responsibility for Transportation, Travel Allowance.*

Doc. No. 803105

Purpose and Philosophy

Section 89.2 (203.20.01.002) is proposed for amendment to reflect the agency's current major revision and updating of its rules.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§89.2 (203.20.01.002). *Philosophy. All institutional child care programs shall be designed to provide opportunity for the student to acquire and apply academic, career development, and interpersonal skills.* [The philosophy of the system is a direct extension of the purpose. This philosophy is that all programs delivered to each youth, while he or she is at an individual institution, will be designed to provide every opportunity for the youth's maximum physical, emotional, and intellectual growth.] Each program will be designed through the utilization of the most current knowledge in the field of child care, to provide for successful reintegration of youths. The planned ultimate result is that through this process each youth will be successfully integrated into the community [society] as [a] constructive citizens [citizen].

Doc. No. 803082

Rehabilitation

Section 89.25 (203.20.03.005) is proposed to more relevantly state the purpose of the treatment program as specifically implemented in the agency's institutions for delinquent youth. This section is intended to supplement the subchapter entitled Standards for Service Delivery, §§81.21-81.27 (203.01.03.001-.007), which is proposed at this time. Sections 89.21-89.24 (.001-.004) have been proposed for repeal at this time.

This section is proposed under the authority of Chapter 61, Human Resource Code.

§89.25 (203.20.03.005). *Purpose.* The programs developed within institutions are designed to provide students with a range of opportunities for treatment.

(1) Students will be provided opportunities to receive individual and/or group counseling consistent with their needs.

(2) Staff will be aware of their primary responsibilities for student care, advocacy, and custody.

(3) Staff will use reasonable efforts to establish individualized treatment programs for special students not served by usual programs.

(4) Treatment will focus on basic academic, career development, and interpersonal skills.

Doc. No. 803085

Daily Living

Section 89.41 (203.20.05.003) on daily living is proposed to define staff responsibilities to and authorities with the youth assigned to their living units.

This section is proposed under authority of Chapter 61, Human Resource Code.

§89.41 (203.20.05.003). *Daily Living Staff.* Daily living staff will:

(1) have responsibility for the care and supervision of students;

(2) contribute to the treatment of the students in their care;

(3) make it possible for the students to enjoy experiences and relationships similar to those which occur in family life;

(4) meet many of the child's dependency needs, such as the need to be cared for and the need to be protected; and they will assist the students in achieving the necessary independence which will enable them to assume appropriate responsibilities for themselves;

(5) be responsible for:

(A) physical care—serving food, meals, and snacks; creating a pleasant atmosphere at mealtime and eating with children; seeing that each child has enough sleep and rest; maintaining an orderly and clean place for the students to live;

(B) development of habits—helping students in their efforts to meet social expectations appropriate to their age and developmental level, such as cleanliness, eating habits, care of personal appearance, manners, accepted modes of social living, routines, adherence to rules, and procedures;

(C) care of clothing—seeing that each child wears suitable clothes, in good condition;

(D) assignment of daily and weekly chores—planning, discussing, and making work assignments;

(6) foster in each student the ability to perform the above responsibilities independent of supervision.

Doc. No. 803088

Medical, Psychological, and Psychiatric Services

Section 89.83 (203.20.09.003) is proposed for amendment, regarding medical assessments performed for youth. The

amendment clarifies the intent of a laboratory test for gonorrhea. It also deletes the reference requiring a formal medical inquest in the event of a student's death; this requirement is prescribed as part of the subchapter entitled General Provisions—Death of a Student §81.122 (203.01.14.002), being proposed at this time.

This change is proposed under authority of Chapter 61, Human Resource Code.

§89.83 (203.20.09.003). *Individual Medical Assessment.* A complete medical assessment will be performed for each child. It will include:

- (1) a medical history;
- (2) a physical examination performed by a physician including examination for venereal disease; for any correctable health defects; and signs of medical conditions which might influence behavior;
- (3) a dental assessment by a dentist;
- (4) laboratory studies to include a complete blood count, urinalysis, serology drawing, and culture *for gonorrhea*, by transfer media, of gonococcus];
- (5) screening for tuberculosis;
- (6) immunizations in accordance with Texas law;
- (7) screening for hearing and vision abnormalities;
- (8) upon the death of a student, a formal medical inquest shall be performed.]

Doc. No. 803091

Section 89.84 (203.20.09.004) is proposed on psychological and psychiatric services for youth in institutions for delinquents. This section describes the agency's commitment to provide necessary psychological and psychiatric services to meet individuals' needs.

This section is proposed under authority of Chapter 61, Human Resource Code.

§89.84 (203.20.09.004). *Psychological and Psychiatric Services.* Each student will be provided with the necessary psychological and the psychiatric counseling services for his individual needs.

Doc. No. 803092

Student Funds

Section 89.92 (203.20.10.002) is proposed to reflect the current revisions and updating of its rules.

This amendment is proposed under the authority of Chapter 61, Human Resource Code.

§89.92 (203.20.10.002). *Student Cash on Hand.* While in the institution, each student **may have no more than \$5.00 cash in his personal possession** [is allowed to have on his person up to \$5.00 in cash].

Doc. No. 803093

Mail Procedure

Section 89.101 (203.20.11.001) is proposed for amendment to allow this to be consistent with the subchapter entitled Student Rights, §89.11 (203.01.02.001).

This amendment is proposed under the authority of Chapter 61, Human Resource Code.

§89.101 (203.20.11.001). *Privacy of Mail, Provisions for Contraband Control.* **Students have the right to correspond freely through the mails. Staff may not read incoming or outgoing mail but may open mail in the student's presence to inspect it for contraband. Contraband includes:**

- (1) anything whose possession is a crime under municipal ordinances or state or federal law, including solvent inhalants, drugs, and alcohol;
- (2) narcotics paraphernalia;
- (3) items which can be used, made, or adapted to use as weapons;
- (4) pictures which depict sexually explicit male or female nudity or sex acts, including magazines or periodicals which routinely publish such pictures;
- (5) items such as posters which convey prohibited expressions.

[Outgoing or incoming mail shall not be opened, read, censored, or tampered with in any other manner; provided, however, that institutional personnel, in order to search for and seize contraband, may open incoming mail in the presence of the student to whom the particular piece of mail is addressed. Contraband shall consist of any object or substance, that, if knowingly possessed, would constitute a crime under the laws of the State of Texas or the United States or any other object or substance that would clearly pose a danger to human life or property within the institution.]

Doc. No. 803094

Visitation

Section 89.111 (203.20.12.001) is proposed for amendment to allow more flexible visiting arrangements by family and friends of youth in institutions. Visitations are most frequently a positive experience for the youth and fixed schedules are often barriers to such visits. The proposed policy makes time of visit flexible but allows procedural safeguards for the care and custody of the youth.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§89.111 (203.20.12.001). *Visitation Provisions.*

(a) Visitation by family and friends of students is permitted and encouraged.

(b) Visitation may take place [for] at **a time and place designated by the institution. Visitation policies and schedules will be made available to parents and guardians** [least two hours a day on at least two separate days between Monday and Friday].

(c) On Saturdays, Sundays, and holidays, visitation may take place between 9 a.m. and 5 p.m.]

(c)(d) All visitors must register in the manner prescribed by the institutions and agree to abide by the established visitation rules.

(d)(e) Extended and overnight visitation may be arranged **for students by staff** [by the student's caseworker] within the immediate geographical area.

Doc. No. 803095

Student Council

Sections 89.131 and 89.132 (203.20.14.001 and .002) are proposed for amendment to change the name of the Student Affairs Committee to the Student Council.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§89.131 (203.20.14.001). Student Representation. Each institution will have at least one student per cottage on the Student Council [Affairs Committee]. The students are to be elected from each cottage by democratic vote.

§89.132 (203.20.14.002). Frequency of Meetings. The Student Council [Affairs Committee] will meet at least once a month with the superintendent or his appointee.

Doc. No. 803097

Solitary Confinement, Security, and Dormitory Confinement

Sections 89.161, 89.162, and 89.164 (203.20.17.001, .002, and .004) are proposed for amendment, regarding placement of youth into solitary confinement, security units, and dormitory confinements. Since the agency is currently involved in a major revision and updating of its rules, these revisions more clearly state the causes for which a youth will be placed into a more restrictive setting. Revisions are also proposed that change the specific references to staff that must attend the youth while in solitary confinement. The intent is to allow appropriate supervision but not be limited to specific staff. A section is added to the security section to describe the specific procedures and requirements for a youth placed into a security unit.

These amendments are proposed under the authority of Chapter 61, Human Resource Code.

§89.161 (203.20.17.001). Solitary Confinement.

(a) No student shall be placed in solitary confinement *as defined in §81.61 (203.01.07.001)* unless such confinement is clearly necessary to prevent imminent *bodily injury to another or to self, sexual abuse of another student, or threats of imminent bodily injury to self or another; intentional or knowing cause of substantial damage to property or damaging property; escape or attempted to escape; total disruption of normal institutional procedures* [physical harm to student or to other persons or clearly necessary to prevent imminent and substantial destruction of property].

(b) While confined in solitary confinement, the student shall be visited by *a professional staff* [his caseworker (or, in his absence, by some other caseworker)] for a period of 10 minutes each hour until his release from solitary confinement, except the hours between *9 p.m.* [10 p.m.] and 7 a.m. The student shall be visited by a *licensed* [registered] nurse at least once a day; if he is confined for longer than one day, *administratively approved professional staff* [a psychiatrist or psychologist] shall consult with the student and afford him such treatment as is indicated on a daily basis beginning no later than the second day of such confinement.

(c) In no event shall a student be placed in solitary confinement for longer than three consecutive days in the absence of a written report prepared and signed by the student's caseworker, detailing the justification for such confinement. Copies of this report shall be forwarded forthwith to the executive director of the Texas Youth Council.

(c)(d) No student shall be placed in solitary confinement unless a person within calling distance of the student is at all times in possession of a key to the isolation room.

§89.162 (203.20.17.002). Security.

(a) No student shall be confined in security unless such confinement is clearly necessary to prevent *bodily injury to another or to self, sexual abuse of another student, or threats of imminent bodily injury to self or another; intentionally or knowingly cause substantial damage to property or damaging property; escape or attempted escape; total disruption of normal institutional programs* [escape or clearly necessary to restrain behavior that cannot be controlled or stopped within the usual institutional program].

(b) *Requirements.* For each TYC security unit, there will exist documentation which addresses all matters relating to the operations and programs of the unit, such matters to include:

- (1) *clearly defined criteria for admission;*
- (2) *personnel eligible to admit;*
- (3) *professional staff involved in a student's stay in the unit;*
- (4) *behavioral expectations and criteria for release;*
- (5) *well-defined monitoring system and line of authority which assures that security operations and programs are carried out in accordance with the document;*
- (6) *security staff specifically trained to work in the unit;*
- (7) *release procedures;*
- (8) *ongoing logging system for behavior and security; and*
- (9) *complete description of the student's daily routine during his stay in the unit.*

[While confined to security, the student shall be visited at least once a day by his caseworker (or, in his absence, some other caseworker) and by a registered nurse. If he is confined for longer than one day, a psychiatrist or psychologist shall consult with the student and afford him such treatment as is indicated no later than the second day of such confinement. In no event shall a student be confined to security for longer than three consecutive days in the absence of a written report prepared and signed by the student's caseworker, detailing the reasons for such confinement. Copies of these reports shall be forwarded forthwith to the executive director of the Texas Youth Council. If such confinement exceeds 10 consecutive days, the executive director will be notified by phone.]

§89.164 (203.20.17.004). Conditions of Solitary Confinement, Security, and Dormitory Confinement.

(a) A bed, mattress, appropriate bedding, and access to a toilet [(not a chamber pot)] shall be provided for all students in the place where they sleep.

(b) [All] Students shall *have* [enjoy] the opportunity for [at least one hour of] large-muscle exercise or recreation on a daily basis [unless dispensed with by a physician (in the case of bodily infirmities) or a psychiatrist (in the case of mental conditions) in writing].

(c) School books and daily lesson plans that reflect an amount of daily instruction consistent with the educational practices of the school program in the institution as a whole shall be provided all students, unless a psychiatrist otherwise directs in writing.

Doc. No. 803100

Use of Telephone

Section 89.231 (203.20.23.001) is proposed on the use of telephones by youth placed in TYC institutions. This section provides procedural elements and conditions on the use of telephones by youth. The section provides conditions to be met beyond those in the subchapter entitled Student Rights—Mail and Telephone, §89.11 (203.01.02.001), being proposed at this time.

This section is proposed under the authority of Chapter 61, Human Resource Code.

§89.231 (203.20.23.001). *Policy.* Students in institutions have the right to receive and place collect telephone calls to legal counsel, parents, and persons approved by parents or guardians.

(1) Institutions shall have operating procedures governing the time and frequent use of telephones.

(2) Students shall be afforded reasonable privacy in telephone conversations.

(3) Denial of telephone rights may not be used for punishment or disciplinary reasons.

Doc. No. 803106

Replacement of Damaged Property by Students

Sections 89.251 (203.20.24.001) is proposed to provide for youth who are involved in the destruction of property to repay those damages in whole or in part by working or assigned duties. The rate of compensation toward repayment shall be established by the agency. The intent of the section is to make, where appropriate, youth responsible and accountable for their acts. Frequently, the most effective form of discipline for destructive acts is a commensurate form of retribution.

This section is proposed under authority of Chapter 61, Human Resource Code.

§89.251 (203.20.24.001). *Policy.* Students involved in the destruction of state or personal property may be required to repay damages by working or assigned duties at a rate established by the agency. Institutions shall have procedures governing the operation of this policy.

Doc. No. 803107

General Campus Security and Control

Section 89.271 (203.20.25.001) is proposed, regarding control and security of institutional campuses. It authorizes the agency's institutions to provide security and control measures needed to maintain a safe and secure environment. In order to ensure this environment, staff must have the authority to screen visitors for weapons, drugs, and other contraband and, where warranted, cause the removal of outsiders from institutional property.

This section is proposed under authority of Chapter 61, Human Resource Code.

§89.271 (203.20.25.001). *Policy.* The institutions, in administering their programs, shall provide for the safety and security of students, staff, property, and equipment of the agency.

(1) In institutions, visitation policies and procedures shall provide for the screening of visitors for weapons, drugs, and other contraband.

(2) In institutions, policies shall exist for the patrol and monitoring of the campus to prevent vandalism, theft, unauthorized access to the campus area, and student escapes. Institution personnel will have the authority to remove individuals who jeopardize or appear to jeopardize these elements of campus security.

Doc. No. 803108

Student Employment and Work Responsibilities

Sections 89.291-89.294 (203.20.26.001-.004) are proposed regarding student employment and work responsibilities. These sections provide policies and procedures to allow youth to work for compensation. They also define work situations that are routine parts of daily living and no compensation will be made.

These sections have fiscal impact on agency expenditures in that funds are currently made available by appropriation which are intended to be used for student employment. The amount of these funds are specifically determined by the legislature. Currently, these schools are appropriated \$46,000. Based on current budget projections, these costs will be approximately \$50,000 for each of the following four years.

These sections are proposed under authority of Chapter 61, Human Resource Code.

§89.291 (203.20.26.001). *Purpose.* The primary purpose of paid student employment in delinquent institutions is to provide an opportunity for students to experience and enjoy payment of a wage for constructive work properly performed by the student's own free choice and on his own personal free time. Such employment additionally provides an opportunity for students to earn a limited amount of money for their personal use.

§89.292 (203.20.26.002). *Definition.* Student employment, as used in this policy, refers to work activities performed by student under the following conditions.

(1) Funds used for student compensation come from money specifically designated for this purpose.

(2) Work is performed on the student's personal free time and is not part of his required treatment program.

(3) Work intended to result in the performance of a needed service or creation of a useful project not considered part of normal group living responsibility.

(4) Student employment should be a part of the student's treatment plan and designed to teach good work habits, punctuality, responsibility, and other qualities of a competent and dependable worker.

§89.293 (203.20.26.003). *Limitations.* A student is not entitled to be paid when:

(1) assisting with the cleanup of the immediate work area or play area, or at the conclusion of an instructional or recreational activity session;

(2) performing personal housekeeping chores;

(3) accomplishing duties expected to all students to fairly and routinely be performed as part of a cottage or dormitory unit. If all students routinely are responsible for communal tasks, then these jobs are part of the living duties and should not be paid.

§89.294 (203.20.26.004). *Implementation.* Institutions will maintain policies and procedures governing student employment practices and responsibilities.

Doc. No. 803109

Chapter 91. Programs for Dependent and Neglected Children

(Editor's note: The texts of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Youth Council, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

Admission

Sections 91.11-91.16 (203.30.02.001-.006) regarding admission requirements, policies, and procedures are being replaced by the subchapter entitled Case Management System for Dependent and Neglected Youth, §§81.141-81.147 (203.01.11.001-.007), which is being proposed at this time. The case management system contains the process and guidelines by which youth enter and leave the agency's care and the basis on which decisions are made while under the agency's care. Its adoption will make these sections unnecessary.

This repeal is proposed under authority of Chapter 61, Human Resource Code.

- §91.11 (203.30.02.001). *Assignment to Children's Homes.*
- §91.12 (203.30.02.002). *Responsibility for Transportation.*
- §91.13 (203.30.02.003). *Admission, Orientation to Campus Life.*
- §91.14 (203.30.02.004). *Institutional Program Orientation.*
- §91.15 (203.30.02.005). *Notification of Admission.*
- §91.16 (203.30.02.006). *Periodic Evaluation.*

Doc. No. 803111

Foster Care

Sections 91.81-91.83 (203.30.08.001-.003) are replaced by the subchapter entitled Case Management System for Dependent and Neglected Youth, §§81.141-81.147 (203.01.11.001-.007), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §91.81 (203.30.08.001). *Consideration for Foster Placement.*
- §91.82 (203.30.08.002). *Foster Care Programs.*
- §91.83 (203.30.08.003). *Standards for Foster Care Placements.*

Doc. No. 803116

Food Service

Sections 91.92 and 91.93 (203.30.09.002 and .003) are replaced by the subchapter entitled General Provisions—Nutrition, §81.33 (203.01.03.014), which is being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §91.92 (203.30.09.002). *Preparation and Serving.*
- §91.93 (203.30.09.003). *Individual Nutritional Needs.*

Doc. No. 803118

Visitation

Section 91.132 (203.30.13.002), concerning off-campus visits, is replaced by the provisions on furloughs contained in the subchapter entitled Case Management System for Dependent and Neglected Youth, Home visits—Policy, §81.146 (203.01.11.006), being proposed at this time.

This repeal is proposed under the authority of Chapter 61, Human Resource Code.

- §91.132 (203.30.13.002). *Off-Campus Visits.*

Doc. No. 803124

Rules of Conduct

Sections 91.161-91.164 (203.30.16.001-.004) are replaced by the subchapter entitled General Provision—Rules of Conduct (203.01.13.004), which is being proposed at this time.

These sections are proposed for repeal under authority of Chapter 61, Human Resource Code.

- §91.161 (203.30.16.001). *Availability of Rules of Conduct.*
- §91.162 (203.30.16.002). *Consequences for Misconduct.*
- §91.163 (203.30.16.003). *Range of Consequences.*
- §91.164 (203.30.16.004). *Right to Appeal Disciplinary Action.*

Doc. No. 803127

Physical Force

Section 91.181 (203.30.18.001) regarding use of physical force by staff is proposed for repeal. These policies and guidelines are contained in the subchapter entitled General Provisions, §81.192 (203.01.13.002), Use of Restraints, being proposed at this time.

This section is proposed for repeal under authority of Chapter 61, Human Resource Code.

- §91.181 (203.30.18.001). *Use of Physical Force.*

Doc. No. 803129

Unauthorized Absence or Escape

Sections 91.191-91.195 (203.30.19.001-.005) on unauthorized absences and escapes of dependent and neglected youth placed in the care of the agency under Title 2 of the Texas Family Code are now included in the subchapter entitled in General Provisions, §81.191 (203.01.13.001), Escapes.

These sections are proposed for repeal under authority of Chapter 61, Human Resource Code.

- §91.191 (203.30.19.001). *Return to Institution.*
- §91.192 (203.30.19.002). *Notification of Escape.*
- §91.193 (203.30.19.003). *Role of the Public Welfare Worker or the Field Service Counselor.*
- §91.194 (203.30.19.004). *Responsibility of Return Transportation and Supervision.*
- §91.195 (203.30.19.005). *Examination upon Return.*

Doc. No. 803130

Student Furlough

Sections 91.201-91.203 (203.30.20.001-.003) are replaced by the subchapter entitled Case Management System for Dependent and Neglected Youth, §§81.141-81.147 (203.01.11.001-.007), which is being proposed at this time.

This repeal is proposed under authority of Chapter 61, Human Resource Code.

§91.201 (203.30.20.001). *Granting of Temporary Leave or Off-Campus Visits.*

§91.202 (203.30.20.002). *Visits.*

§91.203 (203.30.20.003). *Notification of Visitation Plans.*

Doc. No. 803131

Transfer between Institutions

Sections 91.211 and 91.212 (203.30.21.001 and .002) are replaced by the subchapter entitled Case Management System for Dependent and Neglected Youth, §§81.141-81.147 (203.01.11.001-.007), which is being proposed at this time.

This repeal is proposed under authority of Chapter 61, Human Resource Code.

§91.211 (203.30.21.001). *"Best Interest" of Child.*

§91.212 (203.30.21.002). *Transfer to Delinquency Institution.*

Doc. No. 803132

Release from the Institution

Sections 91.221-91.224 (203.30.22.001-.004) are replaced by the subchapter entitled Case Management System for Dependent and Neglected Youth, §§81.141-81.147 (203.01.11.001-.007), which is being proposed at this time.

This repeal is proposed under authority of Chapter 61, Human Resource Code.

§91.221 (203.30.22.001). *Eligibility for Release.*

§91.222 (203.30.22.002). *Placement.*

§91.223 (203.30.22.003). *Out-of-State Placement.*

§91.224 (203.30.22.004). *Notification of Placement.*

Doc. No. 803133

Purpose and Philosophy

Sections 91.1 and 91.2 (203.30.01.001 and .002) are proposed for amendment to allow the purpose and philosophy to more accurately and appropriately refer to all programs for dependent and neglected youth in the agency's care, not just those in institutions.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.1 (203.30.01.001). *Purpose.* The purpose of the Texas Youth Council's **programs** [institution services] for dependent and neglected children is to provide constructive care, training, and a homelike atmosphere for those children placed with the Youth Council by the Courts of Texas **on a conservatorship basis in accordance with Title 2 of the Texas Family Code.** For educational purposes, these **programs** [institutions] shall utilize local independent school districts and the campuses shall function in an open manner.

§91.2 (203.30.01.002). *Philosophy.* The philosophy of the system is a direct extension of the purpose. This philosophy is that all programs delivered to each youth, while he or she is **in** [at] an individual **program** [institution], will be designed to provide every opportunity for the youth's maximum physical, emotional, and intellectual growth. Each program will be designed through the utilization of the most current knowledge in the field of child care. The planned ultimate result is, that through this process, each youth will be successfully integrated into society as a constructive citizen.

Doc. No. 803110

Child Care

Sections 91.31-91.33 and 91.35 (203.30.03.001, .003 and .005) are proposed for amendment, regarding child care programs for dependent and neglected youth in its care. The changes make the sections apply to all programs for these youth, not just those in institutions. Other minor editorial changes are proposed.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.31 (203.30.03.001). *Individualized Program [Service] Plan.* Each child will have an individualized **program** [service] plan which will **assist the child in identifying problem areas and give direction for normal growth process** [enable him to work on the problems which caused his adjudication]. The plan will emphasize the child's developmental, emotional, and educational progress toward short- and long-term goals.

§91.32 (203.30.03.002). *Training Activities.* The child will be required to participate in the necessary moral, academic, vocational, physical, and training activities as designed by the **program** [institutional] staff.

§91.33 (203.30.03.003). *Mode of Life and Conduct.* The child will be required to adapt such modes of life and conduct as may seem best adapted to **integrate him into** [fit him for return to] society as a fully participating member.

§91.35 (203.30.03.005). *Family Involvement in Program [Service] Plan.* Whenever feasible, the child's family is to be involved in the overall **program** [services] plan and individualized goal-setting process.

Doc. No. 803112

Education

Sections 91.41, 91.43, and 91.44 (203.30.04.001, .003, and .004) are proposed for amendment to reflect the agency's exclusive use of local independent school district facilities for dependent and neglected youth placed in its care.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.41 (203.30.04.001). *Educational Accreditation Standards.* The education program **in which youth are placed** [provided by each institution] will meet accreditation standards as set forth by the Texas Education Agency.

§91.43 (203.30.04.003). Educational Program Scope. The educational program will offer academic, career *education* [awareness], and *prevocational* [vocational] courses.

§91.44 (203.30.04.004). Use of Local School District. Each *program* [institution] shall utilize local independent school districts for educational programming.

Doc. No. 803113

Daily Living in Residential Programs

Section 91.53 (203.30.05.003) is proposed for amendment to clarify application of this section to apply to institutional programs operated by the agency.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§91.53 (203.30.05.003). Appropriate Living Atmosphere. It is the responsibility of the daily living *staff* to provide an appropriate living atmosphere for the student while he is in the institution. The student's needs for privacy and individuality shall be met.

Doc. No. 803114

Volunteer Programs

Sections 91.71-91.73 (203.30.07.001-.003) are proposed for amendment to allow them to apply to all programs into which youth may be placed.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.71 (203.30.07.001). Purpose of Volunteers. Volunteers are to be utilized *in* [at] each *program* [institution] to provide program enrichment and adult role models for the students.

§91.72 (203.30.07.002). Volunteer Coordinator. Volunteers are to be recruited and screened by the volunteer coordinator *in* [at] each *residential program* [institution]. The coordinator is responsible for designing both individual and group volunteer programs [at each institution].

§91.73 (203.30.07.003). Volunteer Advisory Board. Volunteer advisory boards are to be established *for* [at] each *residential program* [institution]. These boards are to be made up of the community's citizenry. The board's purpose is to establish communication and support between the *program* [institution] and the community.

Doc. No. 803115

Food Service

Section 91.91 (203.30.09.001) is proposed for amendment to reflect the change in the name of the Texas Department of Public Welfare to the Texas Department of Human Resources. The proposal also clarifies the sections' application to residential programs.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§91.91 (203.30.09.001). Nutritional Standards. The food prepared for each student will exceed the nutritional standards

as set forth by the Texas Department of *Human Resources* [Public Welfare's] *Minimum Standards for Basic Child Care* [Caring] *Institutions*.

Doc. No. 803117

Medical Services

Sections 91.101-91.103 (203.30.10.001-.003) are proposed for amendment to clarify and make the sections applicable to all programs for D&N youth. The deletion of the reference to a formal medical inquest in the event of a youth's death is due to the subchapter entitled General Provisions—Death of a Student, §91.222 (203.01.14.002), being proposed at this time.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.101 (203.30.10.001). Medical Treatment. The *programs* [institutions] shall provide medical treatment for children in its custody. This treatment shall be designated to assess physical, dental, and psychiatric needs of each child committed to its care.

§91.102 (203.30.10.002). Health Program. Every *program* [institution] shall have a health program designed to protect and promote the physical and mental well-being of residents, discover those in need of short-term or long-term medical, dental, and psychiatric treatment, and to contribute to their rehabilitation by appropriate diagnosis and treatment and provisions of continuation of care following release.

§91.103 (203.30.10.003). Medical Assessment. Records of the following medical assessments will be retained in each child's folder:

- (1) a medical history;
 - (2) a physical examination performed by a physician to include a search for signs of communicable disease, including venereal disease; for any correctable health defects and signs of medical conditions which might influence behavior;
 - (3) a dental assessment to include examination of each tooth by a dentist;
 - (4) laboratory studies to include a complete blood count, urinalysis, serology drawing, and culture *for gonorrhea as appropriate for age* [by transfer media of gonococcus];
 - (5) screening for tuberculosis;
 - (6) immunizations in accordance with Texas law;
 - (7) screening for hearing and vision.
- [(8) upon death of student, a formal medical inquest shall be performed.]

Doc. No. 803119

Sections 91.104 and 91.105 (203.30.10.004 and .005) are proposed to state the agency's policy for the use of psychotropic drugs and for medical care to meet the health care needs of female students where specialized care may be required.

These sections are proposed under the authority of Chapter 61, Human Resource Code.

§91.104 (203.30.10.004). Psychotropic Drugs. The use of psychotropic drugs will be monitored. Psychotropic drugs will not be administered for the purpose of program management or control.

§91.105 (203.30.10.005). Medical Services for Female Students. Medical services either at the facility or by referral of the facility shall be provided to meet the gynecological needs of female students.

Doc. No. 803120

Student Funds

Section 91.112 (203.30.11.002) is proposed for amendment to change the term "superintendent" to "program administrator." The change is necessary since youth are no longer always in an institution headed by a superintendent. The reference to the organizational heads of the several program types are now termed "program director." This person will be authorized to grant approval for a child to establish a savings or checking account.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§91.112 (203.30.11.002). Individual Savings or Checking Account. With approval of the *program administrator* (superintendent), an individual child may establish his own savings and checking account.

Doc. No. 803121

Mail Procedure

Section 91.121 (203.30.12.001) is proposed for amendment to expand the reference to program identification from "institution" to "programs." Currently, youth may be placed in one of several types of programs, not just institutions. This change allows the section to apply to all such situations. Also §91.121 (.001) has been amended to reflect the proposed subchapter on Students Rights, §81.61 (203.01.07.001).

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§91.121 (203.30.12.001). Privacy of Mail, Provisions of Contraband Control. *Students have the right to correspond freely through the mail. Staff may not read incoming or outgoing mail but may open mail in the student's presence to inspect it for contraband.* [Outgoing or incoming mail shall not be opened, read, censored, or tampered with in any other manner; provided, however, that institutional personnel, in order to search for and seize contraband, may open incoming mail in the presence of the student to whom the particular piece of mail is addressed.] *Contraband is defined in §81.61 (203.01.07.001)* [shall consist of any object or substance that would clearly pose a danger to human life or property within the institution].

Doc. No. 803122

Visitation

Section 91.131 (203.30.13.001) is proposed for amendment, concerning visitations by family and friends to youth in the care of the agency. As currently written, the section permits all visitations by family and friends. The phrase "as appropriate" is added to authorize the agency to limit or restrict visits that would not be in the best interest of the child; in some instances the court may have prohibited or restricted contact by certain individuals.

This amendment is proposed under authority of Chapter 61, Human Resource Code.

§91.131. (203.30.13.001). Visitation by Family and Friends. Visitation by family and friends of students is permitted and encouraged *as appropriate*.

(1) Visitation may take place for at least two hours a day on at least two separate days between Monday and Friday.

(2) On Saturdays, Sundays, and holidays, visitation may take place at least between 9 a.m. and 5 p.m.

Doc. No. 803123

Clothing

Sections 91.141-91.143 (203.30.14.001-.003) are proposed for amendment to include the managing conservator as a source the agency will encourage to provide a youth's clothing §91.141 (.001). The changes in §91.142 (.002) and §91.143 (.003) change the program placement term from "institutions" to "program" since other placements are now used in addition to institutions.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.141 (203.30.14.001). Personal Clothing. Each student is encouraged to wear his personal clothing. The parents *and/or managing conservator* of the student are also encouraged to supply the student with necessary clothing or the funds to purchase appropriate clothes.

§91.142 (203.30.14.002). State Provision of Clothing. If the student or his parents are unable to provide sufficient funds to purchase appropriate clothing, the *program* [institution] through appropriated funds or solicited donations will be responsible for purchasing clothing for the student on an individual basis.

§91.143 (203.30.14.003). Dress Code. While under the supervision of the *program* [institution], the student will be expected to dress according to the established student dress code.

Doc. No. 803125

Student Council

Sections 91.151-91.153 (203.30.15.001-.003) are proposed for amendment to change the name of the Student Affairs Committee to the Student Council at institutions for dependent and neglected youth.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.151 (203.30.15.001). Student Representation on Student Council [Affairs Committee]. Each institution will have at least one student per cottage on the Student *Council* [Affairs Committee]. The students are to be elected from each cottage by democratic vote.

§91.152 (203.30.15.002). Frequency of Meetings. The Student *Council* [Affairs Committee] will meet at least once a month with the superintendent or his appointee.

§91.153 (203.30.15.003). Council [Committee] Input. The *council* [committee] will advise institutional staff as to cur-

rent student issues at the institution, develop special student projects, and have input into institutional policy affecting the student body.

Doc. No. 803126

Discipline

Sections 91.171, 91.172, and 91.175 (203.30.17.001, .002, and .005) are proposed for amendment to change the term "institution" to the term "program." The change is necessary because some youth are placed in programs other than institutions. The change will allow the sections to apply to all such situations.

These amendments are proposed under authority of Chapter 61, Human Resource Code.

§91.171 (203.30.17.001). Extent of Discipline. Discipline shall be maintained in all TYC facilities and program [exist at each institution] to the extent necessary to maintain order and to provide a safe and, safety, and a) constructive environment for the youth [students] in the care and custody of TYC [institution]. [Discipline shall not be employed simply for the sake of regimentation.]

§91.172 (203.30.17.002). Purpose of Discipline. Discipline will be used for the purpose of instruction and training and not simply for the sake of regimentation.

§91.175 (203.30.17.005). Limitations on Student Behavior. Students will not be allowed to physically hurt one another, staff, destroy property, escape from the program [institution], or significantly disrupt the [institution's] program.

Doc. No. 803128

Chapter 93. Assistance to Community Programs

(Editor's note: The texts of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Youth Council, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

General Funding Requirements

Section 93.33 (203.40.04.003) is unnecessary; CAP funds should not be restricted to an inflexible list of program types because this discourages innovation and possibly excludes effective programs.

This repeal is proposed under the provisions of Chapter 61, Human Resource Code.

§93.33 (203.40.04.003). Program Arrangements.

Doc. No. 803138

Contract Application Procedures

Section 93.83 (203.40.06.003) is proposed for repeal because the Council of Governments Criminal Justice planners do not find it necessary to review this material. This change may reduce administrative costs by eliminating a step in the contract process.

This repeal is proposed under the provisions of Chapter 61, Human Resource Code.

§93.83 (203.40.06.003). Local Review.

Doc. No. 803142

Section 93.86 (203.40.06.006) is proposed for repeal because it is preferable for the contracts themselves to be signed by these judges as they are the administrators of the county juvenile courts and probation departments.

This repeal is proposed under the provisions of Chapter 61, Human Resource Code.

§93.86 (203.40.06.006). Endorsement Letters.

Doc. No. 803143

Youth Service System Development Projects

Sections 93.101-93.105 (203.40.07.001-.005) are proposed for repeal because this kind of program has proven ineffective. Providing CAP money for specific types of projects seems to discourage applicants because they perceive needs for a variety of program types in their local communities. The cost implications of eliminating this program are that funds will be diverted for use in other CAP contracts, i.e., probation subsidy, performance-based, or fixed payment as proposed in §§93.11 and 93.12 (203.40.02.001 and .002).

This repeal is proposed under the provisions of Chapter 61, Human Resource Code.

§93.101 (203.40.07.001). Philosophy and Purpose.

§93.102 (203.40.07.002). Methodology.

§93.103 (203.40.07.003). Youth Service System Development Project Site Selection Criteria.

§93.104 (203.40.07.004). Matching Funds.

§93.105 (203.40.07.005). Application and Funding.

Doc. No. 803144

Philosophy and Purpose

Sections 93.2 and 93.3 (203.40.01.002 and .003) are proposed for amendment in order to provide more clarity in the statement of objectives of the Community Assistance Program (CAP).

These amendments are proposed under the provisions of Chapter 61, Human Resource Code.

§93.2 (203.40.01.002). Purpose.

[(a)] The Texas Youth Council shall assist local communities in their efforts to reduce and prevent juvenile delinquency through contractual programs with local public and private, nonprofit agencies which provide services aimed at serving youthful offenders in the community, diverting youth from the juvenile justice system, and reducing commitments [from the courts] to the Texas Youth Council-operated facilities of children who have engaged in delinquent conduct).

[(b)] Community assistance programs shall also assist local juvenile justice systems improve their capability to procure needed services and resources for youth residing within each community, and assist local agencies in the develop-

ment of a more complete array of services and programs at the local level to better respond to the needs of predelinquent youth affected by the juvenile justice system.]

§93.3 (203.40.01.003). Objectives.

(a) **Providing fiscal support to** [Creation of an impact on] the juvenile justice system **to allow increased use** [by increasing utilization] of community alternatives and thereby **reduce** [reducing] commitments of delinquent youth to the Texas Youth Council.

(b) **Improving** [Improvement of the] local juvenile justice system's capability **to provide community supervision for delinquent youth** [procure needed services and resources for youth residing within each community].

(c) **Developing** [Development of a] more **comprehensive** [complete array of] services and programs at the local level to better respond to the needs of predelinquent and delinquent youth [affected by the juvenile justice system].

Doc. No. 803134

Method of Contract Funds Availability

Section 93.12 (203.40.02.002) is proposed for amendment to allow for the use of more than one type of Community Assistance Program (CAP) contract; increase the amount of fixed payment contracts; and provide alternate methods of calculating base rates. These changes will increase the number of counties interested in CAP participation and will allow expenditure of a larger portion of the funds allocated for CAP.

CAP funds are a line-item expenditure in the appropriations bill. Two million five hundred eleven thousand dollars is allocated for fiscal year 1980 and over \$2,000,000 is already encumbered as of March 1, 1980. In the last fiscal year, nearly half of the allocated funds were not expended because only 89 counties participated in CAP. As of March 6, 1980, 101 counties have signed contracts and 125 are projected by the end of the year. This will result in expenditure of all the allocated funds. The greater flexibility and simplification provided by the alternate contract types is a factor that has motivated more counties to participate in the program. This trend should continue over the next five years so that nearly all the counties in Texas will be participating in the Community Assistance Program. This will require a greater appropriation by the legislature as more counties join the program.

These changes have fiscal implications because they promote increased participation in the program. TYC's goal is to have as many Texas local governments participate in the program as possible. Under existing legislation the \$2,500,000 appropriated allows funds for approximately half of the counties in Texas; therefore at least \$5,000,000 will be required to include all the counties and a few outstanding private sector programs at the current funding levels. This can be achieved within the next two years. Thus, the minimum required for the entire five-year period is approximately \$23,000,000. Doubling the current rate of funding for each contract would not be an overestimation of the fiscal needs of these programs to meet the demands of an increasing population size and more adequate programming. Thus a ceiling for funds over the next five years could be at least as high as \$50,000,000. Local spending will not be affected except as counties may choose to supplement CAP funds.

These amendments are proposed under the provisions of Chapter 61, Human Resource Code.

§93.12 (203.40.02.002). Fund Distribution.

(a) Payment of funds for juvenile probation departments. The basic elements of the performance-based contract funding method are:

(1) Payment is based upon a county's performance in diverting commitments from TYC. When a county reduces commitments, contract funds are paid to the county. When a county does not reduce commitments or if commitments increase, funds are not paid to the county.

(2) Base commitment rates have been established for each county based upon the commitments from *the [that]* county over the last 10 years and the juvenile population of that county, *or actual commitments for a prior three-year period preceding the contract*.

(3) On a monthly basis, for each commitment below the base rate, the county receives **\$4,500** [\$4,040]. [This figure is based on TYC's cost of placing a youth in a quality community placement at \$15 per day, with parole supervision for nine months.]

(b) **Fixed payment funding is calculated on the basis of diverted commitments from the base rate, but funding is received "after the fact" so that performance in a period preceding the actual contract year determines funding. This method provides fixed funding for the entire contract year that will remain constant despite performance. Performance during all or part of the contract year (based upon the time period utilized) determines funding for the next contract year.**

(c) **Probation services subsidy funding is granted on the basis of workloads exceeding nationally recognized standards in those counties or multicounty judicial districts. Funding of salaries for probation officers and other operating expenses will be compatible with those of other probation officers and professionals in similar occupations in the geographic area. Funding for other services, if provided, is based upon workload volume.**

(d)(b) Payment of funds for agencies other than juvenile probation departments.

(1) Since the above described method does not address community assistance contracts with other public or private agencies, and since [both Article 5143d and Senate Bill 277 charged] *the TYC is authorized to assist communities in delinquency prevention, a small portion of funds* [20% of funds available for this program] will be made available to agencies other than county juvenile probation departments for community assistance contractual funding.

(2) Performance requirements and achievement levels will also be incorporated into such contractual agreements. In most cases, these will not relate directly to the number of commitments and will vary depending upon the particular contract activity that is being conducted. In each case, however, the programs must address the method and manner in which the program will **impact rates of predelinquent and delinquent activity** [influence commitments directly or indirectly prior to approval for contract funding by TYC].

Doc. No. 803135

Contract Priorities

Sections 93.21-93.23 (203.40.03.001-.003) are proposed for amendment to clarify their meanings and reflect current terminology.

These amendments are proposed under the provisions of Chapter 61, Human Resource Code.

§93.21 (203.40.03.001). Agency Recipients.

(a) The agency [recipient] receiving *highest* [high] priority for *contract funds from the* [contracting established by] Texas Youth Council is the county *juvenile probation department* [departments]. The rationale for this decision is that probation is the local correction agency *that* [and its level of operation] has the greatest impact *on* [to] commitments to Texas Youth Council. [Further, functions of probation affect both intake into the juvenile court system and various dispositional alternatives utilized by the court.]

(b) Private sector nonprofit agency services and programs shall also be utilized where indicated by county probation departments. [Although eligible for a direct contract with Texas Youth Council,] Private sector organizations shall be encouraged to subcontract with county probation for the purposes of direct delivery of service to the local juvenile justice system.

§93.22 (203.40.03.022). *Target Population Groups.* Target population elected by Texas Youth Council to receive services authorized under the Community Assistance Program are *prioritized as:* [by priority.]

- (1) the [child who has been] adjudicated [to have engaged in] delinquent *youth* [conduct];
- (2) the adjudicated child in need of supervision; and
- (3) the predelinquent *youth*.

§93.23 (203.40.03.003). Program Type.

(a) The program type receiving highest priority for funding is one aimed at *using* [brokering] community services *for* [to] the population with which juvenile probation departments work. *Program methods* [Broad parameters] include:

- (1) *developing departmental* [make available] resources and *staff capability* [developmental activities required] to identify, organize, and procure services and care at the local level;
- (2) *establishing* [establish] the *departmental procedures* [organizational mechanism] necessary to enter into working agreements and facilitate the delivery of services to the target population by private sector agencies; and
- (3) *utilizing* [utilize] fees to purchase residential and nonresidential services and care for the target population.

(b) Cooperative, jointly sponsored, and regional [type of] programs are encouraged.

Doc. No. 803136

General Funding Requirements

Sections 93.31, 93.32, 93.34, and 93.39 (203.40.04.001, .002, .004, and .009) are proposed for amendment as follows. Children in need of supervision (CINS) needs to be added to the target population because providing services to this group has become a national priority as a result of the 1974 Juvenile Justice and Delinquency Prevention Act. Probation services needs to be added to the list of eligible services because this is the level on which local communities most

often deal with their delinquent youth and CINS. Juvenile probation departments should be exempted from providing matching funds so that more county participation is encouraged. Only contracts with private sector programs should require TYC board approval in order to make contracts with county governments more expedient.

These changes have fiscal implications because they promote increased participation in the program. TYC's goal is to have as many Texas local governments participate in the program as possible. Under existing legislation, the \$2,500,000 appropriated allows funds for approximately half of the counties in Texas; therefore, at least \$5,000,000 will be required to include all the counties and a few outstanding private sector programs at the current funding levels. This can be achieved within the next two years. Thus, the minimum required for the entire five-year period is approximately \$23,000,000. Doubling the current rate of funding for each contract would not be an overestimation of the fiscal needs of these programs to meet the demands of an increasing population size and more adequate programming. Thus a ceiling for funds over the next five years could be at least as high as \$50,000,000. Local spending will not be affected except as counties may choose to supplement CAP funds.

These amendments are proposed under the provisions of Chapter 61, Human Resource Code.

§93.31 (203.40.04.001). Target Population.

(a) Programs to be funded will be *secondary prevention efforts*.

- (b) The target population will be:
- (1) youth under the jurisdiction of county juvenile authorities;
 - (2) youth who come into contact with juvenile authorities or law enforcement officials for delinquent behavior *or behavior indicating a need for supervision*.

§93.32 (203.40.04.002). *Service Types.* Funded programs will provide nonresidential and residential services such as:

- (1) diagnosis, evaluation, and assessment;
- (2) counseling, guidance, and supervision;
- (3) treatment and training;
- (4) crisis intervention;
- (5) *probation services*.

§93.34 (203.40.04.004). Matching Funds.

(a) Matching funds in the amount of 20% shall be required of each applicant agency *unless it is a juvenile probation department*. The match may consist of direct service and operating expenses directly related to support of the program for which contract funding is being requested.

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

§93.39 (203.40.04.009). *Board Approval.* *Private sector* programs [funded] must be approved for funding by the Texas Youth Council board.

Doc. No. 803137

Programs Funded through Community Assistance

Sections 93.51, 93.54-93.56, 93.58-93.60, 93.62, 93.63, 93.65, and 93.66 (203.40.05.001, .004-.006, .008-.010, .012, .013, .015, and .016) are proposed for amendment to provide greater clarity and to better reflect TYC terminology. Also, §93.62 (.012) expands the list of eligible programs by eliminating the requirement for a certain type of fee system.

This change increases the flexibility of CAP, thus allowing more agencies to participate. For the next five years, expanded participation is projected at a total cost of \$23,000,000 to \$50,000,000. Local funding will not be affected except as counties may choose to supplement CAP funds.

These amendments are proposed under the provisions of Chapter 61, Human Resource Code.

§93.51 (203.40.05.001). Administrative and Operation Procedures.

(a) The service agency shall have a written statement that clearly defines its role and function within the community (served by the agency) and a description of its services (as related to services provided by other youth serving agencies in that community).

(b) The service agency shall have a written description of its goals and objectives (as they relate to the goals and objectives of other youth serving agencies in the community).

(c) The service agency shall identify the category of youth that will be served, the services that will be provided, and the *methods* (modalities) that will be employed in providing the services.

(d) The service agency shall have evidence of its operating authority. A public agency shall have evidence of its *legal* authority. A private agency shall have evidence that includes its charter, constitution, and bylaws.

(e) The service agency shall have an organizational chart showing that the administrative pattern of the agency is appropriate to the program needs of youth served by that agency.]

(f)(f) The service agency shall have a sufficient number of appropriately qualified staff to provide its services (in accordance with the Texas Youth Council rules, regulations, and standards).

(g)(g) The service agency shall have written job descriptions for all positions.

(h)(h) The staff shall be licensed, certified, or registered as required by Texas laws.

(i)(i) If the service agency provides food services, the agency must *comply* (be in compliance) with all state and local regulations.

(j)(j) Where appropriate, there shall be a written procedure familiar to all staff for handling potential emergencies and disasters such as fire, severe weather, and missing persons.

§93.54 (203.40.05.004). Case [Client] Reporting. Each program shall provide the Texas Youth Council with such descriptive case information on youth (clients) as requested on forms provided by the Texas Youth Council.

§93.55 (203.40.05.005). Case [Client] Records. Each program shall maintain current youth (client) service records (on all clients) which shall include diagnosis (when applicable), problem assessment and treatment; and training and rehabilitation programs (program) being provided to the youth (clients served by the program). Texas Youth Council shall be permitted to review all individual case (client service) records maintained by a service agency.

§93.56 (203.40.05.006). Program Audits. Texas Youth Council shall make periodic on-site visitations and reviews of service agencies to assure the *provision* (provisions) of quality services; to *determine* (ascertain) compliance with the Texas Youth Council rules, regulations, and standards (governing

this program); and to ensure that the program is providing the quantity and *quality* (mode) of services for which Texas Youth Council funding is being provided. These visits may include examination of youth (client) records, observation of programs in operation, interviews and meetings with program staff, youth (client) and family interviews, and meetings with appropriate community officials, agencies, and organizations.

§93.58 (203.40.05.008). Services Rendered. Each service agency shall specify the numbers (and kinds) of youth (clients) to be served, the types of services to be rendered, and the objectives being sought in the rendering of the services.

§93.59 (203.40.05.009). Conflict of Interest. No officer, member, or employee of the service agency or the Texas Youth Council and no member of *their* (this) governing bodies, and no other public official of the governing body of the locality or localities in which the service agency is located or rendering services who exercises any functions or responsibilities in the review or approval of the funding *of the service agency shall participate in any decision relating to the funding which affects his personal interest or have any personal or pecuniary interest, direct or indirect, in the funded program or proceeds thereof.*

§93.60 (203.40.05.010). Program Standards.

(a) (No change.)

(b) Each youth served in a *residential private sector* service agency's program shall have a written individualized program plan containing the specific reasons how the youth will benefit from the service agency's program. The individualized program plan (is a plan of intervention and action that) specifies behavioral *objectives to be achieved* (consequences of services). The individualized program plan shall be reviewed at regular intervals by the service agency staff *for assessment of* (to assess) the youth's progress and (with needed) modification of the plan (being made) as indicated.

(c) The youth's (individualized) program plan shall be based upon individual assessment of the youth. Individual assessment is a (multidisciplinary) process that determines (if, and to what degree, a youth has behavioral deficits, and) what interventions and services are needed to enable the youth to move toward increasingly mature, responsible, (independent,) and normal functioning. (The individual assessment identifies the current functioning level and behavior of the youth, and the conditions that impede the youth's development. The service agency must provide or either procure the individual assessment and assure periodic reassessment as needed.)

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

(h) Service agencies shall make efforts to ensure maximum (accessibility and) availability of services to *the service population* (all youth eligible for services in the area that is being served).

(i) The service agencies and service delivery unit *shall be as* (are) convenient to the youth who will be served *as feasible*.

(j) Each service agency shall ensure that the *public is* (citizens of the area are) aware of the existence of the *program and its services*, the kinds of services provided, and the means of obtaining the services).

(k) Service agencies shall make maximum utilization of *other* (all programs, agencies, and individuals in the) community *resources* which can *provide support to* (contribute

to the welfare and betterment of] the youth and the youth's family.

(l) Service agencies shall observe and protect the confidential nature of *case files and* [clients] records.

(m) The service agency shall have a written policy ~~about~~ [relative to] the conduct of any research involving youth served by the agency. This policy must contain assurances that youth and their families *or conservator* must provide informed consent prior to their involvement in research.

(n) The service agency shall have a written statement of the agency's policies and procedures in cases of *alleged* [neglect or] abuse of youth being served.

§93.62 (203.40.05.012). Client Fees. *The service agency shall not charge the child or child's parents for services if such services are being paid for by the contract agency unless such fees are a part of the placement agreement or treatment plan.* [The service agency shall provide services free of charge to indigent persons. No client eligible for the service agency's services may be rejected for services due to inability to pay, if fees are charged as part of the program's services. A reasonable fee, not to exceed the actual cost, may be assessed on a sliding scale based upon the client's ability to pay. Copies of all sliding fee scales utilized by the service agencies will be furnished as part of the application for these funds.]

§93.63 (203.40.05.013). Fiscal Auditing.

(a) The service agency shall maintain a record of pertinent books, documents, papers, and records involving transactions relating to Texas Youth Council funding. Duplicate copies and intermediate data will be retained if they contain significant information not found on the record copy. The service agency shall maintain financial and cost accounting data to include accounts receivable, invoices, transportation records, purchase and transfer of material, cash ledgers, checks for salaries, records of accounts payable, labor distribution records, *pay administration records*, and petty cash records. [The service agency shall maintain pay administration and petty cash records.] The service agency shall maintain pay administration records to include payroll sheets and registers, tax withholding statements, time cards, and payroll checks. The service agency also shall maintain procurement and supply records to include store requisitions for material, maintenance work orders, equipment use and status reports, expendable property records, purchase order production records of quality control, and inspection. *Juvenile probation departments must maintain the above unless county fiscal administration procedures maintain such information by other means.*

(b) Each service agency shall submit to Texas Youth Council, the Governor's Office, the Legislative Budget Board, and the Legislative Audit Committee] copies of its audits made by a certified or public accountant licensed by the Texas State Board of Public Accountancy *upon request by TYC*. The audit shall be conducted in accordance with the generally accepted auditing standards and shall include as a minimum the following:

- (1) a detailed report of the financial condition of the program;
- (2) a detailed report of all revenue received and expenditures made by source of funds;
- (3) a verification of all expenditures;

(4) a verification of compliance with conditions upon which the program was funded.

(c) The service agency shall allow the Texas Youth Council or any of its duly authorized representatives access to and the right to examine, audit, excerpt, and transcribe any directly pertinent books, documents, papers, and records involving transactions *related* [relating] to Texas Youth Council funding. Such material must be retained for *three years* [one year]. The retention time shall be calculated from the end of the state fiscal year in which the final entry was made in the records retained.

(d) Texas Youth Council will conduct regular audits by Texas Youth Council personnel on a selected basis [at any time] during the funding period of a program.

§93.65 (203.40.05.015). Maintenance of Effort.

(a) *Maintenance of local fiscal effort is required as a condition of TYC funding of a program. This is to assure that state funds do not replace local funds supporting a program resulting in no increase in services. Violation of this maintenance of local fiscal effort requirement may result in refunding of TYC money and/or termination of future TYC funding.*

(b) *TYC defines local fiscal effort as the total local county funds expended for direct support of the county juvenile probation department including the juvenile detention center and any activities or programs related to direct child care funded through these departments.*

(c) *Evidence of the level of county fiscal effort shall consist of either independently audited financial statements, if available, or statements issued by the county auditor as public information detailing expenditures for the fiscal year to be measured.*

[(a) Maintenance of local fiscal effort is required as a condition of Texas Youth Council funding of a program. This is to assure that state funds do not replace other funding support of a program resulting in no net increases in services. Reduction in local fiscal support of a program violates the maintenance of local fiscal effort requirement that will result in termination of Texas Youth Council funding. Consideration will be given to reduce maintenance of local fiscal effort as a result of declining or terminating federal funds.

[(b) With regard to contracts with county juvenile probation departments, the contract agency shall allocate sufficient staff resources through the assignment of existing personnel and/or establishment of a special unit within the agency's operation to administer the program of services being funded by TYC.]

§93.66 (203.40.05.016). Rule Enforcement.

(a) Enforcement and compliance with rules, regulations, and standards. Texas Youth Council funding shall be contingent upon compliance with these rules, regulations, and standards, and the Texas Youth Council shall have the right to inspect, examine, investigate, audit, and evaluate the administrative practices and the program of services provided by the service agency and for this purpose may require such information and statistical data as it *deems* [shall be] necessary.

(b) (No change.)

Doc. No. 803139

Section 93.68 (203.40.05.018) is proposed to provide standards associated with the amended funding methods being proposed at this time in §§93.11 and 93.12 (203.40.02.001 and .002).

This agency has determined that the proposed amendment has no fiscal implications for the state. However, local departments who do not already meet standards would have to make some expenditures of funds before they could receive CAP funds. Counties which would have to spend more than a minimal amount probably would choose not to participate in CAP.

This section is proposed under the provisions of Chapter 61, Human Resource Code.

§93.68 (203.40.05.018). Probation Service Standards.

(a) Organization.

(1) The juvenile board or the judge of the regular court who has been designated as the juvenile court should assume jurisdictional and administrative responsibility for the provision of juvenile probation services within respective county or district geographic boundaries.

(2) When juvenile probation services are organized as a separate department, the juvenile board or the judge of the regular court who has been designated as the juvenile court should assure that the department is headed by a single administrative officer.

(3) When probation services for adult and juvenile offenders are provided by a joint probation office, juvenile department policy, philosophy, program, and procedures should clearly differentiate between the Penal Code and Title 3 of the Family Code.

(b) Management and administration.

(1) The juvenile probation department should have a current organizational chart depicting structure, lines of authority, and responsibility.

(2) The chief juvenile probation officer should develop and maintain an administrative manual which includes policies, procedures, and regulations of juvenile probation services.

(3) All employees engaged in juvenile probation services should come under the supervision of the administrative officer designated by the juvenile board or juvenile judge.

(4) All field operations and programs should be routinely monitored and reviewed by the administrative officer of the juvenile department.

(5) When practical, field offices should be conveniently accessible to youth's place of residence and other community agencies.

(6) The juvenile probation department should collaborate with other local and state juvenile justice agencies on a continuing basis to coordinate programs, undertake joint planning, and implement and evaluate such plans.

(7) The juvenile probation department shall prepare an annual report depicting statistical and financial data on workload, programs, and services, including major developments, problems, and plans, for public distribution in compliance with Article 5139, Section 5b, of Vernon's Annotated Civil Statutes.

(c) Fiscal management.

(1) The juvenile board or the judge of the regular court who has been designated as the juvenile court should assign accounting responsibility for fiscal affairs to the appropriate county or district fiscal officer.

(2) An annual operating budget should be prepared and maintained in a manner consistent with standard accounting procedures.

(3) Texas Youth Council funds should be retained in a bank account to allow for separate accountability.

(4) Fiscal audits should be conducted on an annual basis by the county or district auditor and a copy of the audit furnished to the Texas Youth Council.

(5) The chief administrative officer should be responsible for budget preparation, submission to appropriate authorities, and management.

(d) Personnel.

(1) There is no statutory requirement specifying the education and background experience qualifications of the chief juvenile probation officer; however, TYC recommends that they include at a minimum a baccalaureate degree in one of the social or behavioral sciences or a related field, five years of experience in juvenile justice or a related field, and demonstrated administrative ability. New employees must meet the above requirements unless written approval is obtained from TYC.

(2) Juvenile probation departments shall comply with the applicable provisions of the Civil Rights Act of 1964, the Education Amendments of 1972, and the Rehabilitation Act of 1973.

(3) TYC recommends that entry-level juvenile probation officers possess a baccalaureate degree in one of the social or behavioral sciences or a related field. New employees must meet the above requirements unless written approval is obtained from TYC.

(4) Unless contrary to local personnel policy, all entry-level personnel will be employed for a probationary term of not less than six months nor more than one year with unsatisfactory performance during the probation resulting in dismissal.

(5) Confidential personnel records should be retained for each employee.

(6) Salary levels should be comparable to those of local adult probation officers. If such salaried employees are not locally present, salaries shall be competitive with prevailing salaries for local employees in similar operational groups in the public and private sector.

(7) Provisions for vacation, sick leave, disability, retirement, and other benefits should be commensurate with those of adult probation or other human service agencies in the public and private sector and consistent with those afforded local personnel.

(8) All full-time juvenile probation department employees should receive at least 40 hours of orientation prior to job assignment and at least 40 hours of training for each year of employment.

(e) Probation services.

(1) Intake.

(A) The intake process should be available for operation on a 24-hour per day basis.

(B) Written policy and procedure should govern intake actions made by personnel.

(C) If used, unofficial or administrative or informal adjustments probation should be on a voluntary basis with written acknowledgement by juveniles and their families.

(2) Detention.

(A) Detention admissions screening shall be held promptly but not later than the second working day after the

child is taken into custody. If the child is taken into custody on a Friday or Saturday, the detention hearing shall be held on the first working day after the child was taken into custody.

(B) Written policy should assure that any juvenile placed in detention or shelter care be brought before the juvenile court for a detention hearing 48 hours after admission or the next working day of the court.

(C) Written policy and procedure should limit the use of detention to cases involving protection of the public, prevention of self injury, the need to assure the presence of the juvenile at subsequent court hearings, the need to prevent future offenses (if the child has previously been found delinquent or committed an offense punishable by imprisonment or jail), and the need for suitable care, supervision, and protection of the child if it is not being provided by parents, guardian, custodian, or other persons.

(3) Predisposition study.

(A) Written policy and procedure should provide guidelines and the format for preparation and submission to the court of predisposition studies.

(B) The predisposition hearing of each juvenile should contain a recommendation for one of the dispositional alternatives.

(C) Where confinement and/or residential placement of the adjudicated juvenile is ordered, the predisposition study or information as required should be transmitted to the receiving agency.

(4) Probation supervision.

(A) Initial contact with the court-ordered juvenile probation should occur not later than 24 hours after placement on probation.

(B) The juvenile and his or her parents should acknowledge in writing their receipt and understanding of the conditions of probation.

(C) A written supervision plan containing individualized objectives should be developed with the juvenile and his or her parents.

(D) Written policy and procedure should call for a periodic review of each juvenile's adjustment or progress. The recommended internal for review is 90 days.

(E) Community resources should be developed and utilized to assure the provision of needed services to juveniles.

(F) The juvenile probation department should maintain cooperative working relationships with public and private agencies to assure that service delivery to juveniles is maximized.

(G) Juvenile probation department staff should cooperate fully with law enforcement in efforts to apprehend juveniles who are known to be or allegedly involved in criminal activity.

(5) Residential placement.

(A) Juvenile probation departments should receive budget allocations and encouragement to purchase residential services from private vendors for juveniles' cases requiring such services.

(B) Each residential placement agency, from which the department purchases services, should be licensed by the Texas Department of Human Resources.

(C) Each purchase of residential placement service should be governed by an agreement specifying conditions of placement and payment of fees.

(D) Juvenile probation staff should monitor each residential service agency at least once each three months to ensure compliance with the conditions of the agreement.

(E) Each juvenile placed in residence with a service agency should be contacted at least once monthly by probation staff.

(6) Volunteer involvement. The utilization of volunteers is encouraged; however, when volunteers are used, juvenile probation policy should provide procedures for selection, training, and definition of tasks and responsibilities.

(7) Commitment.

(A) High priority should be given to the utilization of resources as an alternative to commitment to TYC with the exception of juveniles adjudicated for the commission of violent offenses who clearly are in need of institutional care.

(B) There shall be an ongoing review of these rules, regulations, and standards, and they may be amended by the Texas Youth Council board.

Doc. No. 803140

Contract Application Procedures

Sections 93.82, 93.85, and 93.87 (203.40.06.002, .005, and .007) are proposed for amendment because §93.82 (.002) requires extra copies that are unnecessary; §93.85 (.005) is superseded by the proposed amendment to §93.39 (203.40.04.009); and the address (listed in §93.87 (.007)) has changed to reflect agency re-organization.

These amendments are proposed under the provisions of Chapter 61, Human Resource Code.

§93.82 (203.40.06.002). Copies. The original (plus two copies of the) completed contract application form must be submitted with original signatures of the officials legally responsible for the agency.

§93.85 (203.40.06.005). Submission Date. The contract application must be submitted to Texas Youth Council by posted notification dates to permit sufficient time for staff review (and approval before the quarterly Texas Youth Council board review meeting).

§93.87 (203.40.06.007). Address for Submission. The completed contract application forms must be submitted/mailed to:

Texas Youth Council
Community Assistance Program (Community
 Services Division)
 8900 Shoal Creek Boulevard
 P.O. Box 9999
 Austin, Texas 78766

Issued in Austin, Texas, on April 25, 1980.

Doc. No. 803141 Ron Jackson
 Executive Director
 Texas Youth Council

Proposed Date of Adoption: June 2, 1980
 For further information, please call (512) 452-8111.

NONCODIFIED

Coordinating Board, Texas College and University System

Program Development

Procedures to be Followed in the Creation of Public Junior Colleges in Texas 251.02.14.005

The Coordinating Board, Texas College and University System, is proposing to amend Rule 251.02.14.005, omitting tax assessor-collector in paragraph (3). Paragraph (3) calls for a statement from the tax assessor-collector certifying to the validity of signatures on the petition. However, since the tax assessor-collector may not be the person duly authorized to provide that certification in some locations, the board proposes that the rule be changed to call for certification by the appropriate local official.

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 these changes.

Public comment on the proposed amendment to Rule 251.02.14.005 is invited. Comments may be submitted for a period of 30 days from the date of publication in the *Texas Register* 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.

The amendment of Rule 251.02.14.005 is proposed under the authority of Section 61.062, Vernon's Texas Code Annotated.

.005. Certification of Petition.

(a) A junior college steering committee shall submit its petition to the commissioner's court.

(b) The petition should be supported by:

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

(3) a statement from the *appropriate local official* [tax-assessor collector] certifying to the validity of signatures on the petition (deleted invalid signatures should be clearly identified);

(4)-(6) (No change.)

Do. No. 803441

251.02.14.006

The Coordinating Board, Texas College and University System, is proposing to amend Rule 251.02.14.006 which establishes procedures for the presentation of the petition to the coordinating board by amending subsection (b). Subsection (b) calls for the validated petition and other documents to be received by the commissioner of higher education not later than 45 days prior to a regular meeting of the coordinating board. It also states that, as a rule, a committee of the board will hold a hearing for interested parties in the community where the institution is being proposed.

This change is being proposed to allow the commissioner some flexibility in planning the coordinating board's agenda and to conform to the schedules of commissioners' courts or local certifying officials required to participate in the process.

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 these changes.

Public comment on the proposed amendment to Rule 251.02.14.006 is invited. Comments may be submitted for a period of 30 days from the date of publication in the *Texas Register* 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.

The amendment of Rule .006 is proposed under the authority of Section 61.062, Vernon's Texas Code Annotated.

.006. Presentation of Petition to the Coordinating Board.

(a) When the petition has been certified it shall be presented to the commissioner of higher education who then shall present it to the Coordinating Board, Texas College and University System.

(b) The validated petition and other documents *must be submitted to* [should be received by] the commissioner of higher education *prior to the date established by the commissioner* [not later than 45 days prior to a regular meeting of the coordinating board]. As a rule, a committee of the coordinating board will visit the community and hear interested parties to the question, and report its recommendations to the full board. *The petition should be received by the commissioner 45 days prior to a regular meeting of the coordinating board or at least in sufficient time for the commissioner to schedule a public hearing in the local community and to prepare his recommendations for a regular quarterly meeting of the coordinating board.*

Do. No. 803442

Operational Provisions for Texas Public Junior Colleges 251.02.17

(Editor's note: The Coordinating Board, Texas College and University System, is proposing for permanent adoption the emergency amendment it adopts in this issue. The text of the amendment appears in the Emergency Rules section.)

The Coordinating Board, Texas College and University System, is proposing to amend Rule 251.02.17.013 by eliminating the third alternative method for meeting the attendance requirements for state reimbursement.

The board's current rule for reporting contact hours for state reimbursement was adopted March 10, 1978. It provides three alternative methods for meeting the attendance requirements for state reimbursement. Two of the three methods have proven workable and only minor editorial changes are recommended in the interest of clarity and precision.

The third method provided under our current rule has proven difficult to follow for the state auditor, the colleges, and us. Generally speaking, it allows a college to "count" a student for state aid who does not meet the two regular attendance

standards if the college can "provide specific evidence that the student was in fact in regular attendance for the remainder of the semester. . ."

The board is making this amendment to assure that there are no further discrepancies or misunderstandings of the term "regular attendance."

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

Public comments on the proposed amendment to Rule .013 are invited. Comments may be submitted for a period of 30 days from the date of publication in the *Texas Register* 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.

The amendment of Rule .013 is proposed under the authority of Section 61.062, Vernon's Texas Codes Annotated.

Issued in Austin, Texas, on April 18, 1980.

Doc. No. 803443 Kenneth H. Ashworth
Commissioner of Higher Education
Coordinating Board, Texas College and
University System

Proposed Date of Adoption: July 18, 1980
For further information, please call (512) 475-2033.

Texas Education Agency Comprehensive Instruction

Adoptions by Reference: State Plans 226.32.91

The Texas Education Agency proposes to amend Rule 226.32.91.080, the adoption by reference of the Texas State Plan for Vocational Education which includes the annual program plan for fiscal year 1981 and the accountability report for fiscal year 1979. The plan is developed and submitted to the United States Commissioner of Education under the provisions of Public Law 94-482, Title II, Vocational Education.

Part I of the plan, administrative provisions, contains directions for the annual application for federal funds (except discretionary funds). A copy of the required annual application is provided in the appendix to the plan. Part I also contains the formula for the distribution of funds. The formula is based on several factors including the relative financial ability of local school districts, the number of low income families in a district, whether a district is located in an economically depressed area, level of general unemployment, the district's drop-out rate, and percentage of new programs offered.

The Texas Education Agency anticipates receiving approximately \$46 million in federal funds for vocational education in fiscal year 1981. The Texas Education Agency does not anticipate the amended funding procedure will affect the use of state or local funds for vocational education.

Public comment on the proposed amendment to Rule 226.32.91.080 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

This rule is proposed under the authority of Public Law 94-482 and Section 11.02(c), Texas Education Code.

.080. *Texas State Plan for Vocational Education.* The rules for occupational education and technology are described in Part I of the Texas State Plan for Vocational Education as amended June [January] 1980 which was developed as a requirement under Public Law 94-482. The plan is adopted by this reference as the Texas Education Agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) building, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas on May 7, 1980.

Doc. No. 803478 A. O. Bowen
Commissioner of Education

Proposed Date of Adoption: June 14, 1980
For further information, please call (512) 475-7077.

Texas Department of Health Maternal and Child Health Services

(Editor's note: The texts of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas Department of Health proposes to repeal the subject rules because they will be incorporated into a more comprehensive set of rules being proposed for the Crippled Children's Services Program. The new proposed Rules 301.33.08.001-.011 are being published in this same issue of the *Register*.

Public comments on these proposed repeals are invited and should be submitted no later than 30 days after publication of these repeals in the *Register* to Punam Myer, M.D., Crippled Children Services Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. There are no fiscal implications of these proposed repeals to the state or units of local government (source: Department's Budget Office and Crippled Children's Services Division).

Qualifications and Procedures by which Physicians Are Approved for Participation in the Crippled Children's Program 301.33.04

These rules are being proposed for repeal under authority of Articles 4418a, 4419c, and 6252-13a, Texas Revised Civil Statutes.

- .001. *Qualifications and Approval of Physicians for Participation in the Crippled Children's Services Program.*
- .002. *The Process for Approving a Physician's Application for Program Participation.*
- .003. *Technical Advisory Committee Review.*
- .004. *Approval Process by the Texas Board of Health Resources.*
- .005. *Program Participation by Nonapproved Physicians and Dentists.*

Doc. No. 803486

Technical Advisory Committee Serving the Crippled Children's Program 301.33.05

These rules are being proposed for repeal under authority of Articles 4418a, 4419c, and 6252-13a, Texas Revised Civil Statutes.

- .001. *Number of Technical Advisory Committees.*
- .002. *Technical Advisory Committee to the Regular Program.*
- .004. *Technical Advisory Committee to the Congenital Heart Program.*

Doc. No. 803467

Crippled Children's Services Program 301.33.08

The Texas Department of Health proposes to adopt new rules covering the department's Crippled Children's Program. Under this program the department is responsible for administering physical restoration services for eligible crippled children who are under 21 years of age and also for eligible persons, regardless of age, who have cystic fibrosis. The major parts of the rules are as follows:

- (1) an introduction and brief description of the program's operation;
- (2) the establishment, organization, and functions of technical advisory committees to the program;
- (3) qualifications and approval of physicians for participation in the program;
- (4) the approval process for hospitals participating in the program;
- (5) application procedures for children who may be eligible to participate in the program;
- (6) determination of patient eligibility under the program;
- (7) authorization of services for eligible applicants;
- (8) payment procedures for program-authorized services;
- (9) termination or modification of patient eligibility; and
- (10) requirements on confidentiality of information and nondiscrimination under the Civil Rights Act.

Public comments on the proposed rules are invited and should be submitted no later than 30 days after these rules are published in the *Texas Register* to Punam Myer, M.D., Crippled Children's Services Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

The fiscal impaicaion of these proposed new rules to the state and units of local government for the first five years of the program will be approximately \$22,337,025 for fiscal year 1980 and \$26,702,892 for each remaining year (source: department's Budget Office and Crippled Children's Services Division).

These rules are being proposed under authority of Articles 4418a, 4419c, and 6252-13a, Texas Revised Civil Statutes.

.001. *Introduction and Brief Description of Program Operation.*

(a) The Crippled Children's Services Program of the Texas Department of Health administers physical restoration services for eligible crippled children who are under 21 years of age, and for eligible persons, regardless of age, who have cystic fibrosis. To be eligible for service, the child's disability must be such that it is reasonable to expect that such child can be improved as a result of the services and/or equipment provided by the program.

(b) Medical conditions which can be covered by the program are:

- (1) orthopedically or neurologically crippling conditions, either congenital or acquired;
- (2) severe burns;
- (3) cleft lip and/or palate and other severe craniofacial anomalies;
- (4) congenital heart defects (no acquired cardiac conditions);
- (5) congenital anomalies of the gastrointestinal tract;
- (6) congenital anomalies of the external genitalia and genitourinary tract, excluding the kidneys;
- (7) cystic fibrosis;
- (8) sickle cell anemia;
- (9) crippling effects of hemophilia;
- (10) chronic otological conditions threatening the ossicular chain or mastoid;
- (11) cancer.

(c) Conditions generally not covered are:

- (1) prematurity, hyaline membrane disease, failure to thrive, respiratory distress syndrome;
- (2) acute infectious diseases;
- (3) digestive or metabolic disorders;
- (4) fractures not requiring surgery or extensive hospitalization;
- (5) ophthalmologic problems;
- (6) cases requiring only custodial care;
- (7) cosmetic surgery.

(d) Services are provided by physicians and hospitals that have been approved by the State Board of Health for program participation. The services provided include initial examinations, medical treatment, hospitalization, occupational and physical therapy, medically prescribed orthotic and prosthetic devices, medications, supplies, and transportation to treatment centers.

(e) To qualify for the above services, an application must be approved by the state office of the program in Austin. Children having coverable medical conditions are identified by local and regional health department clinics and by physicians.

(f) Once the application has been submitted, patient eligibility is determined by reviewing the medical, financial, and legal residency status of the applicant.

(g) After the applicant's eligibility has been established, he or she may receive services if an authorization for services has been requested in advance. In an emergency, services may be authorized retroactively, if the Austin office is notified on the following work day.

(h) Payment for authorized services provided by physicians and hospitals is made in accordance with an allowable fee schedule.

(i) Technical advisory committees assist in developing program policies, in establishing fee schedules, and contribute high-level expertise in medical matters.

(j) The program operates within federal and state laws regarding prohibition against discrimination and confidentiality of medical and financial information.

(k) Any person receiving services from the program may have their eligibility modified, suspended, or terminated should there be a change in the circumstances which initially made that person eligible.

.002. Establishment of Technical Advisory Committees.

(a) Number of technical advisory committees. Two committees serve in advisory capacities to the Crippled Children's Services Program.

(b) Technical Advisory Committee to the General Program.

(1) Number of members. The advisory committee to the General Program will be composed of no more than 15 members.

(2) Qualifications of members.

(A) The membership of this committee is to be multidisciplinary and may include medical specialists certified in any discipline participating in Crippled Children's Services Program activities. At least four of the members must be certified in orthopedic surgery and at least two of the remaining members of the committee from the following medical disciplines will foster the concept of multidisciplinary representation:

- (i) pediatric surgery;
- (ii) neurosurgery;
- (iii) neurology;
- (iv) otolaryngology;
- (v) urology;
- (vi) physiatry;
- (vii) dentistry;
- (viii) hematologist/oncologist;
- (ix) pediatrics.

(B) The program administrative staff, the administration of the Texas Department of Health, or the technical advisory committee may request consultants from any medical discipline or health-related profession not listed to address specific issues and problems in their area of expertise.

(3) Selection of members. Members are selected provisionally by the commissioner of the Texas Department of Health from nominations solicited by the commissioner. Appointment to serve on the committee requires approval by the Texas Board of Health.

(4) Selection of chairman and vice chairman.

(A) A chairman and a vice chairman of the technical advisory committee will be selected by a majority vote of the membership from nominations made at the first meeting of the committee in each state fiscal year.

(B) The duties of the chairman will be to preside at the meetings of the technical advisory committee. The vice chairman will preside in the absence of the chairman.

(5) Quorum. A simple majority of the membership will constitute a quorum.

(6) Length of appointment.

(A) A term of appointment will be for a period of three years. In order to provide continuity of members, five members will initially be appointed for one-year terms, five members to two-year terms, and five members to three-year terms. Members may be reappointed for an additional three full terms.

(B) It will be required that committee members express their desire to continue participation as an active member of the technical advisory committee for an additional term by communicating their wishes to the program administrative staff two months before the end of a membership term. The program administrative staff will notify the member whose term is expiring in sufficient time so that compliance with this provision is possible. Reappointment of

members will require provisional appointment by the commissioner of the Texas Department of Health with approval by the Texas Board of Health.

(C) In the event that a vacancy occurs in committee membership during a year, a new member may be provisionally selected by the commissioner of the Texas Department of Health from nominations as outlined under the paragraph, "selection of members," with board approval required for membership. A newly appointed member will fill the unexpired term to which appointed, and thereafter require appointment for membership on the committee.

(7) Meeting site. The meetings of the Technical Advisory Committee to the General Crippled Children's Services Program will be held at a time and place designated by the program administrative staff with the concurrence of the commissioner of the Texas Department of Health and the chairman of the technical advisory committee.

(8) Frequency of meetings. Although there is no fixed schedule for meetings of the technical advisory committee, the committee usually meets three or four times each year. Special meetings may be requested by the commissioner of the Texas Department of Health, the program administrative staff, the chairman of the committee, or committee members through the chairman.

(9) Compensation. Members will receive compensation in accordance with the compensation schedule set by the Texas Board of Health for payment to advisory committee members.

(10) Functions of the committee.

(A) The committee will function as a professional technical advisory committee for program operation. However, the committee does not assume responsibilities which are legally placed upon the Texas Board of Health.

(B) The committee will make recommendations on technical matters related to standards of care, fee schedules, and other matters related to program operation. The advisory committee will review applications and supporting documents of a physician who applies for participation in Crippled Children's Services General Program. Members are requested to familiarize themselves with the competence of a physician who makes application. Thereafter, the advisory committee recommends approval or disapproval of the application. The actions of the technical advisory committee are communicated to the commissioner of the Texas Department of Health for final action.

(C) The technical advisory committee will review applications from hospitals seeking approval as participating hospitals in the Crippled Children's Services Program. The committee will recommend approval or disapproval of an application from a hospital and submit the result of the committee's actions to the commissioner of the Texas Department of Health for final action.

(c) Technical Advisory Committee to the Cystic Fibrosis Program. The Technical Advisory Committee to the General Program functions as the Technical Advisory Committee to the Cystic Fibrosis Program. Provisions for membership and the duties are therefore identical.

(d) Technical Advisory Committee to the Congenital Heart Program.

(1) Number of members. The advisory committee to the Congenital Heart Program will be composed of seven members.

(2) **Qualifications of members.** Membership of this committee will include physicians certified in the specialty of pediatric cardiology or in thoracic surgery. Members must have been approved by the Texas Board of Health for participation as a physician in the Crippled Children's Services Program.

(3) **Selection of members.** Members are selected provisionally by the commissioner of the Texas Department of Health from nominations solicited by the commissioner. Appointment to serve on the committee requires approval by the Texas Board of Health.

(4) **Selection of chairman and vice chairman of the committee.**

(A) A chairman and a vice chairman of the Technical Advisory Committee to the Congenital Heart Program will be selected by a majority vote in each state fiscal year.

(B) The duties of the chairman of the Technical Advisory Committee to the Congenital Heart Program will be to preside at the meetings of the Technical Advisory Committee to the Congenital Heart Program. The vice chairman will preside in the absence of the chairman.

(5) **Quorum.** A simple majority of the membership will constitute a quorum.

(6) **Length of appointment.** A term of appointment will be for a period of three years. In order to provide continuity of members, two members will initially be appointed for one-year terms, two members for two-years, and three members for three-year terms. Members may be reappointed for an additional three full terms.

(7) **Meeting site.** The meeting of the Technical Advisory Committee to the Congenital Heart Program will be held at a time and place designated by the program administrative staff with concurrence of the commissioner of the Texas Department of Health and the chairman of the Technical Advisory Committee to the Congenital Heart Program.

(8) **Frequency of meetings.** Although there is no fixed schedule for meetings of the Technical Advisory Committee to the Congenital Heart Program, the committee usually meets three or four times each year. Special meetings may be requested by the commissioner of the Texas Department of Health, the program administrative staff, the chairman of the committee, or committee members through the chairman.

(9) **Compensation.** Members will receive compensation in accordance with the compensation schedule set by the Texas Board of Health for payment to advisory committee members.

(10) **Functions of the committee.**

(A) The committee will function as a professional technical advisory committee for program operation. However, the committee does not assume responsibilities which are legally placed upon the Texas Board of Health.

(B) The committee will make recommendations to program administrative personnel on technical matters related to standards of care, fee schedules and other matters related to program operation. The advisory committee will review applications and supporting documents of a physician who applies for participation in the Crippled Children's Services Program, Congenital Heart Program. Members are requested to familiarize themselves with the competence of a physician who makes application. Thereafter, the advisory committee to the Congenital Heart Program recommends approval or disapproval of the application. The actions of the Technical Advisory Committee to the Congenital Heart Program

are communicated to the commissioner of the Texas Department of Health and thereafter to the Texas Board of Health for final action.

(C) The Technical Advisory Committee to the Congenital Heart Program will review applications from hospitals seeking approval as participating cardiac centers for the Crippled Children's Services Program. The committee will recommend approval or disapproval of the application from the hospital and submit the result of the committee's actions to the commissioner of the Texas Department of Health prior to its being submitted to the Texas Board of Health for final action.

.003. Approval Process for Participating Physicians.

(a) **Qualifications and approval of physicians for participation in the Crippled Children's Services Program.** Physicians who are approved by the Texas Board of Health for participation in the Crippled Children's Services Program shall:

(1) have a valid license to practice medicine and surgery in the State of Texas;

(2) have agreed to accept the fees allocated by the program in payment for services;

(3) be approved by the Texas Board of Health as qualified to render such service;

(4) have submitted a completed application;

(5) have board certification in a recognized specialty of the American Board of Medical Specialties, or certification by other medical specialty boards as approved by the Texas Department of Health (in exceptional situations, this requirement may be waived);

(6) have practiced their specialty in Texas for at least one year (in exceptional situations, this requirement may be waived);

(7) have agreed to abide by the rules and regulations of program operations.

(b) **Process for approving a physician's application for program participation.**

(1) The physician who wishes to participate in the Crippled Children's Services Program requests an application form from the program office and completes the form.

(2) The physician returns the completed application form to the program office and requests that three physicians knowledgeable of the applicant's capabilities, including at least one in his specialty, but not sharing a private practice with the applicant, submit letters in support of the application directly to the program office.

(3) The application by the physician and the letters of support are reviewed by the program administrative staff. If the application is from a physician who is applying for approval for participation in the Congenital Heart Program, i.e., cardiologists or thoracic surgeons, these applications are processed for review by the Technical Advisory Committee to the Congenital Heart Program. All other applications from physicians will be reviewed by the Technical Advisory Committee to the General Program.

(c) **Technical advisory committee review.**

(1) Photocopies of all completed applications and supporting letters are sent to all members of the appropriate technical advisory committee one month prior to the scheduled meeting of the technical advisory committee. Technical advisory committee members review the applications and obtain additional information they deem necessary to evaluate the qualifications of the applicants.

(2) At the technical advisory committee meeting, appropriate applications are reviewed and a recommendation made by the technical advisory committee membership to the commissioner of the Texas Department of Health that a physician be approved, disapproved, or deferred.

(d) Approval process by the Texas Board of Health.

(1) The commissioner of the Texas Department of Health will submit the recommendations of the technical advisory committee to the Texas Board of Health for final action.

(2) A letter noting approval or failure to approve will be directed to the physician from the commissioner of the Department of Health.

(3) In the event that a physician previously approved for Crippled Children's Services Program participation has repeatedly failed to observe the policies established under the rules and regulations of this program, or has failed to maintain proficiency and professional competence as judged by his peers, these breaches will be called to the attention of the appropriate technical advisory committee. After review and investigation, the committee will make recommendations and submit their findings for consideration and possible withdrawal of program approval to the Texas Board of Health.

(e) Program participation by nonapproved physicians and dentists.

(1) In an emergency, eligible children with conditions covered by this program may be attended by a physician who has not been approved for participation. In addition, although most children receiving benefits from this program will be treated in approved hospitals, an emergency may necessitate the admission of an eligible recipient to a nonapproved hospital.

(2) The nonapproved physician attending the child in an approved or nonapproved hospital may provide the initial medical and surgical treatment necessary. When the child's condition is such that transfer to an approved hospital will not jeopardize the child, this should be accomplished. At this time, the professional responsibility for continuing care should be transferred to a physician approved for participation in the program.

(3) A second category of nonapproved physicians or dentists is recognized as a need in this program. An approved physician may request a consultation by a nonapproved physician or dentist. The consultant will evaluate the patient and make recommendations to the approved physician who requested the consultation. An approved physician remains the primary physician for the patient.

.004. Approval Process for Participating Hospitals.

(a) Objective. In keeping with the program's objective of providing medical care of the highest reasonable quality, participating hospitals should be equipped and staffed to meet the special needs of handicapped children and adolescents. Hospitals desiring to participate must be approved by the Board of Health as stipulated by law.

(b) Requirements:

(1) current approval by the Joint Commission on Accreditation of Hospitals;

(2) program-approved medical staff sufficient to meet anticipated program case load;

(3) equipment and qualified staff necessary to meet the special needs of projected number of handicapped children;

(4) a recent history of treating significant numbers of patients between the ages 0-21 for conditions covered by the program;

(5) room occupancy rate during the previous two years which was not less than the statewide average for that period;

(6) agreement to abide by program regulations.

(c) Procedures for approval.

(1) Hospital administrator submits completed application to program. Applications may be obtained from program office.

(2) Application is reviewed by program staff and additional information is obtained if necessary.

(3) Application is reviewed by the technical advisory committee and their recommendations are submitted with the application to the Board of Health for final action.

(d) Conditional approval. In considering the approval of an applying hospital, the needs of the program and the possible benefits to children served by the program are of paramount importance. In order to facilitate the availability of medical treatment in all areas of the state, while retaining the assurance of quality care, approval of some hospitals may be conditional, with restrictions limiting the hospital to treatment of only certain specific crippling conditions.

(e) In the event that a hospital previously approved for program participation repeatedly fails to observe the policies established under these rules and regulations, a description of the circumstances will be presented to the appropriate technical advisory committee. After review and investigation, the committee will submit a report on its findings and recommendations to the commissioner, who will forward the report to the Texas Board of Health for final action.

.005. Application Procedures.

(a) Casefinding. Children who may be eligible for care under the program are identified by local health departments and regional health units. They may also be referred directly to the program by physicians and hospitals (usually emergency admissions), or indirectly through other governmental agencies.

(b) Application procedures.

(1) Application forms are provided by most of the above sources by the state office upon direct request. The application form should be completed by a person who is legally responsible for the medical care of the applicant and any physician familiar with the applicant's medical condition. The application should then be forwarded directly to the central office at the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, or through the appropriate local or regional health department.

(2) In an emergency situation, application information may be telephoned to the central office and an eligibility decision can be obtained along with an emergency authorization. The application form must follow as quickly as possible; and if the information thereon does not substantiate eligibility, the program may nullify the authorization and deny payment for services.

.006. Patient Eligibility. Patient eligibility is determined by the following.

(a) Medical status. The condition for which treatment assistance is requested must be one covered by the program. The applicant must also be under 21 years of age, unless he or she is a cystic fibrosis patient.

(b) **Legal residency.** The applicant must be a legal resident of Texas.

(c) **Financial status.** In order to determine the financial inability of the party legally responsible to pay for treatment, each case is individually considered, and no automatic denial or approval is based upon income alone. The factors considered include:

- (1) size of family;
- (2) total family net income;
- (3) current family medical indebtedness;
- (4) insurance or other third-party payment sources available to the applicant;
- (5) projected cost of treatment for applicant's condition.

(d) **Reimbursement.** The following schedule shall apply to reimbursement.

(1) If medical and legal residency requirements are met, but financial eligibility is marginal, the program may agree to grant assistance and require family to partially reimburse the program for a percentage of expenditures made on the applicant's behalf.

(2) Depending upon individual financial circumstances, reimbursement percentage may vary.

(3) The family must agree to the reimbursement obligation arrangement before services are authorized.

(4) Reimbursement may be made in reasonable monthly increments at no interest, in accordance with specific, individually made agreements.

.007. *Authorization of Services.*

(a) Each time the eligible applicant is to receive any medical examination, or treatment, an authorization for this treatment must be requested in advance.

(b) Physicians may request authorizations for these continuing treatment episodes in any manner they choose so long as the necessary information reaches the Austin office in advance of the treatment date. Many physicians submit monthly lists of children whom they plan to treat under this program while others indicate the child's next appointment date on the charge submission or in a medical report. Authorizations may also be requested by telephone when necessary. It is vitally important that all services receive prior authorization since this program can assume no financial responsibility for any unauthorized services.

(c) In case of weekend or nonoffice hours emergencies, the central office may retroactively authorize emergency treatment if contacted during the next working day.

(d) The services provided by the program include:

(1) A single office examination without regard for financial eligibility. Federal program requirements stipulate that any child suspected of having a crippling condition must be provided an initial examination under program authorization. Eligibility must be established, however, before any treatment, hospitalization, or supplies may be authorized.

(2) Medical treatment (physician's services).

(3) Hospitalization.

(4) Physical and occupational therapy.

(5) Medically prescribed orthotic and prosthetic devices, and certain durable medical equipment.

(6) Certain medications and nondurable medical supplies.

(7) Transportation of patient and one parent to treatment center if the center is in another town. Round-trip bus tickets, or tickets for other comparably priced public conveyance are provided. There is no cash advance to parents

for any reason. Treatment as near as possible to the applicant's city of residence is encouraged.

(8) Meals and lodging for the accompanying parent while the applicant is hospitalized in another city. Arrangements are made through the hospital social services department.

(9) Transport costs for the remains of a patient who expires while receiving authorized medical treatment, if the patient was not in the family's city of residence.

(10) Expenses incidental to embalming of the deceased, as required for transportation.

(11) A casket purchased at a minimum price as required for transportation.

.008. *Payment for Program-Authorized Services.*

(a) **General information.** All services must be authorized by the Crippled Children's Services Program in Austin prior to delivery if program payment is expected. Retroactive authorizations for emergency admissions or treatments will be considered only if the Austin office is notified on the first working day following the provision of emergency care.

(b) **Physicians and other medical professionals.** Payment for physicians' services, inpatient services, and surgery is made in accordance with an allowable fee schedule developed with the assistance of the program advisory committees. The schedule is comprised of fees which shall not exceed customary minimum fees paid for such services. Payment for other professional services such as physical therapy is also made in accordance with an allowable fee schedule.

(c) **Inpatient hospitalization.** The program will pay the reasonable cost of program-approved inpatient hospital services provided to patients under the program.

(1) Payment for hospitalization is made on the basis of the particular hospital's actual costs. If charges are more than costs, payment is less than bill charges. Hospitals are required to keep the program apprised of their current ratio of costs to charges. Payment will not exceed 100% of actual cost.

(2) Hospital costs shall be computed under Title V regulations as follows. Charges made by a hospital will be adjusted by the hospital's most recent ratio of cost to charges (RCC) and/or other approved methods that will assure that the reasonable cost of any such services does not exceed the amount which would be determined under Section 1861(v) of the Act as the reasonable cost of such services for purposes of Title XVIII, and will take into account any action taken by the secretary pursuant to Section 1122(d) of the Act with respect to any such hospital.

(3) All hospitals approved for participation under the program will be required to periodically submit sworn statements to their current costs based on internal, private, or Medicare audits.

(4) Since Article 4419c clearly states that this program is secondary to other primary sources to payment, hospitals must apply their RCC to the total charges, excluding personal items that cannot be considered, and then deduct the estimated amount to be received from other sources, if any, before submitting a claim to the program. In the event payments from other sources would exceed the amount that would be payable by the program, no claim should be submitted. If the amount received from other sources is less than the amount estimated, a supplemental claim may be submitted for payment. If the amount received is greater, a refund must be made to the program.

(5) The least expensive rooms should be utilized in providing inpatient services for patients under the program.

(d) Outpatient hospital services. The program will pay reasonable fees for authorized services.

(e) Durable medical equipment.

(1) Certain medical equipment can be purchased for eligible program recipients if these items are prescribed by a physician approved for program participation. To have these items provided, the physician completes his portion of an appliance request form and forwards that form to the supplier of his choice. The program may specify that requests for certain standard types of equipment be forwarded to the central office, which will arrange for purchase on a lowest-bid basis.

(2) The supplier then completes his portion of the form, indicating cost and estimated date of delivery, and submits the completed form to the central office for authorization. No form with stamped signatures can be accepted.

(3) All providers of equipment, braces, and appliances will certify on the appliance request form that the price quoted is not more than the amount that they would charge any other government agency.

(4) Program-approved physicians may obtain appliance request forms from the central office.

(f) Disposable medical supplies and drugs.

(1) Certain medical supplies and drugs can be purchased for eligible program recipients if these items are prescribed by a physician approved for program participation. To have these items provided, the supplier must submit a copy of the prescription and the appropriate form to the central office for issuance of an authorization.

(2) The appropriate form must contain a description of the prescribed items, cost, and date of delivery. Forms for this purpose are available from the central office.

(g) Utilization of private insurance or other third-party payment sources.

(1) Medicaid. The Medicaid Program is primary to the Crippled Children's Services Program. This program will not supplement a Medicaid payment; but if hospitalization, treatment, or supplies are necessary which Medicaid cannot consider (such as orthopedic supplies, outpatient physical therapy, or hospitalization beyond Medicaid limitations), this program can consider providing assistance.

(2) Medical insurance. Under provisions of the Crippled Children's Services Program legislation (Article 4419c, Texas Civil Statutes), it is necessary that any private medical insurance or other benefits available to the patient be utilized.

(3) If payment is made to a medical care provider by this program in accordance with our fee schedules, and if the provider also receives payment for this service from private insurance, the medical care provider may retain the larger of the two payments and must return the smaller of the two payments to this program. This provision is applicable even though both payments received may not cover the total usual and prevailing charges. If the parent or guardian receives any direct insurance payment or payment from any other benefits for services or supplies for which payment has been or will be made by this program, the parent or guardian must reimburse this program to the extent of the insurance payment received.

(4) Families may not be billed. Under no circumstances can a family be asked to make any payment for services provided under an authorization from this program. This is expressly prohibited by federal regulations promul-

gated under legislation which partially funds this program. A marginally eligible family may, however, be required to reimburse this program for part of the funds expended in their child's behalf.

.009. Termination or Modification of Patient Eligibility.

(a) Modification, suspension, or termination of services is provided for by law in Article 4419c, Vernon's Texas Civil Statutes.

(b) Any person receiving services from the program may have their eligibility modified, suspended, or terminated should the circumstances which made them eligible initially alter. The program will give the patient notice stating the reasons for the proposed modification, suspension, or termination of services. Within 10 days after receiving this notice, the patient may respond to or question the program's reasons in a written response to the program. Upon receiving this response, the program will affirm or reverse its proposed action in writing to the patient, giving the reasons for the decision.

(c) Any person aggrieved by the program's decision is entitled to appeal the decision to the department. The appeal procedure, at a minimum, will include the following.

(1) Within 10 days after receiving the program's decision, the person must send a notice to the program requesting an informal hearing.

(2) The program will set a date and time at the central office for an informal hearing to be conducted by an impartial decision maker.

(3) The person aggrieved will have the opportunity to appear and offer comments, ask questions, refute the program's decision, and make suggestions for alternative action.

(4) The hearing officer will give all interested persons the opportunity to be heard, will conduct the informal hearing in a fair and due process manner, and will issue a written decision on the appeal, setting forth the reasons for his decision and the facts upon which he relied.

.010. Confidentiality of Information.

(a) All information as to personal facts and circumstances obtained by the program staff or the staff of cooperative agencies at the state, regional, or local level will constitute privileged communications, will be held confidential, and will not be divulged without the consent of the parents or guardian except as may be necessary to provide services. Information may be disclosed in summary, statistical, or other forms which does not identify particular individuals.

(b) Information as to personal facts and circumstances will be safeguarded as follows.

(1) All cooperating agencies and providers of services will be notified that no information is to be released about individual children receiving services under the program, without the consent of the parent, guardian, etc.

(2) Nonprofit organizations which solicit funds for the treatment of disabled children will be informed that the names of children whose treatment is being financed by the program are not to be included in any publicity which may be released.

(3) Information will be released if requested by duly constituted courts of the state.

(4) All statements made herein with reference to the confidentiality of information must conform to the state law of Texas and will be administered in conformity with such laws.

.011. Nondiscrimination Statement. The Texas Department of Health operates in compliance with Title VI, Civil Rights Act of 1964 (Public Law 88-352), and Part 80 of Title 45, Code of Federal Regulations, so that no person will be excluded from participation in, be denied benefits, or otherwise subjected to discrimination on the grounds of race, color, or national origin.

Issued in Austin, Texas, on May 6, 1980.

Doc. No. 803468 A. M. Donnell, Jr., M.D.
Deputy Commissioner
Texas Department of Health

Proposed Date of Adoption: June 13, 1980
For further information, please call (512) 458-7241.

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 August 1, 1980, Rule 059.05.01.005, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements II. The State Board of Insurance is proposing to amend paragraph A of Rule 19, Personal Injury Protection Coverage on page 11 of the Texas Automobile Manual to delete the second paragraph, which reads as follows:

The rejection of such coverage with respect to a policy may include a rejection with respect to a renewal of such policy, provided such coverage shall be afforded at any time when thereafter requested in writing by the insured named in the policy.

The State Board of Insurance is proposing to delete this paragraph due to legal questions that have arisen as to whether it tracks the statutory intent as stipulated in Article 5.06-3 of the Texas Insurance Code.

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

Public comment on the proposed amendments to Rule .005 is invited and may be submitted in writing to D. E. O'Brien, director, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are proposed under the authority of Articles 5.01, 5.06, and 5.06-3 of the Texas Insurance Code as amended.

.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 **August 1, (June) 1980**. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West 6th Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on May 1, 1980.

Doc. No. 803401 Pat Wagner
Chief Clerk
State Board of Insurance

Proposed Date of Adoption: June 13, 1980
For further information, please call (512) 475-3486.

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."



CODIFIED

TITLE 4. AGRICULTURE Part 1. Texas Department of Agriculture

Chapter 5. Quarantines Date Palm Lethal Decline

The Texas Department of Agriculture has adopted §§5.191-5.197 (176.22.19.201-207) concerning a serious disease affecting *Phoenix canariensis* (Canary Island date palm) and *Phoenix dactylifera* (date palm) in the Rio Grande Valley of Texas with two additions to the text. As a result of the public hearing two additions were made to the text because it was brought out and discussed at the hearing that we had failed to include authorization for inspection of pro-

perty for infected plants and provide a remedy or removal of infected plants. The second addition brought out and discussed at the hearing was the need to prevent additional susceptible varieties from being planted in the quarantined area. These sections with the exception of the two additions, have been in effect since it was filed on an emergency basis with the Office of the Secretary of State on March 7, 1980.

These sections are promulgated under the authority of Article 135a-1, Vernon's Annotated Civil Statutes.

§5.191 (176.22.19.201). *Name of Disease*. Date palm lethal decline.

§5.192 (176.22.19.202). *Regulated Area*. Cameron, Hidalgo, and Willacy Counties of Texas.

§5.193 (176.22.19.203). *Known Host Plants*. *Phoenix canariensis* (Canary Island date palm) and *Phoenix dactylifera* (date palm).

§5.194 (176.22.19.204). *Regulated Articles*. All parts except seed of known hosts and tools used in pruning and handling of host plants in the regulated area.

§5.195 (176.22.19.205). *Intrastate Regulations*. Movement of regulated articles within and from the infested area of Texas is prohibited except by special permit issued by the Texas Department of Agriculture.

§5.196 (176.22.19.206). *Requirements of Issuance of Permits*.

(a) Host plants located more than one mile and less than two miles from a known infected tree.

(1) The nursery must be inspected within 24 hours prior to shipment with no symptoms of lethal decline apparent.

(2) A preventative insect spray must be used on host plants as directed.

(A) Preferred treatment. Dimethoate (Cygon or De-fend)—two pints of 25% material per 100 gallons of water applied at one-month intervals.

(B) Malathion—five pounds of 25% wettable powder per 100 gallons of water applied weekly.

(3) On the day of movement the shipment of host plants must be sprayed with one of the sprays recommended in paragraph (2) above.

(b) Host plants located more than two miles from a known infected tree.

(1) Nursery must be inspected within 24 hours prior to shipment with no symptoms of lethal decline.

(2) On the day of movement the shipment of hosts must be sprayed with one of the insecticide sprays recommended in paragraph (2) above.

(c) If an infected tree is found within one mile of the nursery, no host plants from that nursery may move from the quarantined area for a period of six months following the removal of the infected tree or trees with no infected tree being found within one mile during this six-month interval.

(d) Tools used in pruning and handling of host plants should be disinfected as workers move from tree to tree in one part liquid household bleach (sodium hypochlorite) to four parts water or some other suitable disinfectant.

(e) Inspection and treatment. Any person owning or residing on property within the quarantined area shall allow the commissioner or his representative to enter on the premises for the purposes of inspecting for and treatment of Date Palm Lethal Decline. The commissioner may require

removal of any infected tree that he determines to be hazardous to other palms by promoting the spread of lethal decline.

(f) Planting restrictions. New commercial plantings of *Phoenix canariensis* and *Phoenix cactylifera* are prohibited in the quarantined area after June 1, 1980. The commissioner may require destruction of illegal plantings. Nurserymen who have planted host plants between January 1, 1980, and June 1, 1980, should contact the Texas Department of Agriculture District Office in San Juan prior to July 1 to report the exact location and date of planting of the host varieties. Any unreported new plantings will be considered illegal and subject to appropriate regulatory action.

§5.197 (176.22.19.207). *Penalties.* Provision of Section 9 of the General Pest Control Law, Chapter 15 of the Second Called Session, 41st Legislature, provides that the commissioner of agriculture may establish quarantine, and pursuant to such quarantines shall promulgate rules and regulations incident thereto, and that any person failing to comply with Chapter 15 or any rules and regulations promulgated thereunder shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed \$100.

Issued in Austin, Texas, on April 30, 1980.

Doc. No. 803465 Reagan V. Brown
 Commissioner of Agriculture

Effective Date: May 27, 1980

Proposal Publication Date: March 28, 1980

For further information, please call (512) 475-4457.

Title 7. BANKING AND SECURITIES

Part IV. Savings and Loan Department of Texas

Chapter 65. Loans

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Texas Savings and Loan Section of the Finance Commission and the Savings and Loan Commissioner of Texas have adopted the following amendments to §65.3 (056.08.00.003)(5) and (6), effective June 1, 1980. As a result of comments received, the section has been changed by deleting the wording "equal to the original term of the loan" in section (5) and by adding the wording "previously established" and "and defined" in subsection (6)(A), such amendments are set forth completely below:

§65.3 (056.08.00.003). *Loan Limitations.* Every association may make real estate loans to members secured by a mortgage, deed of trust, or other instrument creating or constituting a first and prior lien on improved real estate within the limits as classified in the following subsections:

(4) (4) (No change)

(5) Short-term loans from one- to five year maturity which otherwise comply with the provisions of any other subdivision of this section repayable in equal monthly installments, except for the last installment, in amounts sufficient to amortize the principal and interest in not more than 360 payments, with such last installment to be an amount equal to the then unpaid indebtedness. In connection with such a loan, the association may give its guaranty to extend payment of the unamortized balance of the indebtedness for one or more periods for a maximum of 481 months from the date the loan is funded. Such guaranty may be conditioned on an

adjustment of the rate of interest, if so, the loan documents shall clearly specify the manner in which such adjustment shall be made.

(6) An association may make real estate loans with an overall term of not more than 481 months having equal intermediate periods of not less than six months at the end of which adjustments in the interest rate may be made. The loan contract establishing such loans shall contain the following provisions:

(A) That at the end of each intermediate period, previously established, if maturity of the note has not been accelerated, or the obligor(s) do not elect to pay the note in full, the rate of interest to be paid during the ensuing period may be adjusted upward and must be adjusted downward to reflect the movement since the date of last adjustment based upon the "average cost of funds to FSLIC-insured institutions—all districts—index" as last computed and defined by the Federal Home Loan Bank Board and published in the Federal Home Loan Bank Board Journal, adjusted to the nearest 1/4 of 1.0%, or the movement of such other index as the commissioner may approve subject to applicable usury limitation.

(B) That the note be payable in monthly installments in an amount which will repay the principal plus interest within the overall term.

(C) That no charges will be made by the association in connection with any adjustment of the interest rate or monthly payment except the reasonable determined actual costs to the association of effecting such adjustment.

(D) That the monthly payment for interest and/or principal will not be increased or decreased except on the fifth anniversary of the note, and on each fifth anniversary thereafter. This adjustment will be in an amount to amortize the unpaid balance of the loan within the remaining term.

Issued in Austin, Texas, on May 6, 1980.

Doc. No. 803464 L. Alvis Vandygriff
 Commissioner
 Savings and Loan Department
 of Texas

Effective Date: June 1, 1980

Proposal Publication Date: April 1, 1980

For further information, please call (512) 475-7991.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter F. Motor Vehicle Division

Under the authority of Texas Taxation—General Annotated, Article 6.09 (Vernon 1969) the Comptroller of Public Accounts has adopted §3.71 (026.02.06.018) to read as follows:

§3.71 (026.02.06.018). *Definition of Resident and New Resident (Texas Taxation—General Annotated, Article 6.01(2)(3)) (Vernon 1969).*

(a) A "resident" within the meaning of Texas Taxation—General Annotated, Article 6.01(2) (Vernon 1969), shall mean any person who lives in the state, and any firm, corporation, or association which is physically located in the state. A person who is temporarily living in the state, and retains a permanent home in another state, is nevertheless a

resident of Texas for purposes of Texas Taxation—General Annotated, Article 6.01(2) (Vernon 1969). A person, firm, corporation, or association may be a resident of more than one state at a time.

(b) Definition of new resident.

(1) A "new resident" within the meaning of Texas Taxation—General Annotated, Article 6.01(3) (Vernon 1969), shall mean any person, firm, corporation, or association which moves into Texas with the intent to live or locate within the state. A natural person may demonstrate the necessary intent to live in Texas by establishing a fixed dwelling place in Texas, registering to vote in Texas, or demonstrating a legal or economic constraint to live in Texas. A business entity may demonstrate the necessary intent to locate in Texas by establishing a fixed place of business in Texas, advertising that it is located in Texas, or demonstrating a contractual obligation to locate in Texas.

(2) A "new resident" may also be a resident of other states. However, once residence is established in Texas, a person, firm, corporation, or association may not subsequently become a "new resident" within the meaning of Texas Taxation—General Annotated, Article 6.01(3) (Vernon 1969), without a showing that the residence formerly established in Texas was abandoned.

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803453 Bob Bullock
Comptroller of Public Accounts

Effective Date: May 27, 1980
Proposal Publication Date: March 14, 1980
For further information, please call (512) 475-1935.

Subchapter K. Miscellaneous Tax Division

Under the authority of Texas Taxation-General Annotated Article 23.05, the Comptroller of Public Accounts has adopted §3.161 (026.02.23.001) to read as follows:

§3.161 (026.02.23.001). Definitions.

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

(c) Charitable or eleemosynary organizations. A charitable or eleemosynary organization is one devoting all or substantially all of its activity to the alleviation of poverty, disease, pain, and suffering by providing foods, drugs, treatment, shelter, clothing, or counseling to needy persons, with its funds derived, in part, from sources other than fees or charges for its services.

Fraternal organizations, lodges, fraternities, sororities, service clubs, and the like, even though not organized for profit, are not charitable in the meaning of this chapter. Mutual benefit or social groups, professional groups, trade or business groups, trade associations, medical associations, chambers of commerce, and the like, even though not organized for profit and performing services which are often charitable in nature, are not charitable organizations within the meaning of this chapter.

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803454 Bob Bullock
Comptroller of Public Accounts

Effective Date: May 27, 1980
Proposal Publication Date: February 19, 1980
For further information, please call (512) 475-1932.

Under the authority of Texas Taxation—General Annotated, Article 23.05 (1969), the Comptroller of Public Accounts has adopted §3.163 (026.02.23.003) to read as follows:

§3.163 (026.02.23.003). Exemption Certificate.

(a) An exemption certificate may be issued only by an exempt organization as defined in Texas Taxation—General Annotated, Article 23.02(c), which contracts and pays for the hotel accommodations.

(b) Exemption numbers or tax numbers do not exist for the purposes of this act.

(c) The exemption certificate must be substantially in the form set out below:

Hotel Occupancy Tax Exemption Certificate

The undersigned hereby claims an exemption from payment of taxes under Texas Taxation—General Annotated, Chapter 23, for the rental of a hotel room or rooms from _____

The reason that said Occupant is claiming this exemption is _____

Executed this the ___ day of _____, 19__.

Exempt Organization _____

Address _____

Signature _____

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803455 Bob Bullock
Comptroller of Public Accounts

Effective Date: May 26, 1980
Proposal Publication Date: February 29, 1980
For further information, please call (512) 475-1932.

Under the authority of Texas Revised Civil Statutes Annotated, Article 7150.1, the Comptroller of Public Accounts has adopted §3.164 (026.02.23.004) to read as follows:

§3.164 (026.02.23.004). Solar Energy Exemption.

(a) General policy. The value of assessed property arising from the construction or installation of any solar energy device is exempt from property taxation. The assessed value of property for ad valorem tax purposes does not include the increased value due to any solar energy devices being installed or constructed on the assessed property. A tax assessor is prohibited from increasing the value of property because solar or wind energy devices have been placed on the property being assessed.

(b) Market valuation of property. In measuring the market value of property the assessor should not increase market value because solar energy devices have been utilized, even when the actual market value has increased because of those devices. In cases where a solar energy device provides a major benefit or comfort such as water heating with no conventional back up system, the property should be valued as if there was no such system at all. In cases where solar energy devices increase the available living space in property, the extra space should not be considered to increase the market value to the extent the extra space can only be used as part of a solar energy device. Examples of how to measure the market value of property with solar energy devices are as follows:

(1) A building with a solar greenhouse as an added heat supply should be valued as if the greenhouse were not there at all, provided the greenhouse can serve no other function than supplying heat. If the greenhouse can be utilized for other purposes, a prorated portion of the increased value should be deducted to reflect its function as a solar energy device.

(2) A building with an active solar heating system consisting of collectors, storage units, and a distribution system with no conventional central heating system should be valued as a building without a central heating system.

(3) A swimming pool which is heated solely by a solar heating system should be valued as a pool without a heating system.

(4) A building with a swimming pool, which utilizes the swimming pool as a solar collector and/or storage unit in the winter and swimming pool in the warm months should be valued as if it only had a swimming pool for warm weather use.

(5) A building which has insulated outside walls and interior walls of high density material in excess of four inches thick should have the value of the property reduced in an amount equal to the value of the square footage area represented by the width of the interior wall in excess of four inches.

(6) A building without exterior insulated walls, constructed of masonry with no frame, with walls in excess of 12 inches should have value of the property reduced by an amount equal to the value of the square footage area represented by the width of the wall in excess of 12 inches.

(c) Valuation of income producing property. Income producing property which has incorporated solar energy devices will benefit from a direct or indirect increase in income due to a decrease in operational utility costs. The increased income attributable to the incorporation of solar energy devices should not be considered in valuing the property for ad valorem tax purposes.

(d) Valuation of property on a cost basis. The cost of solar energy devices constructed or installed on the assessed property should not be used to increase the value of the property. If solar energy devices are used in place of or in addition to conventional systems, the cost of the solar energy devices should not be considered in valuing the property.

(e) Definitions. A "solar energy device" means a solar or wind energy collector or solar or wind energy storage mechanism which provides for the collection, storage, or distribution of solar or wind energy for subsequent use as thermal, mechanical, or electrical energy. As used in this definition, the essential terms have the following meanings:

(1) "Solar energy" means radiant energy available from the sun that may be collected and converted into useful thermal, mechanical, or electrical energy, including biomass energy imparted to living plants through photosynthesis.

(2) "Wind energy" means the energy available in wind that may be captured and converted into useful thermal, mechanical, or electrical energy.

(3) "Solar or wind energy collector" means any assembly, structure, or design used to absorb, concentrate, convert, reflect, or otherwise capture or redirect solar or wind energy for subsequent use as thermal, mechanical, or electrical energy.

(4) "Solar or wind energy storage mechanism" means equipment, components, or elements designed and used to store for subsequent use solar or wind energy, either

in the same form as the energy will eventually be used, or in an intermediate form, including thermal, electrochemical, chemical, electrical, or mechanical storage mechanisms.

(f) The following is a nonexhaustive list of solar and wind energy devices:

(1) Solar greenhouses or atriums which are attached to the area to be heated. There must be a definite connection between the collection area and the area to be heated, and the collection area must be oriented to adequately capture solar energy. If the collection area faces more than 20° east or west from true south, it will be presumed inadequate to capture solar energy, unless shown otherwise.

(2) Solar water heaters utilizing a collector and storage mechanism in an integrated unit or utilizing a siphoned or pumped circulation system.

(3) Water walls or drum walls which utilize a thermally and chemically stable high density liquid placed behind a glazed wall on the southern side of the area to be heated. There should be an insulated and/or reflective moveable cover over the wall.

(4) Trombe wall which utilizes a high density mass masonry wall behind a south-facing glazed or glass wall. The high density mass masonry must be able to store and emit thermal energy for use in heating or cooling.

(5) Roof ponds with moveable insulated covers which utilize a high density, chemically stable liquid in order to collect radiant energy and transfer it to the structure below.

(6) Rock bins, pebble beds, or other similar storage units connected to a collector and used to store and emit hot or cool air in connection with a solar collection and distribution system.

(7) Liquid flat plate collector consisting of an absorber plate with good thermal conductivity in contact with a transfer liquid. Normally the absorber surface has a black coating to aid absorption, and glazing and insulation to prevent heat loss.

(8) Air flat plate collectors similar to liquid flat plate collectors except that they utilize air instead of liquid and larger ducts to facilitate air transfer.

(9) Concentrating and focusing collectors which utilize reflection and/or refraction to concentrate radiant energy, and which track the path of the sun.

(10) Windmills, wind turbines, or wind chargers using blades, rotors, turbines, or other means to capture or redirect wind energy into useful mechanical, thermal, or electrical energy.

(11) Lead storage batteries or other similar batteries for storage of accumulated wind or solar generated energy.

(12) Synchronous converters which automatically monitor on-site electrical generation and needs, and which draw site-generated solar or wind energy in the form of electricity as needed to mix with conventional back-up power.

(13) Algae ponds, ponds for growing water hyacinths, and other similar areas dedicated to the growth of living plants which are subsequently used to produce methane or other fuel.

(g) The definition of "solar energy device" does not include items used for energy conservation which do not actually provide thermal, mechanical, or electrical energy and which are not an integral part of a "solar energy device." Examples would include double-plated windows, building insulation, black or reflective roofs, reflective sheeting, and solar shades for windows. The exemption from property tax

will not apply to energy conservation or other devices that can be used regardless of the energy source being utilized.

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803456 Bob Bullock
Comptroller of Public Accounts

Effective Date: May 27, 1980
Proposal Publication Date: March 4, 1980
For further information, please call (512) 475-1932.

Part VII. State Property Tax Board

Chapter 155. Tax Record Requirements

The State Property Tax Board adopts a new section governing the application forms for exemption from ad valorem taxation for disabled veterans and their survivors and the manner in which an exemption may be claimed.

The following rule is adopted in accordance with the statutory mandate of Texas Property Tax Code, Section 5.07 (1979) and of Texas Laws 1979, Chapter 841, Section 7, at 2331.

§155.4 (237.03.00.007). Exemption Applications for Disabled Veterans and Their Survivors.

(a) All tax offices assessing or appraising property for ad valorem tax purposes shall prepare and make available applications for exemption for disabled veterans and their survivors.

(b) All application forms for exemptions for disabled veterans and their survivors shall make provision for the following information:

- (1) the year for which the exemption is claimed and a declaration that the applicant was a Texas resident on January 1 of that year;
- (2) the name of the political subdivision to which the application is made;
- (3) a statement of what original documents the tax assessor-collector will require of the applicant to prove eligibility for exemption;
- (4) the legal description of the property against which the exemption is claimed;
- (5) the date of the application;
- (6) the name and address of the applicant;
- (7) the signature of the applicant.

(c) To identify the status under which an applicant claims exemption, all application forms shall clearly state that the applicant claims exemption as one of the following and will provide the following necessary information.

- (1) Disabled veteran:
 - (A) the branch of service, serial number, and age of the disabled veteran;
 - (B) a statement indicating whether the disabled veteran is totally blind in one or both eyes or has lost the use of one or more limbs.
- (2) Surviving spouse of a deceased disabled veteran:
 - (A) the marital status of the applicant;
 - (B) the age of the deceased veteran at the time of death;
- (C) a statement indicating whether the applicant has claimed an exemption as a surviving child of either a deceased disabled veteran or of a person who died while on active duty;

(D) a statement indicating whether the deceased disabled veteran was totally blind in one or both eyes at the time of his or her death or had lost the use of one or more limbs.

- (3) Surviving child of a deceased disabled veteran:
 - (A) the age of the applicant;
 - (B) the marital status of the applicant;
 - (C) the total number of surviving children of the deceased disabled veteran;
 - (D) the age of the deceased disabled veteran at the time of death;
 - (E) a statement indicating whether the deceased disabled veteran parent is survived by his or her spouse;
 - (F) a statement indicating whether the deceased disabled veteran was totally blind in one or both eyes or had lost the use of one or more limbs at the time of his or her death.
- (4) Surviving spouse of person who dies while on active duty: the information provided in subsection (b) is sufficient.
- (5) Surviving child of person who dies while on active duty:

- (A) the age of the applicant;
- (B) the marital status of the applicant;
- (C) the total number of surviving children of a person who died while on active duty.

(d) All application forms for exemptions for disabled veterans and their survivors shall contain the following affirmations:

- (1) "I hereby designate the following property, which I owned on January 1 of this year, as the sole property against which any disabled veteran's or survivor's exemption may be claimed in Texas."
- (2) "I certify that the information given on this form is true and correct."

(e) All application forms for exemptions for disabled veterans and their survivors shall contain the following statement:

The penalty for making a false statement upon filing this application is imprisonment in jail for no less than two years but no greater than ten years and the additional possibility of a fine not to exceed \$5,000.

(f) No provisions in these rules are to be construed as prohibiting the consolidation of forms.

(g) An applicant may receive this exemption by signing an affidavit indicating that the information contained in the affidavit signed in the previous year is still true and correct.

(h) Determination of date eligibility. An applicant's eligibility for any exemption under this Act is determined as of January 1 of the tax year for which the exemption is being claimed.

(i) Determination of eligibility.

- (1) Disabled veteran.

(A) The tax assessor-collector must be satisfied that the applicant is in fact a disabled veteran, that the disability is service-connected, and that the disability is of a certain specified extent. Such requirement of proof may be met by the applicant presenting the tax assessor-collector with original official documents of either the Veteran's Administration (or its successor) or the branch of the armed services in which the applicant served, either of which verify the disabled veteran's claimed status.

(B) These documents should be dated no more than one year prior to the date presented to the tax assessor-collector.

tor or satisfy the tax assessor-collector that the documents represent the current certification of disability.

(2) Surviving spouse of a deceased disabled veteran or surviving spouse of a person who died while on active duty.

(A) The tax assessor-collector must be satisfied that the applicant does qualify. Such requirements of proof may be met by the applicant presenting the tax assessor-collector with the following:

(i) original official documents of the Veteran's Administration or the branch of the armed services in which the veteran served which verify either the deceased disabled veteran's service-connected disability at the time of the deceased disabled veteran's death or the deceased person's death while on active duty or documentation of the fact that the veteran was receiving an exemption under this Act (or the Act's predecessor); and

(ii) original official documents consisting of either a marriage license, will, probate proceedings, heirship affidavit, official documents of the Veteran's Administration, armed services, Department of Defense, or Social Security Administration, or any other legal or official documents which verify marital status.

(B) If the applicant is applying as the surviving spouse of a deceased disabled veteran and has remarried following the death of the deceased disabled veteran, the tax assessor must be satisfied that the remarriage has been terminated because of divorce or death on or before January 1 of the tax year for which he or she is claiming an exemption. Such requirement of proof may be met by the applicant presenting the tax assessor-collector with the following original documents: divorce papers, death certificate, official documents of the Veteran's Administration, armed services, Department of Defense, or Social Security Administration, or other official documents which verify the applicant's status as unmarried.

(3) Surviving child of a deceased disabled veteran or surviving child of a person who died while on active duty.

(A) The tax assessor-collector must be satisfied that the applicant does qualify. Such requirement of proof may be met by the applicant presenting the tax assessor-collector with the following:

(i) Original official documents which verify the deceased disabled veteran's service-connected disability at the time of his or her death or which verify that the deceased veteran died while on active duty. The official document can be from the Veteran's Administration, the branch of the armed services in which the veteran served, or documentation of the fact that the veteran was receiving an exemption under this Act (or the Act's predecessor) at the time of his or her death; and

(ii) Documents which verify the applicant's filial relationship to the deceased disabled veteran or to the person who died while on active duty consisting of a birth certificate, will, probate proceedings, official documents of the Veteran's Administration, armed services, Department of Defense, or Social Security Administration, or other legal or official documents verifying filial status; and

(iii) Documents which verify the applicant's age consisting of any document listed above or a valid driver's license.

(B) If the applicant is applying as the surviving child of a deceased disabled veteran, the tax assessor-collector must be satisfied that the deceased disabled veteran is not survived by his or her spouse. Such requirement of proof may

be met by the applicant presenting the tax assessor-collector with the following original documents: death certificate, will, heirship affidavit, official documents of the Veteran's Administration, armed services, Department of Defense, or Social Security Administration, or other legal or official documents which verify that the deceased disabled veteran is not survived by his or her spouse.

Doc. No. 803406

Chapter 161. Valuation Procedures

The State Property Tax Board adopts new sections governing the appraisal formulas used in the central appraisal of transportation business intangible property.

The section is adopted in accordance with the statutory mandate of Texas Property Tax Code, Section 24.10 (1979).

§161.2 (237.08.00.002). Appraisal Formulas for Central Appraisal of Transportation Business Intangible Property.

(a) The State Property Tax Board, employing the evidence and information adduced from the Property Information Report, shall ascertain the true market value of the operating portion of the business as of January 1 and the true market value of all tangible property using that method which it believes best calculated to bring about a just, fair equitable, and lawful valuation, employing recognized valuation techniques as applicable, including a market approach such as adding the aggregate market or true value of all its shares of stock to the aggregate market or true value of all indebtedness secured by any mortgage, lien or other charge upon its property or assets, an income approach such as determining the net income and applying to that net income an appropriate capitalization rate, and a cost approach such as determining the reproduction or replacement cost and a depreciation schedule.

(b) In the event that the business fails to submit evidence and information as required by law the State Property Tax Board will ascertain the true market value of the operating portion of the business as of January 1 and the true market value of all tangible property as of January 1 using that method which it believes best calculated to bring about a just, fair, equitable, and lawful valuation employing recognized valuation techniques.

Doc. No. 803407

The State Property Tax Board adopts new sections governing the formulas for interstate allocations and intrastate apportionment used in the central appraisal of transportation business intangible property.

The section is adopted in accordance with the statutory mandate of Texas Property Tax Code, Section 24.10 (1979).

§161.3 (237.08.00.003). Formulas for Interstate Allocations and Intrastate Apportionment Used in the Central Appraisal of Transportation Business Intangible Property.

(a) Where the business conducts business and has property both within the state and outside the state, the State Property Tax Board, in ascertaining the true value of its property within the state, will ascertain from the property information report and evidence presented, the true market value of its properties, if any, outside the state, and not specifically used in its Texas business. The aggregate value so deter-

mined will be deducted from the gross value of the property previously ascertained. The result of the deduction and the sum or value thereby obtained, will be deemed the true value of all property of the business in actual use in its business.

(b) The State Property Tax Board will then ascertain the true market value of the property of the business within the state by considering the total lines or total receipts within the state and outside the state, and lines controlled or operated, or the receipts obtained, entirely within the state so that there will be apportioned to the state, as the true value of the business within the borders of the state, the proportion of the true value of the business specifically used in its business, as reflected by the total lines or total receipts within the state when compared with the total lines or total receipts both inside and outside the state.

(c) The State Property Tax Board will apportion to each county in which the business operates the sum of the total taxable values within the state in proportion to the business done in and receipts derived from each county. In the case of a railroad, the apportionment to each county will be in proportion to the lines of the railroad in the county. In the case of motor bus companies, common motor carriers, and contract carriers, the State Property Tax Board will apportion to the counties in or through which they operate in proportion to the distance in miles of the highways traversed by them in each county. In the case of pipeline or oil pipeline companies, the State Property Tax Board will apportion to the counties in or through which they operate in proportion to the distance in miles of the pipe operated by them in each county, as converted to an eight-inch diameter pipe.

Doc. No. 803408

The State Property Tax Board adopts new sections governing the nature of good cause required to extend the reporting deadline for the central appraisal business intangible property.

The section is adopted in accordance with the statutory mandate of Texas Property Tax Code, Section 24.10 (1979).

§161.4 (237.08.00.004). The Nature of Good Cause Required to Extend the Reporting Deadline for the Central Appraisal of Transportation Business Intangible Property. For good cause shown, the board may extend the filing deadline by written order for a single period not to exceed 30 days. Inability on the part of the reporting companies to provide or compile the evidence or information as required on the property information report constitutes good cause, if, in the judgment of the State Property Tax Board, such extension will provide the reporting companies sufficient time to provide the requisite information.

Doc. No. 803409

The State Property Tax Board adopts new sections governing the formulas for interstate allocation of the value of railroad rolling stock.

The section is adopted in accordance with the statutory mandate of Texas Property Tax Code, Section 24.34 (1979).

§161.5 (237.08.00.005). Formulas for Interstate Allocation of the Tax Value of Railroad Rolling Stock. The value of railroad rolling stock will be allocated to this state in the proportion of

the total market value of the rolling stock that fairly reflects its uses in this state during the preceding tax year by ascertaining the average number of cars found to be habitually within the borders of the state or the average amount of the property habitually used or employed in the state, or when such method will produce a more just, fair, equitable, and lawful result by ascertaining the proportion of the total distance in miles of main line track, branch line track, and side, yard, and spur track located in the state which the railroad company operates in comparison with the total distance in miles of such track which the railroad company operates.

Doc. No. 803410

The State Property Tax Board adopts a new section concerning the adoption by reference of the Transportation Business Intangible Property Information Report forms. The forms as adopted by reference include: (1) report of the operation of the business as a motor bus company, common carrier motor carrier, a specialized motor carrier, or contract carrier; (2) annual report—Texas Railroad Intangibles Tax; (3) annual report of oil pipeline companies; (4) report of the operations of common carrier pipeline or an oil pipeline company within the State of Texas; and (5) annual report for toll roads, toll bridges, and ferries.

The rule is adopted pursuant to rulemaking authority conferred by Texas Property Tax Code, Section 24.10 (1979).

§161.6 (237.08.00.006). Transportation Business Intangibles Property Information Report. The State Property Tax Board adopts by reference the Transportation Business Intangibles Property Information Report forms. These forms are published by and available from the State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

Doc. No. 803411

The State Property Tax Board adopts new sections governing the evidences of value employed in the central appraisal of transportation business intangible property.

The section is adopted in accordance with the statutory mandate of Texas Property Tax Code, Section 24.10 (1979).

§161.7 (237.08.00.001). Evidences of Value for Central Appraisal of Transportation Business Intangible Property.

(a) Motor bus company, common motor carrier, specialized motor carrier, or contract carrier subject to regulation by the Texas Railroad Commission:

- (1) the number of vehicles owned;
- (2) the total cost of trucks, tractors, trailers, or buses;
- (3) the present total value, considering depreciation,

of the above;

- (4) the total cost of warehouse and storage facilities;
- (5) the present total value of the above;
- (6) the total cost of other transportation properties;
- (7) the present total value of other transportation

properties;

(8) the total gross receipts (income) from the operation of these properties for the year, including income from passenger revenue, income from for-hire trucking, income from storage, income from other receipts;

(9) the expenses of operating the business for the preceding year, including repairs and servicing of equipment, drivers' wages, gasoline, other fuel and lubricants, office sal-

aries, officer salaries and expenses, insurance and safety, depreciation, taxes and licenses (including income tax), rent property, other transportation expenses.

(b) Railroad companies:

(1) stock and debt information, including average monthly high or low of common stock over the preceding year and the number of shares outstanding on December 31, average monthly high or low of preferred stock over preceding year and the number of shares outstanding on December 31, market value of debt on December 31 such as mortgage bonds, equipment obligations, unsecured debentures, unsecured notes (do not include long-term debt due within one year);

(2) cost and obsolescence information, including the investment in property, depreciation and amortization, net investment, the elements of investment, net elements of investment, railway operating revenue, net railway operating income, net railway operating income from freight, transportation rail line expense, total railway operating expense, operating rates, total income taxes, average miles of road, total train miles, gross ton miles (by thousand), train hours, ton miles revenue (from freight by thousand), maintenance of way, federal income tax, deferred taxes, and total taxes;

(3) income information, including the percent of capital structure and cost of common stock, preferred stock, mortgage bonds, debentures, equipment obligations, and unsecured notes;

(4) supplemental data for the preceding three years, including railroad income available for fixed charges, holding company income available for fixed charges, railroad's net railway operating income, holding company net income, railroad net income, total assets of holding company, total railroad assets, total properties less depreciation and amortization, long-term debt due in one year, total current assets, total current liabilities, total railroad gross revenue, Texas railroad gross revenue, total operating income, Texas net railway operating income, total gross railroad investment, Texas gross railroad investment, total trackage operated, Texas trackage operated.

(c) Pipeline or oil pipeline company.

(1) Balance sheet statement for assets including:

(A) current assets such as cash temporary investments, notes receivable, receivables from affiliated companies, accounts receivable, interest and dividends receivable, oil inventory, material and supplies, prepayments, other current assets;

(B) investments and special funds such as investments in affiliated companies in the form of stocks, bonds, other secured obligations, unsecured notes, and investment advances, investments in other companies in the form of stocks, bonds, other secured obligations, unsecured notes, and investment advances, investments in sinking and other funds, and credit due to reductions in security values;

(C) tangible property such as carrier property, accrued depreciation of carrier property, accrued amortization of carrier property, operating oil supply, noncarrier property, and accrued depreciation of noncarrier property;

(D) other assets and deferred charges such as organization costs and other intangibles, accrued amortization of intangibles, unamortized discount and interest on long-term debt, miscellaneous other assets, and other deferred charges.

(2) Balance sheet statement for liabilities including:

(A) current liabilities such as notes payable, payables to affiliated companies, accounts payable, salaries and wages payable, interest payable, dividends payable, taxes payable, long-term debt within one year, and other current liabilities;

(B) noncurrent liabilities such as long-term debt payable after one year, unamortized premiums on long-term debt, and other noncurrent liabilities;

(C) stockholders' equity such as capital stock, premiums on capital stock, capital stock subscriptions, additional paid-in capital, appropriated retained income, and unappropriated retained income.

(3) Investment, accrued depreciation, and depreciation base and rates in carrier property including:

(A) gathering lines including land, rights-of-way, line pipe, line-pipe fittings, pipe-line construction, buildings, boilers, pumping equipment, machine tools and machinery, other station equipment, oil tanks, delivery facilities, communication systems, office furniture and equipment, vehicles and other work equipment, other property;

(B) trunk lines including land, rights-of-way, line pipe, line-pipe fittings, pipe-line construction, buildings, boilers, pumping equipment, machine tools and machinery, other station equipment, oil tanks, delivery facilities, communication systems, office furniture and equipment, vehicles and other work equipment, other property;

(C) general investments including land, buildings, machine tools and machinery, communication systems, office furniture and equipment, vehicles and other work equipment, other property, construction work in progress, acquisition adjustments.

(4) Retained income statement including:

(A) unappropriated retained income at beginning of year;

(B) net balance transferred from income;

(C) extraordinary credits to retained income;

(D) extraordinary charges to retained income;

(E) federal income taxes assigned to retained income;

(F) appropriations of retained income;

(G) dividend appropriations of retained income;

(H) unappropriated retained income at end of year.

(5) Dividend appropriations of retained income.

(6) Income statement including:

(A) carrier operating income such as operating revenues, operating expenses;

(B) other income and deductions such as net income from noncarrier property, interest and dividend income, miscellaneous income, interest expense, miscellaneous income charges;

(C) federal income taxes.

(7) Information fulfilling specific requirements of Article 7107 including:

(A) amount of the total gross receipts or gross revenue of respondent for the year ended December 31 next preceding, derived from its business done within the State of Texas, including a due proportion of its interstate business;

(B) the market value of the shares of capital stock issued and outstanding;

(C) if the capital stock issued and outstanding has no market value, the actual value thereof;

(D) give the true value of all the tangible property owned on December 31 next preceding, situated in Texas;

(E) give the true value of all the tangible property owned on December 31 next preceding, situated outside of Texas, and that property not used in the oil pipe-line business.

(8) Federal and all other pipe-line taxes.

(9) Miles of pipe lines owned at close of year.

(10) Valuation of tangible property.

(d) Bridges, ferries, toll roads.

(1) Balance sheet for assets including:

(A) current assets such as cash, accounts receivable, notes receivable, other current assets;

(B) fixed assets such as bridges, buildings, furniture and fixtures, land, and other operating equipment;

(C) other assets such as franchises, investments, securities and advances and other deferred debt.

(2) Balance sheet for liabilities including:

(A) current liabilities such as notes payable, accounts payable, interest accrued, salaries and wages accrued, and other current liabilities;

(B) fixed liabilities such as mortgages payable, bonds outstanding, and other funded debt;

(C) reserves such as insurance reserves, reserve for retirement of funded debt, reserves for contingencies, and other reserves;

(D) capital and surplus such as common and preferred capital stock outstanding, earned surplus, proprietary account of partners or individuals.

(3) Statement of income and expenses (interstate and intrastate) including:

(A) gross income from operation;

(B) operating expenses such as salaries and wages, repairs, depreciation, advertising, insurance, legal expenses, traveling expenses, office supplies, and other expenses;

(C) total operating expenses;

(D) net income from operations;

(E) other income such as interest income and other income;

(F) other expenses;

(G) other deductions from gross income such as interest on funded debt, city, county and state taxes, income taxes, and all other taxes;

(H) net income from all business;

(I) net income from Texas business.

Issued in Austin, Texas, on May 5, 1980.

Doc. No. 803412 Walter E. Lillie
 General Counsel
 State Property Tax Board

Effective Date: May 26, 1980

Proposal Publication Date: April 1, 1980

For further information, please call (512) 837-8622.



NONCODIFIED

Coordinating Board, Texas College and University System

Campus Planning and Physical Facilities Development

Criteria for Approval of New Construction and Major Repair and Rehabilitation Provisions for Emergency Approval 251.04.03

Under the authority of Section 61.058, Vernon's Texas Civil Code Annotated, the Coordinating Board, Texas College and University System, has amended Rule 251.04.03.010 to read as follows:

.010. Provisions for Emergency Approval.

(a) Coordinating board consideration of an emergency construction request is delegated to a special committee composed of the chairman of the board, chairman of the Facilities Committee, and the commissioner of higher education to act upon requests of an emergency nature between scheduled meetings of the board.

(b) Guidelines for requesting emergency approval of construction projects costing more than \$500,000, and approved by the board since January 1978.

(1) If bids on a project approved by the coordinating board exceed cost estimates by more than 20% or reduce square footage projects by more than 10% then the proposed project is subject to another review by the board or a special committee of the board as provided in subsection (a) of this rule.

(2) If bids on a project approved by the coordinating board have not been met within one year from the board's final approval date, then the proposed project is subject to another review by the board.

(3) The commissioner may enter into an interagency contract with the State Purchasing and General Services Commission for advice to ensure that the construction will be undertaken in an economical manner consistent with ASHRA standards set out in Chapter .04, Rule .004(1), and that construction not be of elaborate or extravagant design and materials.

(4) The special committee of the board will be guided in its decision in part by its judgment as to whether or not the full board would approve the project were it being brought to the board for the first time with the revised cost figures. The action by the special committee will be final subject to appeal to the full board.

(5) Emergencies arising in close proximity to a board meeting may be taken to the board for guidance to the special committee in its decision on an emergency request.

Doc. No. 803444

Procedures for Making Application for the Approval of New Construction and Major Repair and Rehabilitation 251.04.04

Under the authority of Section 61.058, Vernon's Texas Code Annotated, the Coordinating Board, Texas College and University System, has amended Rule 251.04.04.004 to read as follows:

.004. *Application Form.* Application forms for requesting coordinating board approval will be provided by the coordinating board and shall contain the following information:

(1)-(9) (No change.)

(10) Assurance the project has been designed to improve utilization of energy using the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc., Standard 90-75.

Issued in Austin, Texas, on April 18, 1980.

Doc. No. 803445 Kenneth H. Ashworth
 Commissioner of Higher Education
 Coordinating Board, Texas College and
 University System

Effective Date: May 27, 1980

Proposal Publication Date: February 5, 1980

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

Texas Department of Human Resources

Civil Rights

Use of Department Facilities by Public Employee Organizations 326.74.22

The Department of Human Resources adopts Rules 326.74.22.001-006 about the use of department facilities by public employee organizations in its civil rights rules, as proposed in the March 14, 1980, issue of the *Texas Register* (5 TexReg 954). Included are procedures to follow for making DHR facilities available to such organizations during non-duty hours.

No comments were received on the proposed rules. However, minor changes for clarification were made by the department's personnel division.

The following rules are adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

.001. *Purpose.* The purpose of these rules is to prescribe uniform procedures to be followed in making facilities of the Texas Department of Human Resources available to public employee organizations during nonduty hours.

.002. *Application.* These rules apply to all facilities under the control and management of the Texas Department of Human Resources.

.003. *Definitions.* As used in these rules:

(a) "Department" means the Texas Department of Human Resources.

(b) "Commissioner" means the commissioner of the Texas Department of Human Resources.

(c) "Facility" means a building or portion thereof

under the control and management of the department.

(d) "Public employee organization" means an organization of public employees acting as a representative of such employees to the extent permitted under Article 5154c, Vernon's Annotated Civil Statutes, to present grievances concerning wages, hours of work, or conditions of work. A certification by the president of the parent organization that the public employee organization complies with provisions of Article 5154c, along with a copy of the public employee's organization constitution and bylaws shall be filed in the office of the department's general counsel in Austin, Texas, prior to the use of the department facilities by the public employee organization.

.004. *Advance Approval Required for Meetings; Information Required To Be in the Request for Permission to Use Departmental Facilities.*

(a) Public employee organizations which represent employees of the department may hold meetings in departmental facilities during nonduty hours upon obtaining advance approval.

(b) A written request for permission to use the facilities for meeting purposes must be made by State Office facilities to the assistant commissioner for personnel administration; regional facilities to the administrator in charge of the facility. This request must contain the following information:

(1) name of public employee organization;

(2) address of principal office of the organization;

(3) number of facility employees who are members of the organization;

(4) names, addresses, and titles of the organization's principal officers;

(5) statement that the organization agrees to abide by all required regulations established by the department with regard to the use of the facility and that its meetings will in no way interfere with or disrupt the delivery of services;

(6) statement that the organization agrees to leave the facility in the same condition as it was delivered and to assume responsibility for any damage which might occur to the facility;

(7) name of organization members who will be present at meeting and who will be responsible for ensuring compliance with rules of the department governing use of facilities; and

(8) copy of the organization's constitution and bylaws or those of the local chapter of such organizations.

(c) No alcoholic beverages may be brought into or consumed during such meetings.

.005. *Duration of Permission Granted for Use of Department Facility.* Permission granted pursuant to such a request will continue until revoked by the commissioner or regional administrator. The public employee organization will immediately notify the commissioner or regional administrator of any changes in the information stated in its written request for permission to use the facility for meeting purposes.

.006. *Equality of Treatment among All Public Employee Organizations.* Should permission for use of departmental facilities be granted to any one public employee organization which represents employees of the Texas Department of Human Resources, then such permission cannot arbitrarily be withheld from other such organizations. The criteria used by the commissioner or regional administrator in granting

approval for use of departmental facilities must be applied equally to all public employee organizations.

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803470 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: May 28, 1980
Proposal Publication Date: March 14, 1980
For further information, please call (512) 475-4601.

State Board of Insurance

Rating and Policy Forms

Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended, effective June 1, 1980, Rule 059.05.01.005, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements II. The State Board of Insurance is adding a new Endorsement Form 236—Family Automobile Policy—Group Marketing of Automobile Insurance—Termination Provisions to the endorsement supplement, page 40, of the Texas Automobile Manual and amending Rule 2 on page 1; Rule 11, paragraph A, on page 2; Rule 38, paragraphs A, E, and F, on pages 22 and 23; and paragraph 3 of the SO-45 rating statement on page 26.

The amendments are a result of House Bill 711, which was enacted by the 66th Texas Legislature. The amendments add provisions to permit the writing of automobile insurance on a group marketing basis for owners of motor vehicles age 55 or over who are members of a group organized for a purpose other than to become an insurance group for group automobile insurance purposes. The attached pages show the rule amendments and the provisions of the new endorsement. The amendments were adopted as proposed except several minor editorial changes in Rule 2 were made to more properly track the statute. In Rule 2, the title of the rule was amended to delete the (s) from "Vehicle," and the word "Insurance" added after "Vehicle." The following paragraph, which is a paraphrase direct from the statute, was added.

The plan shall provide that only those automobiles owned by members of the group or their spouses jointly or severally shall be eligible for coverage.

These amendments are adopted under the authority of Articles 5.01, 5.06, and 21.77 of the Texas Insurance Code as amended.

.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, 1980. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West 6th Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on May 1, 1980.

Doc. No. 803402 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: June 1, 1980
Proposal Publication Date: March 4, 1980
For further information, please call (512) 475-3486.

Texas Department of Mental Health and Mental Retardation

Client (Patient) Care

Admissions, Transfers, Furloughs, and Discharges—State Mental Health Facilities 302.04.23

Under the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.23.041 to read as follows:

.041. *Contraindications to Admissions to State Hospitals: Voluntary Applicants, Involuntary Commitments, and Emergency Commitments.*

(a) With reference to voluntary applicants, the following are contraindications to admission to state hospitals:

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

(6) A chronic repeater alcoholic who has been hospitalized solely for the treatment of alcoholism and who has been released within 180 days immediately preceding his application for voluntary admission if, in the opinion of the admitting physician, no useful purpose would be served by the admission of such applicant. The determination of useful purpose by the admitting physician shall be based on the applicant's potential for rehabilitation. Admissions for detoxification in a medical emergency or a life-threatening situation are exempted from this provision.

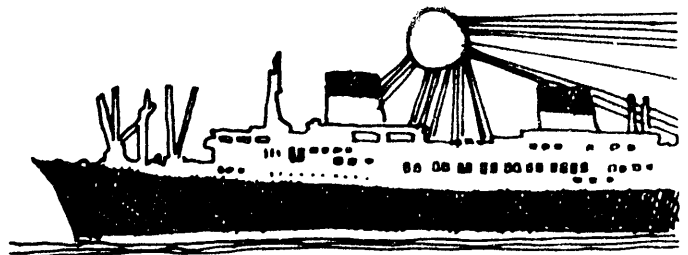
(7) (No change.)

(b)-(f) (No change.)

Issued in Austin, Texas, on May 5, 1980.

Doc. No. 803413 John J. Kavanagh, M.D.
Commissioner
Texas Department of Mental Health and Mental Retardation

Effective Date: May 26, 1980
Proposal Publication Date: February 5, 1980
For further information, please call (512) 454-3761.



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 Adult Probation Commission

Friday, May 16, 1980, 9 a.m. The Texas Adult Probation Commission will meet at the Red Carpet Inn, 55 Interstate 10 North, Beaumont. The commission will consider the budget and financial report; standards; audit review committee report; caseload statistics; shock probation survey (statewide statistical profiles); applications for waivers of standards; supplemental budget adjustment of Howard, Pecos, Dickens, Webb Counties; and special program grants for Denton and McLennan Counties.

Additional information may be obtained from Sharon Schunn, 812 San Antonio, Suite 400, Austin, Texas 78701, telephone (512) 475-1374.

Filed: May 7, 1980, 3:16 p.m.
Doc. No. 803490

Texas Aeronautics Commission

Monday, May 12, 1980, 10 a.m. The Texas Aeronautics Commission met in emergency session in Room 118 of the State Office Building, 410 East 5th Street, Austin, to interview applicants for the position of director. Following the interviews, the committee met in executive session to discuss the hiring of a new director. Urgent public necessity required the meeting on less than seven days notice because of the need to hire a permanent director. The agency is now functioning under an interim director.

Additional information may be obtained from Gwendolyn H. Webb, 410 East 5th Street, Austin, Texas 78701, telephone (512) 475-4768.

Filed: May 6, 1980, 9:30 a.m.
Doc. No. 803418

Texas Animal Health Commission

Friday, May 16, 1980, 9 a.m. The Texas Animal Health Commission will meet in Room 100B of the John H. Reagan Building, Austin. According to the agenda summary, the commission will approve actions of executive director; conduct hearing on emergency amendments to Texas bovine brucellosis regulations, Section .021—paragraphs (e), (f) and (w), Section .023—Class "A" brucellosis control area, Section 024—Class "B" brucellosis control area, paragraphs (c) and (d). The commission will also consider status of pullorum-typhoid in fowl in the state; sale and distribution of rabies vaccine, brucella abortus vaccine, brucella abortus antigen, and tuberculin—PPD bovis; brucellosis indemnity and scabies problems; short financial report; appropriations request; purchase of equipment; and the following fees market: cattle testing, veterinary field test, and vaccination (a) calf-hood vaccination at livestock markets. The commission will also meet in executive session.

Additional information may be obtained from Jo Anne Conner, Sam Houston Building, Room 1015, Austin, Texas, telephone (512) 475-4111.

Filed: May 6, 1980, 11:19 a.m.
Doc. No. 803419

Texas State Board of Dental Examiners

Friday, May 9, 1980, 9 a.m. The Texas State Board of Dental Examiners made emergency additions to the agenda of a meeting held in the board meeting room of the Marriott Hotel, San Antonio. The items added concerned grading of dental hygiene applicants; appointments to the Hygiene Advisory Committee; dental school in Guadalajara, Mexico; report on dental laboratory and dental technician rules; report on Mexican dental schools and Mexican denture parlors; report on outstanding investigations; planning for Sunset Commission review; approval of honorary retired dentists and dental hygienists; status of litigation, Akin, et al vs Texas State Board of Dental Examiners, et al; appearance by attorney representing Hygienists' Association; and acceptance of dental license. Emergency addition were made on less than seven days notice because of late submission of the items by board members. The addition concerning litigation was added pursuant to a request by the attorney general.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2443.

Filed: May 7, 1980, 4:06 p.m.
Doc. No. 803493

(Editor's note: The following open meeting notice was inadvertently omitted from the May 6, 1980, issue. The notice was timely filed and is published below in its entirety.)

Friday, May 16, 1980, 9 a.m. The Texas State Board of Dental Examiners will meet in the board meeting room, Baylor College of Dentistry, Dallas, to conduct disciplinary conferences; report on board finances; and discuss examination schedules and requirements.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2443.

Filed: May 1, 1980, 9:42 a.m.
Doc. No. 803336

Texas Education Agency

Tuesday and Wednesday, May 20 and 21, 1980, 6:30 p.m. and 8:30 p.m. respectively. The Comprehensive School Health Advisory Committee of the Texas Education Agency will meet in the third floor conference room of the Capitol Complex Building, 201 East 11th Street, Austin. The committee will discuss the health education framework; reports from subcommittees; report on HCR-20; family relations; health services; Health Education and Risk Reduction Grant; school health education project workshop in Denver; health education at the college level; and nutrition education and training.

Additional information may be obtained from Ewell Sessom, 201 East 11th Street, Room 332, Austin, Texas 78701, telephone (512) 475-3653.

Filed: May 7, 1980, 10:22 a.m.
Doc. No. 803479

Commission on Fire Protection Personnel Standards and Education

Tuesday, May 20, 1980, 9 a.m. The Fire Suppression Committee of the Commission on Fire Protection Personnel Standards and Education will meet in Suite 406, 510 South Congress Avenue, Austin. According to the agenda, Committee Chairman E. E. Spillman called the meeting to review Proposal A for approval of recruit training facilities, and to conduct further evaluation in accordance with M.B.O. techniques of the basic firefighter standards. Budget committee members may review progress of the preparation of the budget at the meeting.

Additional information may be obtained from Garland Fulbright, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, telephone (512) 474-8066.

Filed: May 7, 1980, 9:28 a.m.
Doc. No. 803472

Tuesday, May 20, 1980, 1 p.m. The Higher Education Committee of the Commission on Fire Protection Personnel Standards and Education will meet in Suite 406, 510 South Congress Avenue, Austin. According to the agenda, Committee Chairman Dodd Miller has called the meeting for the purpose of reviewing requests for approval of courses and degrees certifiable for credit toward higher levels of certification, in certain areas in which certificates are issued.

Additional information may be obtained from Garland Fulbright, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, telephone (512) 474-8066.

Filed: May 7, 1980, 3:39 p.m.
Doc. No. 803489

Texas Health Facilities Commission

Friday, May 16, 1980, 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:

exemption certificate
Harlingen State Chest Hospital, Harlingen
AA80-0331-005
Angelo Community Hospital, San Angelo
AH80-0407-053

certificate of need
Tidelands General Hospital, Channelview
AH80-0110-001
Trinity Lutheran Home, Shriner
AN79-1218-003

motion for rehearing
Community Action Agency, Inc., Dental Clinic,
Lockhart
AS79-0913-015

The commission will also consider a proposal to amend Rule 315.18.01.170, Notice of Hearing—Project Description.

Further information may be obtained from O. A. Cassity III, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: May 7, 1980, 11:40 a.m.
Doc. No. 803485

State Department of Highways and Public Transportation

Tuesday, May 6, 1980, 10:30 a.m. The Commission of the State Department of Highways and Public Transportation met in emergency session in Room 207, State Highway Building, 11th and Brazos Streets, Austin. The commission met in executive session to discuss election of a new engineer-director. In regular session, the commission announced the retirement of the current engineer-director. The conflicting time schedules of the commissioners required the meeting on this date.

Additional information may be obtained from the Office of the Engineer-Director, 11th and Brazos Streets, Room 203, Austin, Texas, telephone (512) 475-3525.

Filed: May 6, 1980, 8:02 a.m.
Doc. No. 803414

Texas Department of Human Resources

Wednesday, May 14, 1980, 8:30 a.m. The board members of the Texas Department of Human Resources will meet at the Ramada Inn, 1295 North 11th, Beaumont. According to the agenda summary, the board will consider LAR for fiscal year 1982-83; productivity improvement efforts and staffing levels; Food Stamp Program; programs for the aged and disabled; approval of emergency ICF-MR rule; reports on medical programs; and technical amendments to program policies and procedures.

Additional information may be obtained from Bill Woods, P.O. Box 2960, Austin, Texas 78769, telephone (512) 441-3355.

Filed: May 6, 1980, 10:09 a.m.
Doc. No. 803417

Friday, May 16, 1980, 8:30 a.m. The Texas Council of Child Welfare Boards of the Texas Department of Human Resources will meet in Room 2L1 of the Banister Building, 706 Banister Lane, Austin. Following an 8:30 to 9:30 a.m. executive session, the council will consider permanent planning; part II-conference report; report on survey of child welfare staff; briefing on court orders concerning institutionalized children; report on National White House Conference on Families; report from nominating committee; data tracking systems for child welfare; and regional reports.

Additional information may be obtained from James C. Marquart, 1708 East Anderson Lane, Austin, Texas, telephone (512) 835-0440, ext. 2431.

Filed: May 8, 1980, 8:56 a.m.
Doc. No. 803495

State Board of Insurance

Tuesday, May 13, 1980, 2 p.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The Commissioner of Insurance will conduct a public hearing to consider revocation of any and all licenses held by Jerry Walker, doing business as Jerry Walker Insurance Agency, Houston - Docket 5984.

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

Filed: May 5, 1980, 3:17 p.m.
Doc. No. 803403

Tuesday, May 13, 1980, 3:30 p.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The Commissioner of Insurance will conduct a public hearing to consider whether any and all licenses issued to Kenneth Eugene Livingston, P.O. Box 20665, Houston, Texas 77025 should be suspended or revoked—Docket 6000.

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

Filed: May 5, 1980, 3:17 p.m.
Doc. No. 803404

Wednesday, May 14, 1980, 2 p.m. The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The Commissioner of Insurance will conduct a rescheduled public hearing to consider protest of the name Lone Star Lloyds Insurance Company—Docket 5993. The hearing was originally set for May 9, 1980.

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

Filed: May 6, 1980, 2:07 p.m.
Doc. No. 803451

Thursday, May 29, 1980, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto Street, Austin, to consider the proposed revised workers' compensation expense program.

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

Filed: May 8, 1980, 9:54 a.m.
Doc. No. 803497

Merit System Council

Friday, May 16, 1980, 9 a.m. and 1 p.m. The Merit System Council will meet in 507 Brown Building, 8th and Colorado Streets, Austin, to conduct an appeal hearing and rehearing.

Additional information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, telephone (512) 477-9665.

Filed: May 7, 1980, 9:27 a.m.
Doc. No. 803477

Midwestern State University

Thursday, May 8, 1980, 8:30 a.m. The Student Affairs Committee of the Midwestern State University Board of Regents met in emergency session in the board room of Hardin Administration Building, Wichita Falls, to consider a food service contract; board rates; fraternity/sorority housing on south campus near the lake; and the Clark Student Center remodeling project. The emergency meeting was called because the chairman of the board recently made and publicly announced new appointments to all committees. The new committee members had to be contacted, and meet together before the May 16 Board of Regents meeting.

Additional information may be obtained from Dr. John G. Barker, Midwestern State University, Wichita Falls, Texas 76308, telephone (817) 692-6611, ext. 211.

Filed: May 7, 1980, 11 a.m.
Doc. No. 803480

State Board of Morticians

Thursday, May 15, 1980, 10 a.m. The State Board of Morticians will meet at the El Tropicana Hotel, 110 Lexington, San Antonio, to consider applicants for reciprocal licenses; receive permission to send letter to funeral homes that have not resubmitted their compliance forms for review; discuss subcommittee Rule 387.02 00.015; and review the proposed budget and status of consumer information brochure.

Additional information may be obtained from Ann Lloyd, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: May 7, 1980, 9:27 a.m.
Doc. No. 803475

Board of Pardons and Paroles

Monday-Friday, May 19-23, 1980, 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.

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

Filed: May 6, 1980, 8:39 a.m.
Doc. No. 803415

Texas State Board of Pharmacy

Thursday, May 15, 1980, 10 a.m.-5 p.m. The Texas State Board of Pharmacy will meet in Suite 1221 of the Southwest Tower, 211 East 7th Street, Austin, to discuss standing order issue; proposed DEA regulations and guidelines; and motions for rehearing.

Additional information may be obtained from Priscilla Jarvis, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas, telephone (512) 478-9827.

Filed: May 6, 1980, 2:10 p.m.
Doc. No. 803447

State Board of Podiatry Examiners

Thursday-Monday, June 19-23, 1980. The State Board of Podiatry Examiners will meet at the Sheraton-Marina Inn, Corpus Christi, at the following times.

2 p.m. June 19—routine board business and consideration of adoption of proposed amended rules of conduct

9 a.m.-5 p.m. June 20 and 21—written examination of applicants

9 a.m.-5 p.m. June 22—oral examination of applicants

9 a.m.-noon June 23—compile grades and grant licenses and routine board business

Additional information may be obtained from Joe C. Littrell, D.P.M., 2209 Washington Avenue, Waco, Texas 76702, telephone (817) 754-1811.

Filed: May 7, 1980, 11 a.m.
Doc. No. 803481

Public Utility Commission of Texas

Friday, May 16, 1980, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of South Permian, Inc., for an increase in its rates for certain radio-telephone services—Docket 3150.

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

Filed: May 6, 1980, 11:36 a.m.
Doc. No. 803420

Monday, May 19, 1980, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on the merits in Docket 3094—application of General Telephone Company of the Southwest for authority to increase rates. The hearing was originally set for May 12, 1980.

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

Filed: May 6, 1980, 2:08 p.m.
Doc. No. 803448

Tuesday, May 20, 1980, 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 3196—petition for review of Hewitt Water Company from rate ordinance passed by the City of Hewitt within McLennan County.

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

Filed: May 8, 1980, 9:53 a.m.
Doc. No. 803499

Thursday, May 22, 1980, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3198—application of Central Power and Light Company for approval of tariff amendment.

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

Filed: May 8, 1980, 9:53 a.m.
Doc. No. 803500

Wednesday, May 28, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on an application of Lamar Water Supply Corporation for a rate increase and sale of stock within Aransas County—Docket 3200.

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

Filed: May 6, 1980, 2:09 p.m.
Doc. No. 803449

Wednesday, May 28, 1980, 9 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 2875—application of Gulf Coast Electronics Inc., for a certificate of convenience and necessity within Jefferson, Orange and surrounding counties.

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

Filed: May 7, 1980, 9:28 a.m.
Doc. No. 803473

Tuesday, June 3, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Radio Relay Corporation for amendment to a certificate of convenience and necessity—Docket 3122.

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

Filed: May 7, 1980, 9:28 a.m.
Doc. No. 803474

Tuesday, June 10, 1980, 10:30 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on the merits of application of Forty-Eight Water Supply Corporation for a certificate of convenience and necessity within Hill County—Docket 3031. The hearing was originally set for May 21, 1980.

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

Filed: May 6, 1980, 2:09 p.m.
Doc. No. 803450

Texas Rehabilitation Commission

Friday, May 16, 1980, 9:30 a.m. The board members of the Texas Rehabilitation Commission will meet at 118 East Riverside Drive, Austin. According to the agenda summary, the board will introduce guests; hear communications; approve minutes of board meeting of January 25, 1980; hear reports from the commissioner and deputy commissioner for programs (current status of commission activities); consider recommendations for items to be included in the legislative budget request, and the revised operation budget for fiscal year 1980 and the commission financial status report, comparison of revised budget estimates for fiscal year 1980; approve innovation and expansion, establishment, and state fund grants; review litigation involving the commission, and personnel practices. These subjects will be discussed in executive session pursuant to sections 2(e) and 2(g), Open Meetings Act (Article 6252-17, Vernon's Annotated Civil Statutes).

Additional information may be obtained from Herbert Underwood, 118 East Riverside Drive, Austin, Texas, telephone (512) 447-0236.

Filed: May 7, 1980, 9:26 a.m.
Doc. No. 803476

Texas Sesquicentennial Commission

Friday, May 16, 1980, 10 a.m. The Texas Sesquicentennial Commission will meet in the Senate Chamber, Capitol, Austin. According to the agenda, the commission will hear the report of the administrative committee; introduce the executive director; review reports on housing and rules; elect vice chairman; assign committee membership; and hear from Dorman Winfrey of the State Archives Commission.

Additional information may be obtained from Randy M. Lee, P.O. Box 2910, Austin, Texas 78769, telephone (512) 475-5726.

Filed: May 7, 1980, 2:55 p.m.
Doc. No. 803488

Structural Pest Control Board

Wednesday, May 21, 1980, 1 p.m. The Structural Pest Control Board will meet in Suite 123 of Building H, 5555 North Lamar, Austin, to discuss rules and regulations.

Additional information may be obtained from Charlie Chapman, 5555 North Lamar, Building H, Suite 123, Austin, Texas 78751, telephone (512) 454-3617.

Filed: May 8, 1980, 9:53 a.m.
Doc. No. 803502

Commission on Standards for the Teaching Profession

Friday, May 16, 1980, 9 a.m. The Commission on Standards for the Teaching Profession will meet in the fifth floor conference room of the Southwest Educational Development Laboratory, 211 East 7th Street, Austin. According to the agenda summary, the commission will consider the following: the Governor's Advisory Committee on Education; Texas College and University System Coordinating Board; college/university interim reports; college/university individual programs and regular reports; reports from visiting teams (regular approval visits); Committee on Membership; 1980 Teacher Education Conference Planning Committee; Committee on Certification Programs and Requirements; proposed amendment to Rules 226.62.06.010-.030, Texas Certificate for Aliens; examination for teachers as a requirement for certification; class and duration of certificates; paraprofessional certification recommendation; Committee on Standards and Procedures for Institutional Approval; Committee on Recruiting and Training Members of Visiting Teams; and discussion for commission members.

Additional information may be obtained from Elmer Russell, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-0164.

Filed: May 7, 1980, 5:04 p.m.
Doc. No. 803494

Texas State Technical Institute

Monday, May 19, 1980, 8 a.m. and 1 p.m. The Board of Regents of Texas State Technical Institute will meet at the campus branch in Sweetwater. The board will approve minutes of the March 24, 1980, meeting; meet in executive session; award a contract for remodeling buildings at TSTI-Amarillo; hear a report on TSTI-Sweetwater; amend flight instruction contract at TSTI-Waco. The board will also consider the following: declaration of buildings at TSTI-Waco and fuel storage tanks at TSTI-Amarillo as not needed for educational training needs; report of classes meeting with less than 10 students; request for budget changes; increased board rates at TSTI-Harlingen, TSTI-Amarillo, and TSTI-Sweetwater; reappropriation of funds; allocation of operating funds for fiscal year 1981; lease agreements at TSTI-Waco; lease agreements at TSTI-Amarillo, pay increases for all TSTI employees beginning September 1, 1980; and a recommendation from the acting president.

Additional information may be obtained from Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, telephone (817) 799-3611, ext. 385.

Filed: May 7, 1980, 11:01 a.m.
Doc. No. 803482

University of Texas

Tuesday, May 13, 1980, 9 a.m. The Athletics Council for Men of the University of Texas at Austin will meet in Room 240 of Bellmont Hall, San Jacinto Street, Austin. According to the agenda, the council will approve minutes; affirm May 10 baseball game, and May 3 and May 10 track meets; consider endowed presidential scholarship nominees; purchase of life pack; review reports of committees on varsity status, post-season activities, options, Southwest Conference Spring meeting, and crowd accommodation. The board will also consider lettering of the basketball manager; expenditure of \$16,843 for early opening of dining hall; approval of future NCAA tournament bids; participation policy regarding commercial sponsorship of athletic events; summer camp budgets; and will meet in executive session.

Additional information may be obtained from Haila Kauffman, P.O. Box 7399, Austin, Texas 78712, telephone (512) 471-7348.

Filed: May 7, 1980, 2:26 p.m.
Doc. No. 803487

Texas Woman's University

Saturday, May 10, 1980, 10 a.m. The Texas Woman's University Board of Regents made additions to the agenda of a meeting held on the sixteenth floor of the Administration and Conference Tower Building, Denton. The two additional items concerned the conversion of Guinn Hall to a conference center residence hall, and the relocation of the library at the Dallas Inwood campus to the first floor of the residence hall there.

Additional information may be obtained from Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, telephone (817) 383-1466.

Filed: May 6, 1980, 11:45 a.m.
Doc. No. 803421

Board of Vocational Nurse Examiners

Tuesday-Thursday, May 20-22, 1980, 8 a.m. daily. The Board of Vocational Nurse Examiners will meet at the Sheraton-Crest Inn, 111 East 1st Street, Austin. The summarized agenda follows:

May 20—executive meeting

May 21—business meeting to consider minutes of previous meeting; report of executive secretary; report of division of education; unfinished business; new business—i.e. budget proposal for the next biennium, announcements and administrative hearings;

May 22—completion of business; staff reports to the Sunset Commission.

Additional information may be obtained from Waldeen D. Wilson, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751, telephone (512) 458-1203.

Filed: May 7, 1980, 3:39 p.m.
Doc. No. 803491

Texas Water Commission

Monday, May 12, 1980, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held at 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda summary, the commission considered application of Texas Power and Light Company to amend Permit 1939A, Red River Basin, Fannin County.

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

Filed: May 7, 1980, 3:54 p.m.
Doc. No. 803492

Thursday, May 15, 1980, 10 a.m. The Texas Water Commission will meet in Assembly Room, Citizen Standard Building, 1304 North Shoreline Drive, Corpus Christi. According to the agenda summary, the commission will conduct hearings on the following:

application by the City of Aransas Pass for an amendment to Permit 10521-02 to increase allowed flow rate to the capacity of the planned new treatment facility which is located at the corner of Ransom and Ocean Drives in Aransas Pass, San Patricio County.

application by International Minerals and Chemical Corporation, (IMC Carbon Products)—for a permit to authorize a discharge of uncontaminated storm water runoff from its plant that stores, crushes and ships petroleum coke. The plant is located 0.5 mile west of Navigation Boulevard drawbridge on the spit of land between Corpus Christi Inner Harbor and Nueces Bay near the City of Corpus Christi in Nueces County.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: May 6, 1980, 2:57 p.m.
Doc. Nos. 803458-803459

Thursday, June 5, 1980, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 14-1072A of the City of Ballinger for an amendment to Certificate of Adjudication 14-1072 to authorize construction of 6050 acre-feet capacity reservoir; transfer of 3200 acre-feet of storage; modification of the existing dam to impound not more than 800 acre-feet; transfer of the 1000 acre-feet of water per year; and increase the amount of water authorized for diversion for municipal use from 1000 acre-feet per year to 1600 acre-feet per year.

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

Filed: May 5, 1980, 3:21 p.m.
Doc. No. 803405

Regional Agencies

Meetings Filed May 5, 1980

The Education Service Center, Region VII, Board of Directors, will meet at the Holiday Inn, Highway 259 South, Henderson, on May 13, 1980, at 7 p.m. Further information may be obtained from Don J. Peters, P.O. Box 1622, Kilgore, Texas 75662, telephone (214) 984-3071.

The Greater East Texas Health Systems Agency, Executive Committee, will meet at the Dogwood County Club, Highway 190, Woodville, on May 15, 1980, at 7:30 p.m. Further information may be obtained from Larry D. Lacy, 2900 North Street, Suite 303, Beaumont, Texas, telephone (713) 892-6962.

The Nortex Regional Planning Commission, North Texas Planning Region Consortium, will meet at the Nortex Regional Commission Offices, 2101 Kemp Boulevard, Wichita Falls, on May 22, 1980, at 10 a.m. Further information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas, telephone (817) 322-5281.

Doc. No. 803400

Meetings Filed May 6, 1980

The Alamo Area Council of Governments, Human Resources Advisory Committee, will meet at 532 Three Americas Building, San Antonio, on May 15, 1980, at 2:30 p.m. Other committees of the council to meet at that location include the Regional and Development and Review Committee on May 20 at 9 a.m.; the Criminal Justice Planning Committee on May 21 at 1:30 p.m.; the Area Judges of Alamo Consortium on May 28 at noon; and the Executive Committee on May 28 at 1:30 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Education Service Center, Region One, Board of Directors, will meet at 1900 West Schunior, Edinburg, on May 13, 1980, at 6 p.m. Further information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, telephone (512) 383-5611.

The Golden Crescent Council of Governments, Executive Committee, met in emergency session at Victoria City Hall, Victoria, on May 8, 1980, at 5:30 p.m. Further information may be obtained from George V. Atkinson, Jr., P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587.

The Middle Rio Grande Development Council, will meet for its annual meeting at Carrizo Springs Civic Center, Carrizo Springs, on May 16, 1980, at 2:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

Doc. No. 803439

Meetings Filed May 7, 1980

The Gulf Bend MH/MR Center, Board of Trustees, will meet at 2105 Port Lavaca Drive, Victoria, on May 15, 1980, at noon. Further information may be obtained from T. G. Kelliher, Jr., 2105 Port Lavaca Drive, Victoria, Texas 77901, telephone (512) 578-5262.

The Middle Rio Grande Development Council, Manpower Services will meet at Civic Center, Carrizo Springs, on May 16, 1980, at 1:30 p.m. Further information may be obtained from Hector Jimenez, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 774-3009.

The Texas Municipal Power Agency, Board of Directors, met in Suite 319, 600 Arlington Downs Tower, Arlington, on May 14, 1980, at 9 a.m. The Audit and Budget Committee and the Personnel Committee met at the same location, the same day, but at 1 p.m. Further information may be obtained from Joel T. Rodgers, Suite 600, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

The Panhandle Regional Planning Commission, Texas Employment and Training Advisory Council, met in emergency session in Room 216, Amarillo Building, 3rd and Polk Streets, Amarillo, on May 8, 1980, at 2:30 p.m. Further information may be obtained from Ola Kidd, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

Doc. No. 803471

Meetings Filed May 8, 1980

The Central Texas Manpower Consortium, Private Industry Council, will meet at the Hele Mai Restaurant, River Forest Motel, Belton, on May 19, 1980, at 7 p.m. Further information may be obtained from Billy Don Everett, P.O. Box 727, San Saba, Texas 76877, telephone (915) 372-5136.

The Education Service Center, Region V, Board of Directors, will meet at 2295 Delaware Street, Beaumont, on May 15, 1980, at 1:15 p.m. Further information may be obtained from Fred J. Waddell, 2295 Delaware Street, Beaumont, Texas 77703.

The Education Service Center, Region VIII, Board of Directors, will meet at the Alps Restaurant, Interstate 30, Mount Pleasant, on May 15, 1980, at 7 p.m. Further information may be obtained from Scott Ferguson, 100 North Riddle, Mount Pleasant, Texas 75455, telephone (214) 572-6676.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at the authority's offices, 933 East Court Street, Seguin, on May 15, 1980, at 10 a.m. Further information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, telephone (512) 379-5822

The North Texas Municipal Water District, Board of Directors, will meet at NTMWD administrative offices, Wylie, on May 20, 1980, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer "C," Wylie, Texas 75098, telephone (214) 442-2217.

The Panhandle Regional Planning Commission, Area Agency on Aging Advisory Council, will meet at the Amarillo Senior Citizens Association, 1311 South Tyler Street, Amarillo, on May 14, 1980, at 1:30 p.m. Further information

may be obtained from M. K. McQueen or Perna Strickland, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Permian Basin Regional Planning Commission offices, Midland Air Terminal, on June 11, 1980, at 1:30 p.m. Further information may be obtained from Rick Tucker, P.O. Box 6391, Midland Air Terminal, Texas, 79701, telephone (915) 563-1061.

The Sabine Valley Regional MH/MR Center, Board of Trustees, will meet at 1602 West Grand Avenue, Marshall, on May 15, 1980, at 7:30 p.m. Further information may be obtained from Frances H. Willis, P.O. Box 6800, Longview, Texas 75608, telephone (214) 297-2191.

The West Central Texas Council of Governments, Regional Advisory Council on Aging, will meet at the West Central Texas Council of Governments, 1025 E.N. 10th Street, Abilene, on May 15, 1980, at 10:30 a.m. Further information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604.

Doc. No. 803496

Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of April 28-May 2, 1980.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending May 2, 1980

WKM Division Richmond Plant ACF Industries, Inc., Richmond; cold box core-making process; 126 Collins Road; 8351; new source

Borsberry Construction Co. Inc., Bovina; hot mix asphalt plant; Highway 86E—Lawlis Gin, 6959A; new source

Elgin Butler Brick Co., Elgin; calcine kiln for burning clay; FM 696—Plant 2; 8349; new source

Murray Rubber Company, a division of the Mead Corporation, Brenham; reclaim incinerator; SR 290 and 389; 8350; new source

Texas City Refining Inc., Galveston; visbreaker heater—equipment H-30; 8352; new source

Denson Gin, Sagerton; cotton gin; 4231A; new source and change of ownership

Lone Star Industries, Inc., Houston; ready mix concrete; Brittmore Road; 8362; new source

HNG Fossil Fuels Co., Barstow; reciprocating internal combustion compressor engines; FM 516—Mivida Compressor Station; 8353; new source

PPG Industries Inc., La Porte; Z-Asp plant; 1901 Avenue H at 16th Street; 8354; new source

Bobby Rutherford, Inc., Mexia; crushing facility; 8355; new source

Sigmore Refining Co., Three Rivers; refinery expansion; 8356; new source

Merichem Co., Houston; BP-1 organic chemical manufacturing unit; Greens Bayou, 1914 Haden Road; 8357; new source

Shell Pipe Line Corporation, Pasadena; liquid hydrocarbon storage; 304 Jefferson Road; 8358; new source

Mineral Wool Insulation Manufacturing Company, Inc., Rogers; manufacture of insulation; 8363; new source

UNI Refining Inc., Ingleside; storage tank; FM 2725 and Bishop Road; 8361; modification

Velasco Scale Co., Freeport; Vesca Plastics; 102 South Avenue A; 8360; new source

Odell Geer Construction Company, Inc., Salado; limestone aggregate crushing plant; 8359; new source

Issued in Austin, Texas on May 5, 1980.

Doc. No. 803437 Ramon Dasch
Hearing Examiner
Texas Air Control Board

Filed: May 6, 1980, 11:35 a.m.

For further information, please call (512) 451-5711.

State Banking Department

Applications to Purchase Control of State Banks

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

On May 1, 1980, the banking commissioner received an application to acquire control of the Early Bank, Early, by Ben D. Sudderth of Comanche. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on May 1, 1980.

Doc. No. 803397 Archie P. Clayton
General Counsel
State Banking Department

Filed: May 5, 1980, 9:18 a.m.

For further information, please call (512) 475-4451.

On May 5, 1980, the banking commissioner received an application to acquire control of Orange Bank, Orange, by Vincent D. Kickerillo of Houston. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on May 5, 1980.

Doc. No. 803460 Robert E. Stewart
Banking Commissioner

Filed: May 6, 1980, 4:15 p.m.

For further information, please call (512) 475-4451.

Texas Energy and Natural Resources Advisory Council

Notice of Hearings

Solar Advisory Committee

The Solar Advisory Committee of the Texas Energy and Natural Resources Advisory Council, chaired by Railroad Commissioner Mack Wallace, will hold public hearings dur-

ing May and June in El Paso, Lubbock, San Antonio, Dallas, and Houston. The mission of the committee is to develop a comprehensive statement of the appropriate role of the state of Texas in supporting research, development, demonstration, commercialization, and information dissemination activities related to solar and wind.

Comments and testimony are invited from concerned individuals and organizations on any solar related matter, including the following subjects: the Texas solar supply/demand picture over the next 25 years; solar technology development; wind technology development; information transfer; state incentives; need for legislation; manufacturing, design construction, and installation standards; role of the financial institution in solar development; role of the utilities in solar development; impact on employment in Texas from solar development; and decentralized electrical generation system/utility grid interconnect.

Advanced notification of intent to speak is desirable and may be used to request a particular time of day. Please notify, at least two days prior to hearing, John Carlson, TENRAC, 411 West 13th Street, Suite 804, Austin, Texas 78701, telephone (512) 475-5407. Speakers without advance notification will be accepted on a first-come, time-available basis.

Each speaker will be allotted ten minutes to present testimony, to be followed by questions from the committee. Submission of written material is encouraged without limit. Each submission should contain the name, address, and telephone number of someone who can answer questions without the material. Written material is also invited from interested parties who cannot be present at the hearing.

Upon special prior request, the hearings will be extended to 6 p.m. to permit anyone who is unable to appear before the committee during regularly scheduled hours an opportunity to do so between 5 and 6 p.m.

The hearings will be held as follows:

Wednesday, May 28, 1980, noon-5 p.m. El Paso Civic Center, El Paso Room, One Civic Center Plaza, El Paso

Friday, May 30, 1980, noon-5 p.m., Lubbock Memorial Civic Center, Room 107, 1501 6th Street, Lubbock

Tuesday, June 10, 1980, 10 a.m.-5 p.m., Convention Center, Room 25, Hemisphere Plaza, San Antonio

Thursday, June 12, 1980, 10 a.m.-5 p.m., North Dallas High School, auditorium, 3120 North Haskell, Dallas

Saturday, June 14, 1980, 10 a.m.-5 p.m., University of Houston Continuing Education Center, Constellation and Orion Rooms, 4800 Calhoun, Houston

For submission of written testimony and to obtain additional information, contact John Carlson, TENRAC, Conservation Division 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-5407.

Issued in Austin, Texas on May 6, 1980.

Doc. No. 803452 James W. Lauderback
Deputy Director
Texas Energy and Natural Resources
Advisory Council

Filed: May 6, 1980, 1:21 p.m.
For further information, please call (512) 475-5407.

Request for Proposal

Project Objectives. In accordance with the Texas Energy Development Act of 1977, Article 4413 (47b), Vernon's Annotated Civil Statutes, as amended by Senate Bill 921, 66th Legislature, regular session, and pursuant to rules adopted for administration of the Energy Development Act, 4 TexReg 4604, TENRAC is soliciting proposals for a scoping study of the regional impacts of the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95-620) on industry located along the Gulf Coast between Corpus Christi and New Orleans. The contractor to be selected will:

(1) accomplish an overview survey of key problems and issues affecting Fuel Use Act implementation in the Gulf Coast;

(2) identify publications, data bases, modeling methodologies, and other informational resources for determining existing and future industrial energy use, coal conversion potential, environmental requirements, economic considerations, and other characteristics of importance; and

(3) investigate the perceptions of public and private officials concerning key issues, the effects of fuel use policy on their decision-making process, and their interaction with other participants.

The selected contractor will also develop a detailed technical work plan to be used as the basis for a potential expanded study of the issues identified in the scoping study. The objectives of the expanded study are, tentatively, to:

(1) identify physical, economic, and regulatory characteristics that appear to have the greatest impact on industrial use of coal in the region;

(2) identify regulatory barriers to coal conversion, their nature, and the industries which will be most affected;

(3) characterize the process used by government and by industry for making fuel use and facility siting decisions.

(4) investigate how increased compliance cost, regulatory delay, and uncertainty in public policy are factored into the decision-making process;

(5) estimate economic and environmental impacts, including effects on regional location of new capacity, of regulatory implementation and compliance alternatives; and

(6) identify technological and regulatory options for conflict resolution.

The selected contractor for the scoping study will work closely with a five-member advisory committee appointed by the funding agencies. All contracted work shall be completed by not later than August 31, 1980.

Proposer Qualifications. Proposer must have demonstrated knowledge and expertise related to the Fuel Use Act, its implementation in the industrial sector, and the physical, economic, and regulatory characteristics of the study area. Experience in interdisciplinary, policy related research is essential.

Funding. Maximum funding for the scoping study is \$20,000. Of the total requested funding, 50% will be provided by TENRAC and 50% by the Louisiana Department of Natural Resources (LDNR). Contracting for the study will be accomplished by each funding agency directly with the selected contractor.

Review Criteria and Procedures. Evaluation of submitted proposals will be in accordance with rules adopted for administration of the Energy Development Act cited above.

Deadline and Addresses for Proposal Submission. Proposals must be received by funding agencies by not later than 4 p.m., May 29, 1980. Five copies are to be submitted to Ted Taylor, Texas Energy and Natural Resources Advisory Council, 411 West 13th Street, Room 902, Austin, Texas 78701, and five copies to Charles G. Groat, Louisiana Department of Natural Resources, Louisiana Geological Survey, P.O. Box G, Baton Rouge, Louisiana 70893.

Target Date for Contract Award. June 23, 1980.

Guidelines for Proposal Content. Voluminous proposals are not desired. It is suggested that the body of the proposal not exceed 25 pages exclusive of appendices presenting organizational and personnel experience. Additional guidelines can be found in the rules for administration of the Energy Development Act cited above.

Contact Person for Additional Information. Ted Taylor, Texas Energy and Natural Resources Advisory Council, 411 West 13th Street, Room 902, Austin, Texas 78701, telephone (512) 475-5588.

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803483 Roy R. Ray, Jr.
Manager, Technology Development
Section
Texas Energy and Natural Resources
Advisory Council

Filed: May 7, 1980, 11:11 a.m.

For further information, please call (512) 475-5588.

Texas Health Facilities Commission

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

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of April 30-May 6, 1980.

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

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary informa-

tion in the correct form will result in a defective request to become a party and such application will be considered uncontested.

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

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

Matagorda County Hospital District,
Bay City (5/2/80)

AH79-0611-025A (043080)

AMD/CN—To change the completion deadline in CN AH79-0611-025, which authorizes replacement of existing data processing system from May 1, 1980, to October 1, 1980

St. Joseph Hospital, Bryan, Inc., Bryan (5/2/80)

AH80-0501-017

EC—Addition of 237 parking spaces for hospital employees and visitors

Baylor University Medical Center, Dallas (5/2/80)

AH78-0703-012A (050280)

AMD/CN—Request to change the completion deadline from December 3, 1979 to May 31, 1980, in CN AH78-0703-012, which authorizes the expansion and remodeling of the O.R. Department and expansion of support areas, and purchase of fixed and moveable equipment

Tomball Community Hospital, Tomball (5/2/80)

AH79-0131-001A (050280)

AMD/CN—Request to amend CN AH79-0131-001, which authorizes major construction and addition of services, by extending the completion deadline, increasing the project cost, and increasing the square footage to be constructed due to changes in design

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803486

O. A. Cassity III

Director of Hearings

Texas Health Facilities Commission

Filed: May 7, 1980, 11:40 a.m.

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

State Department of Highways and Public Transportation

Consultant Proposal Request

Description. The State Department of Highways and Public Transportation is requesting proposals to provide systems analysis, system design and programming services to support the continuing implementation of the department's management information system. Design and partial implementation of this system is scheduled to be completed under a con-

tract with R. J. Hansen Associates, Inc., of Sacramento, California, prior to execution of a contract for the services herein requested. The desired services, to be used in support of department personnel and under direction of the department, will include continuing analysis of proposed designs and interaction of subsystems, necessary modifications of designs to meet current conditions, continuing cost benefit analysis, development of detailed coordinated implementation plans for all subsystems, design and development of identified enhancements and expanded simulation capabilities for the design and construction information subsystem (DCIS) and other such services considered cost beneficial to the management system implementation. Additional information and conditions required for this contract may be inspected by any person or firm desiring to make a proposal at the office of Ralph Kirkley, Systems Analyst IV, Division of Automation, 38th and Jackson, Austin, Texas, during normal working hours. The last day on which proposals will be accepted is May 30, 1980.

Continuity of Consulting Service. The primary purpose of this request for proposal is to take advantage of and make cost beneficial use of the knowledge and expertise of selected individuals gained by participation in the design and implementation of the department's management information system. The State Department of Highways and Public Transportation intends to award the contract to R. J. Hansen Associates, Inc., of Sacramento, California, unless a more cost effective proposal is submitted.

Procedure for Selected Contractor. That contractor demonstrating the highest competence; having the greatest and most expert knowledge of the services to be performed, the products to be produced, and/or the purposes and implementation of the department's management information system; and possessing the best qualifications will be awarded a contract if the proposal submitted is considered more cost effective than the proposal submitted by R. J. Hansen Associates, Inc.

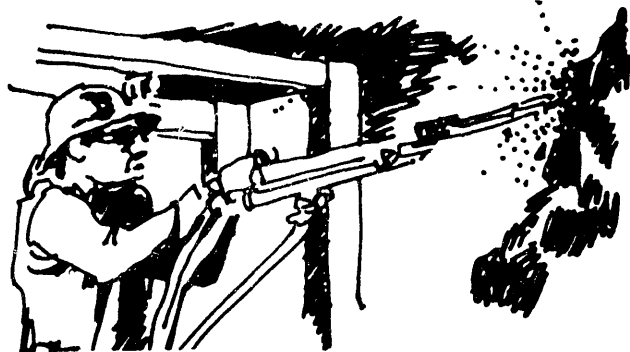
Contact. Further information may be obtained by writing or calling Ralph Kirkley, Division of Automation, State Department of Highways and Public Transportation, 38th and Jackson, Austin, Texas 78701, telephone (512) 475-7336.

Issued in Austin, Texas on May 5, 1980.

Doc. No. 803438 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: May 6, 1980, 11:41 a.m.

For further information, please call (512) 475-7336.



Texas Department of Human Resources

Request for Proposal

Description. The Texas Department of Human Resources (DHR) seeks to contract with public agencies and private companies for the provision of nonambulance medical transportation services to Medicaid recipients. Proposals will be accepted from parties interested in providing this transportation service through a contract with DHR in one or more of the following counties: Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lubbock, Lynn, Motley, Terry, and Yoakum.

Contact. For further details and instructions on application and proposal development procedures, please contact Beverly Ham, Regional Medical Transportation Coordinator, Texas Department of Human Resources, P.O. Box 10528, Lubbock, Texas 79408. Inquiries are requested to be received no later than May 30, 1980.

Issued in Austin, Texas on May 6, 1980.

Doc. No. 803416 Jerome Chapman
Commissioner
Texas Department of Human Resources

Filed: May 6, 1980, 10:09 a.m.

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

Legislative Budget Board Consultant Proposal Request

Description. The Legislative Budget Board hereby invites the offer of services on a consulting basis for the review and documentation of the operations of higher education authorities. The study should include: a review of materials available on the operations of each of the four existing authorities; background interviews with individuals involved in the management of the authorities; preparation of review forms and procedures; and on-site review of each of the higher education entities. The on-site authority review activities will be based on techniques and procedures approved by the Legislative Budget Board prior to the invitation of the on-site reviews. The study should also include documentation of the following: authorization for the authorities; characteristics of bond sales by authorities; loan portfolio characteristics by type of student, lender, and educational institution; board composition and staffing; and authority organization, operations, and operating budget. The completion date of the study must be within eight weeks of the date on which the contract for the consulting services is awarded.

Contact. Persons wishing to offer services in such capacity should contact Jim Oliver, assistant director, Legislative Budget Office, Room 207-A, Capitol Building, P.O. Box 12666, Austin, Texas 78711, telephone (512) 475-3426.

Deadline. Closing date is 40 days after May 13, 1980.

Selection. The Legislative Budget Board will award the contract on the basis of expertise, experience in the area of guaranteed student loan programs or similar programs, familiarity with statutorily created authorities, and demonstrated ability to conduct the study in a timely manner. Priority will be given to resident individuals or firms, or those

firms who will manage the consulting engagement wholly from one of its offices within the state. The budget board believes the firm of Touche Ross and Company meets the above criteria. The firm has performed similar work for the Coordinating Board, Texas College and University System, and for an interim committee of the Texas Legislature. The contract will be awarded to the firm of Touche Ross and Company unless a better offer is submitted.

Issued in Austin, Texas, on May 6, 1980.

Doc. No. 803436 Thomas M. Keel
Director
Legislative Budget Office

Filed: May 6, 1980, 11:04 a.m.

For further information, please call (512) 475-3426.

North Central Texas Council of Governments

Consultant Proposal Request

Contact Person. William G. Barker, acting director of Transportation and Energy, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011.

Due Date. May 14, 1980, in the office of Gary Hufstedler, Service Planning Supervisor, Dallas Transit System, 101 North Peak Street, Dallas, Texas 75226.

Background. The purpose of the study will be to perform a technical analysis of potential cross-town bus routes for the Dallas Transit System (DTS). With the assistance of the Transportation and Energy Department of the North Central Texas Council of Governments, DTS will review existing and projected travel patterns throughout the city. From this analysis a set of corridors which have significant cross-town routing potentials will be identified. The consultant will review the process by which these corridors were identified and confirm or modify the network of corridors. The other technical aspects of the study will include a route feasibility evaluation, the prioritization of corridors, and a cross-town service recommendation.

Consultant Qualification Procedures. A Consultant Selection Committee will review consultants' statements of qualifications and select a set of four to six consultants to receive requests for proposal. The statements of qualifications will be evaluated based on the following criteria:

- (1) related experience of the firm;
- (2) related experience of the firm's staff, and
- (3) general experience and qualifications of the firm (including management ability).

The pre-qualified firms will be issued requests for proposals. Statements of qualifications must be received by the Dallas Transit System no later than 4:45 p.m. May 14, 1980.

Contract Award Procedures. The recommendation for the selection of a firm or agency for the Dallas Transit System Cross-Town Route Evaluation will be accomplished by the Consultant Selection Committee based on an evaluation of proposals submitted by the pre-qualified firms.

The contract award procedures which follow are not totally inclusive or mutually exclusive of other procedures which, in the opinion of the Consultant Selection Committee, require

inclusion in order to achieve the best results possible within the scope of services requested. If the recommendation by the Consultant Selection Committee is approved by the executive board of the North Central Texas Council of Governments, the executive board of NCTCOG will award a contract to the firm or agency which is considered to be best able to perform the work set forth in the said contract.

(A) Evaluation criteria. Objective measurement of the criteria will be conducted and the methodology for measurement will be determined depending on its suitability and relationship to the scope of services requested:

- (a) record of performance in related fields;
- (b) staff experience;
- (c) ability to meet specific time frames;
- (d) demonstrated knowledge of work to be performed;
- (e) project management;
- (f) firm's affirmative action policy and plan;
- (g) written proposal;
- (g) oral presentation (if requested).

(B) Evaluation methodology.

(a) written proposal evaluated by Consultant Selection Committee;

(b) oral presentation (if requested) evaluated by Consultant Selection Committee.

(C) Contract award.

(a) review of Consultant Selection Committee's recommendation by NCTCOG executive board to contract with consultant, and if approved,

(b) award of contract by NCTCOG executive board.

The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration of an award.

Respondents must be willing to abide by all the applicable regulations of the Urban Mass Transportation Administration, U.S. Department of Transportation, including inspection and audit.

The ability of the North Central Texas Council of Governments to enter into a contract for performance of the proposed program will be dependent on the timely receipt of funds from the Urban Mass Transportation Administration.

The North Central Texas Council of Governments reserves the right to reject, in total or part, any and/or all proposals should it be advantageous to do so.

Respondents should indicate proprietary interests where applicable.

The contractor will comply with all federal and state laws and regulations applicable to subcontractors, including but not limited to equal employment opportunity, Davis-Bacon Act, and records management.

Issued in Austin, Texas, on May 2, 1980.

Doc. No. 803399 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: May 5, 1980, 11:43 a.m.
For further information, please call (817) 640-3300.

State Property Tax Board Consultant Proposal Request

In compliance with Article 6252-11c, Vernon's Annotated Texas Statutes, the State Property Tax Board requests proposals for providing technical assistance in reviewing and analyzing 1979 tax year appraisals of industrial properties in selected school districts in Texas.

Description of Project. Under Section 11.86, Education Code, the State Property Tax Board is instructed to conduct studies on property in Texas. This study would review and analyze 1979 tax year appraisals of approximately 80 industrial plants' property in approximately 40 Texas school districts. The basic tasks to be performed include:

(1) Examine and analyze the industrial plants' physical size, location, transportation facilities, and supporting real property.

(2) Examine and analyze information on the plant such as size and dimension of physical facilities, source of raw materials, number of employees, maximum production capacity, and units of production per month.

(3) Examine and analyze such balance sheet and income statement information as is available.

(4) Make a documented estimate of value based on such information as noted above and then compare that estimated value of the industrial property with the school district assessed value. This comparison would result in separate assessment ratios for real and personal property.

(5) Indicate the assessed value to which these ratios are applicable.

(6) Submit a written, documented report of all findings by August 31, 1980.

Selection Criteria. The proposals being submitted by interested parties may address all or a part of the estimated 80 industrial plants located in approximately 40 school districts. The criteria used in selecting the party or parties to assist in the study are:

(1) At least 10 years demonstrated experience in conducting valuations of industrial properties.

(2) An exhibited knowledge of both industrial properties and the business operations of the industry in question.

(3) A familiarity and working knowledge of tax office appraisal work in school districts.

(4) An ability to document and defend valuations in both oral and written presentations.

(5) An ability to successfully perform the study by August 31, 1980.

Funding. This study will consist of a contract or contracts in excess of \$10,000 compensation to be paid from General Revenue Fund appropriations. The possibility exists of there being three or more contracts in excess of \$10,000, with the collective total of those three or more contracts being approximately \$72,000.

Deadlines for Proposal. All interested parties are invited to submit proposals by 5 p.m., June 2, 1980, to Dr. Lonnie Jones, associate director of valuations, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

Issued in Austin, Texas, on May 7, 1980.

Doc. No. 803484 Walter E. Little
General Counsel
State Property Tax Board

Filed: May 7, 1980, 11:28 a.m.
For further information, please call (512) 837-8822.

Texas Rehabilitation Commission Consultant Contract Award

The Texas Rehabilitation Commission has entered into a contract with ARBEC, Inc., 3909 G, North IH 35, Austin, Texas 78722, to develop a Civil Rights Training Program. Effective date of the contract is May 1, 1980, and services are anticipated to be complete by December 31, 1980. The contract amount is \$41,000. ARBEC, Inc., will provide services necessary to develop participant training materials for a 16- to 18-hour curriculum on Civil Rights for agency employees by December 31.

Issued in Austin, Texas on May 2, 1980.

Doc. No. 803446 Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Filed: May 6, 1980, 2:09 p.m.
For further information, please call (512) 447-0267.

Senate Special Committee on Delivery of Human Services in Texas

A meeting of the Special Committee on Delivery of Human Services will be held on Tuesday, May 13, 1980, beginning at 11 a.m. in the Lieutenant Governor's Committee Room, State Capitol, Austin. The committee will consider responses to its recommendations and instruct the Publication Subcommittee directing the development of the final report.

Issued in Austin, Texas, on May 2, 1980.

Doc. No. 803393 June Hyer
Executive Director
Special Committee on Delivery of
Human Services in Texas

Filed: May 2, 1980, 3:54 p.m.
For further information, please call (512) 475-1284.

Texas Water Commission Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of April 28-May 2, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications

has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed action; and (3) the names and addresses of all persons whom the requester represents. If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

Week Ending May 2, 1980

TMC Funding, Inc., MCDCO, Inc., Lila McCall and Carl J. Stephens (doing business as Summit Ridge Joint Venture), Houston, Harris County; sewage treatment plant; 1,300 feet north of the point where Kuykendahl Road crosses Harris County Flood Control Ditch P145-03-00; new permit

Johnnie M. Clepper, Houston, Harris County; sewage treatment plant; 1,000 feet southeast of where Huffsmith-Kuykendahl Road and the Missouri Pacific Railroad cross Willow Creek; new permit

City of Nassau Bay, Harris County; sewage treatment plant; on Clear Creek adjacent to Pearsons Lake (Lake Nassau); 10526; amendment

The Bayou Club of Houston, Harris County; sewage treatment plant; 8550 Memorial Drive; new permit

Uvalde Rock Asphalt Company, Houston, Harris County; asphalt and vinyl asbestos floor tile plant; 1705 Oliver Street; 00785; renewal

DSI Transports, Deer Park, Harris County; commercial waste disposal well; one mile southwest of the San Jacinto Monument; new permit

Harris County Water Control and Improvement District, Missouri City, Harris County; sewage treatment plant; Fondren Road, northeast section of Missouri City; 10570-01; renewal

Shell Oil Company, Houston, Harris County; sewage treatment plant; intersection of Mount Houston Road (FAU 149) and IH 45; new permit

Gator Hawk, Inc., Houston, Harris County; sewage treatment plant; one-half mile northeast of the intersection of Hardy Road and Farrell Road; new permit

Donald B. Clark Development Corporation, Houston, Harris County; sewage treatment plant; 2.2 miles south and one mile east of the intersection of FM Road 1960 and IH 45; new permit

Northway Municipal Utility District, Houston, Harris County; sewage treatment plant; one-half mile east of IH 45 and one mile north of Rankin Road; new permit

Texas Power and Light Company (DeCordova Station), Granbury, Hood County; steam electric station; 3.8 miles southeast of the intersection of U.S. Highway 377 and State Highway 144; 01481; renewal

Plastic and Rubber Products, Inc., Houston, Harris County; plastic and rubber molding plant; IH 10 between Weisterwood and Lumpkin Street; 08156; renewal

Texas Eastman Company, Longview, Harrison County; industrial wastewater plant; five miles southeast of the City of Longview; 00471; renewal and amendment

Issued in Austin, Texas on May 5, 1980.

Doc. No. 803457 Mary Ann Heimer
 Chief Clerk
 Texas Water Commission

Filed: May 6, 1980, 2:57 p.m.

For further information, please call (512) 475-1311.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

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TITLE 7. BANKING AND SECURITIES

Part IV. Savings and Loan Department of Texas

7 TAC §§65.3 (056.08.00.003) 1852

7 TAC §65.8 (056.08.00.008) 1818

7 TAC §65.12 (056.08.00.012) 1818

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Noncodified (251.02.14.006) 1842

Noncodified (251.02.17.013) 1819, 1842

Noncodified (251.04.03.010) 1859

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Part II. Texas Education Agency

Noncodified (226.32.91.080) 1843

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Noncodified (301.33.04.001-.005) 1843

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Part II. Texas Department of Mental Health and Mental Retardation

Noncodified (302.04.23.041) 1861

TITLE 28. INSURANCE

Part I. State Board of Insurance

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.71 (026.02.06.018) 1852

34 TAC §3.161 (026.02.23.001) 1853

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34 TAC §3.164 (026.02.23.004) 1853

Part VII. State Property Tax Board

34 TAC §155.4 (237.03.00.007) 1855

34 TAC §161.2 (237.08.00.002) 1856

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34 TAC §161.4 (237.08.00.004) 1857

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37 TAC §87.11-87.13 (203.10.02.001-.003) 1822

37 TAC §87.19 (203.10.02.009) 1823

37 TAC §§87.31, 87.33-87.35
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37 TAC §§87.41, 87.42 (203.10.04.001, .002) 1821

37 TAC §87.51-87.53 (203.10.05.001-.003) 1821

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37 TAC §87.92 (203.10.09.002) 1824

37 TAC §87.101 (203.10.10.001) 1824

37 TAC §§87.111, 87.113 (203.10.11.001, .003) 1825

37 TAC §§87.121-87.123 (203.10.12.001-.003) 1822

37 TAC §§87.131-87.133 (203.10.13.001-.003) 1822

37 TAC §§87.141, 87.142 (203.10.14.001, .002) 1822

37 TAC §§87.151-87.153 (203.10.15.001-.003) 1822

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37 TAC §§89.31-89.33 (203.20.04.001-.003) 1825

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